

POLICY STATEMENT ON FLOOD AND COASTAL DEFENCE

1. INTRODUCTION

1.1 Purpose

1.1.1 This policy statement has been prepared by Wychavon District Council to provide a public statement of the Council's approach to flood defence in its area.

1.2 Background

1.2.1 The Department for Environment, Food and Rural Affairs (DEFRA) has policy responsibility for flood and coastal defence in England. However, delivery is the responsibility of a number of flood and coastal defence "operating authorities" i.e. the Environment Agency, Local Authorities and Internal Drainage Boards. Responsibilities differ according to the type of operating authority and Wychavon District Council's responsibilities are set out in paragraphs 3.1 and 3.2 below.

1.2.2 The Government has published a policy aim and **three objectives** for flood and coastal defence¹. To ensure a more certain delivery of the aims and objectives by the individual operating authorities the Government has published a series of high level targets². The first target requires each operating authority to publish a policy statement setting out its plans for delivering the Government's policy aim and objectives in its area. This will include its assessment of flooding and risk in its area, and the plans for reducing or managing that risk.

1.2.3 This policy statement fulfils that requirement. Copies are available from The Council's Offices at The Civic Centre, Queen Elizabeth Drive, Pershore, Worcs., WR10 1PT. We are also providing a copy to:

- ◆ DEFRA
- ◆ the Department of the Environment, Transport and the Regions; and
- ◆ the Environment Agency.

2. HOW THE COUNCIL WILL DELIVER THE GOVERNMENT'S POLICY AIM AND OBJECTIVES

2.1 Wychavon District Council acknowledges and supports the Government's aim and objectives for flood defence (as set out below). Our policy and approach will be consistent with them, as follows:

2.1.2 **Government's policy aim:** To reduce the risk to people and the developed and natural environment from flooding by encouraging the provision of technically, environmentally and economically sound and sustainable defence measures.

2.1.2 Section 3 sets out our plans for reducing or managing the risk of flooding risk in the Council's area.

2.1.3 **Objective (a):** To encourage the provision of adequate and cost effective flood warning systems.

2.1.4 Provision of flood warning systems is the responsibility of the Environment Agency. However, Wychavon District Council recognises its related and important role in emergency planning and response. We will therefore:

- ◆ ensure that our emergency response plans include appropriate arrangements for flooding emergencies and that such plans are reviewed, in consultation with the Environment Agency, and other partners at least every two years;
- ◆ maintain an awareness of the Environment Agency's flood warning dissemination plan for our area and contribute to its implementation as necessary;
- ◆ play an agreed role in any flood warning emergency exercises organised by the Environment Agency covering our area.
- ◆ Maintain and keep updated on a regular basis i.e. at least once per year a suitable volunteer Flood Warden List.

2.1.5 **Objective (b):** To encourage the provision of adequate, economically, technically and environmentally sound and sustainable flood defence measures.

2.1.6 Wychavon District Council will:

- ◆ provide an adequate, economically, technically and environmentally sound approach to providing the flood defence service. We will:
 - adopt a strategic approach to provision of flood defences, particularly by assessment of any potentially wider effects of proposed defences. To this end we will continue to play a full role in Local Environment Agency Plans, for our area:
 - aim to provide and encourage other individuals and organisations to provide sustainable flood defences which provide social and/or economical

benefits to people whilst taking account of natural processes and which avoid committing future generations to inappropriate defence options;

- ❑ ensure work is carried out in accordance with best practice and to deliver best value for money including (a) keeping up-to-date with policy and technical developments in flood defence, in particular by reference to DEFRA guidance, other Government publications and relevant technical manuals; (b) consulting the Environment Agency on flood defence options to ensure that best practice is adopted and shared; and (c) using appropriately qualified experts to advise on analysis and design of works or programmes of management when necessary to supplement in house resources and expertise.
 - ❑ consider alternative approaches to funding, such as Public Private Partnerships;
 - ❑ Where appropriate, seek contributions from developers or other direct beneficiaries of works, in accordance with Planning Policy Guidance Note 25.
 - ❑ ensure that appropriate maintenance regimes are in place for flood defences for which the Council takes responsibility;
 - ❑ inform landowners of what responsibilities for maintenance rest with them (see paragraph 3.1 below);
 - ❑ make publicly available the Council's expenditure plans for flood defence maintenance and capital works.
- ◆ play a positive role in fulfilling our statutory and other responsibilities for furthering nature conservation, including achievement of the Government's environmental obligations and targets. In particular we will:
- ❑ fulfil our responsibilities in relation to nationally and internationally important conservation areas, under the Wildlife and Countryside Act 1981 and as a competent authority under the terms of the Conservation (Natural Habitats & c.) Regulations 1994 [NB this applies equally to EA, local authorities and IDBs].
 - ❑ when carrying out flood defence works, seek opportunities for environmental enhancement, and aim to avoid damage to environmental interest and to ensure no net loss to habitats covered by Biodiversity Action Plans. We will monitor all losses and gains of such habitats as a result of these operations and report on them annually to the Environment Agency.

2.1.7 **Objective (c):** To discourage inappropriate development in areas at risk from flooding.

2.1.8 As the local planning authority for our area, Wychavon District Council will take account of flooding erosion risks in all matters relating to development control, including development plans and individual planning applications, in accordance with Planning Policy Guidance Notes 20 and 25.

3. **OUR ASSESSMENT OF THE RISK OF FLOODING IN OUR AREA AND WHAT WE WILL DO TO REDUCE OR MANAGE THAT RISK**

3.1 **Flood Defence Responsibilities**

- 3.1.1 Apart from certain obligations to protect internationally important habitats under the EU Habitats Directive, all flood defence works are undertaken under permissive powers. This means that operating authorities, such as Wychavon District Council, are not obliged to carry out flood defence works. It is also important to note that the Council does not normally accept responsibility for maintenance of flood defences on private land; this is the responsibility of the landowner.
- 3.1.2 Wychavon District Council is the relevant operating authority for land drainage matters, including flood defences on all ordinary watercourses in its area as there is no internal drainage board operating in the District.
- 3.1.3 The flood defences that are owned or managed by the Council are detailed in our return for the database which is maintained by the Environment Agency.
- 3.1.4 The Environment Agency is the relevant operating authority for flood defences on designated main rivers. Culverts under roads are generally the responsibility of the relevant Highways Authority (County Council or Highways Agency).

3.2 **Assessment of Flood Risk**

- 3.2.1 There is no internal drainage board operating in the Council's area. Wychavon District Council is the relevant operating authority and has a supervisory responsibility for all ordinary watercourses in the Council's area. All watercourses that are designated as Main River in the Council's area are the responsibility of the Environment Agency.
- 3.2.2 At present there are 18km of "critical ordinary watercourses" i.e. watercourses which are not classified as "main river" but which the Council has agreed with the Environment Agency to comply with the DEFRA assessment criteria laid down in the form of Housing Equivalents and by Engineering judgement between the Environment Agency and the Council. This is based on work carried out to date and will be revised as more watercourses are considered and assessed.

The watercourses presently under consideration are shown in the following table:

CRITICAL ORDINARY WATERCOURSES – WYCHAVON DISTRICT COUNCIL

Parish	Watercourse Name	Housing Equivalent Land Use Band	Length (kms)	Upstream Limits		Downstream Limits	
				NGR	Description	NGR	Description
Childswickham	Badsey Brook	C	2.98	SP 0649 3894	Bunchers Brook Confluence	SP 0654 4136	Head of Main River at A44 Pitchers Hill
Childswickham	Bunchers Brook	B	4.30	SP 0931 3712	Stone Footbridge, Manor Farm, Broadway	SP 0649 3894	Badsey Brook Confluence
Charlton	Merry Brook	A	1.46	SP 013 457	Weir at Des Hengst	SP 001 456	Jubilee Bridge, River Avon Confluence
Kington	Piddle Brook	C	2.73	SO 982 559	Weir upstream of A44 at Mill House	SO 964 555	Head of Main River at A442 Grafton Mill
Peopleton	Peopleton Brook	B	1.57	SO 9386 5031	Box Culvert Outlet	SO 9350 4943	Confluence with Bow Brook
	Relief & Culvert Flood	C	0.23	SO 9377 4983	Weir	SO 9364 973	Outlet headwall into Bow Brook
Stoulton (Hawbridge)	Haw Brook	C	4.17	SO 9086 4911	Former A44 Road Bridge	SO 9266 4663	Confluence with Bow Brook
Wyre Piddle	Un-named tributary of Piddle Brook	A	0.38	SO 9659 4761	Culverts inlets at George Lane	SO 9623 4758	Piddle Brook Confluence (Main River)
TOTAL			18.14				

3.3 **Action to Reduce or Manage Flood Risks**

3.3.1 The main means by which flood risks will be managed is through the Environment Agency's flood warning dissemination plan of 12th September, 2000. This makes arrangements for warnings to be provided in the following flood warning areas within the Council's area, including individual warnings to high risk properties.

Flood Warning Areas

- S.8 River Severn between Upper Arley and Bevere.
- A.4 River Avon from Stratford to upstream of Evesham.
- A.5 River Avon from Evesham to upstream of Tewkesbury.

3.3.2 Wychavon District Council has included plans for responding to both major and minor flooding in its emergency planning procedures and has arrangements for cascading warnings received from the Environment Agency to relevant Council services.

3.3.3 The Council intends to put a programme in place to initiate the Environment Agency Flood Defence Asset Management Database by categorising the watercourse elements involved in inspection of the watercourse elements, Environment Agency to enter data onto database assess risk to determine frequency of future inspections. Only minimum information will be gathered at first to initiate the system.

- ◆ Add detail to the database over time.
- ◆ Add stand-alone defences (public or private) to the inspection system.
- ◆ Assess other watercourses for critical status.
- ◆ Introduce Bio-diversity reporting and BAP.
- ◆ Develop information into the proposed National Flood and Coastal Defence Database.
- ◆ Co-operate on other aspects such as the exchange of flooding database information to the Environment Agency.

3.3.4 The Council will use its permissive powers, where appropriate, to ensure that maintenance is carried out as required on the flood defence assets

3.3.5 The Council will publish a Code of Practice for those riparian landowners required to undertake maintenance measures under enforcement action in accordance with the Land Drainage Act, 1991.

3.3.6 The Council's current capital work plan is to complete the following flood alleviation works. A further programme of capital works will be considered for 2004 onwards. See following table:

CURRENT CAPITAL PROGRAMME	
Hawbridge, Nr. Stoulton Childswickham: Option 1b Option 4	Peopleton, Final Phase East and West Side, North Littleton

3.3.7 Future Schemes

No budgetary provision currently exists for any further schemes. Whilst the Council retains records of sites with known flooding problems, such schemes could only progress if resources are available.

Moreover, progressing schemes to feasibility stage and benefit/cost analysis stage does not automatically mean subsequent stages will be funded.

3.3.8 By following Government guidance in Planning Policy Guidance Note 25 on development in flood risk areas, the Council, acting as a local planning authority, will ensure that risks are further minimised. This includes measures for ensuring sustainable urban drainage systems to control surface water run off and preventing inappropriate development within the floodplain and other areas liable to flooding.

4.0 PARTNERSHIP AND REVIEW OF THIS POLICY STATEMENT

- 4.1 The Council has set out its policy and approach to flood defence. We recognise the need to work in partnership with Central Government and other operating authorities. Our local population has also an important part to play, in recognising the vital importance of watercourses in controlling flood risk and the need to avoid blockages, whether by not dumping rubbish or obstructing flows in other ways. We ask members of the public to let us know of any problems which might increase the risk of flooding.
- 4.2 Wychavon District Council intends to review this policy statement in two years time, when it will be revised and re-issued as necessary. Meanwhile, the Council welcomes any comments on the approach and policies set out in this statement.
- 4.3 Wychavon District Council will also continue to encourage, through appropriate advice and guidance, and enforce, where necessary, riparian owners to fulfil their statutory duties in respect of maintenance.

References

- ¹ *Strategy for Flood and Coastal Defence in England and Wales* MAFF and Welsh Office, September 1993.
- ² *High Level Targets for Flood and Coastal Defence Operating Authorities and Elaboration of the Environment Agency's Flood Defence Supervisory Duty* MAFF, November 1999.

Section Two

Flood Defence Protocol

ENVIRONMENT AGENCY and LOCAL GOVERNMENT ASSOCIATION

FLOOD DEFENCE PROTOCOL

Part 2 – Local protocol between [the Authority] and the Environment Agency

1. INTRODUCTION

1.1 Backing Information

1.1.1 The model local protocol for Flood Defence between Wychavon District Council, hereby called 'the Authority and the Environment Agency, hereby called 'the Agency' implements the broad principles agreed and signed by the Local Government and the Environment Agency in the "Flood Defence Protocol, Part 1 – General Principles" on 31st July, 2002. The protocol is recognised as a framework on which the Agency and local authorities can work together to provide a seamless and integrated flood defence service for England (and Wales). It also recognises the emerging and changing context of regional governance and the need for a more open and transparent planning progress.

1.1.2 This local protocol encourages the Authority and Agency to work together to manage the flood risk and assist each other in carrying out their respective duties and responsibilities. It emphasises working in partnership to achieve a seamless flood defence service that takes into account sustainable development, best practice and best value.

1.1.3 The implementation of this local protocol will be achieved through the forward planning process, the provision and exchange of information, and with monitoring and review.

1.2 Working Together Better

1.2.1 In December 1999 the Agency and the Local Government Association produced a document titled "Working Together Better" for developing a better relationship between the Agency and local authorities (LA's).

1.2.2 The Plan identified the need for a new Flood Defence Protocol.

2. **SHARING INFORMATION AND WORKING WITH THE COMMUNITY**

2.1 **Sharing Information**

2.1.1 The Authority has a general interest in the social, economic and environmental well being of the communities it serves, and can use the flood defence advice of the Agency to make a more holistic appraisal of local issues, leading to better and more sustainable decision making.

2.1.2 The Authority will provide the Agency with advice and information on issues related to flood risk in its area.

2.2 **Working with the Community**

2.2.1 The Agency wants to connect better with local communities, to achieve greater understanding and support for its work and would like the Authority to assist in the communication of the local flood defence issues to the communities they serve.

2.2.2 The Authority will:

- Investigate and communicate community concerns and issues associated with flood defence to the Agency.

The Agency will:

- Continue to encourage the use of public meetings and exhibitions on flood defence plans, strategies and schemes, supported by booklets and information sheets.

3. **FUNDING**

3.1 **Funding through Flood Defence Committees**

3.1.1 The Agency has executive Flood Defence Committees each having a statutory majority of elected members of local authorities from the geographic area that committee serves. These committees are responsible for raising the necessary funding by levy from local authorities and ensuring that this funding is spent locally, but at the same time ensuring a degree of flexibility exists.

3.1.2 The Agency has an obligation to carry out its flood defence function through these committees and spend the money raised.

3.1.3 The Agency will:

- Prepare Medium Term (3 – 5 years) Regional Flood Defence Business Plans, updated annually, for determining appropriate levels of service and required funding.
- Develop, implement and monitor regional performances against the MAFF High Level Targets.

The Authority will:

- Ensure that its members on Flood Defence Committees are fully aware of the necessary funding that is required to meet the flood defence needs of the communities and areas they represent.

4. STRATEGIC PLANNING

4.1 MAFF High Level Targets

4.1.1 From 1st April 2000 the MAFF High Level Targets come into operation. These set the context for the elaboration of the Agency's supervisory role.

4.1.2 The Agency and Authority will work in partnership on the implementation of the Agency's supervisory role.

4.2 Achievement of MAFF High Level Targets

4.2.1 As the principal operating Authority, and with its general flood defence supervisory role, the Agency has a key responsibility in the achievement of MAFF high level targets. This will be achieved through its supervision by consent role, advice to operating authorities and by monitoring and reporting on progress of targets.

4.2.2 The Agency will:

- Provide advice and call for information in a timely manner.

The Authority will:

- Take full and proper account of advice given by the Agency.
- Respond to advice in a constructive way and provide information in a timely manner.
- Produce and copy to the Agency a publicly available policy statement setting out plans for the delivering the Government's policy aims and objectives.

4.3 Awareness of Flood Risk (flood risk maps)

4.3.1 The Agency and Local Authorities individually hold much information about flood risk. The Agency has just completed a large-scale national programme of

mapping flood risk areas, according to priorities identified with Planning Authorities (this programme is known as the Section 105 surveys).

4.3.2 The Agency will:

- Provide updated flood risk maps to the Authority as they become available.

The Authority will:

- Provide the Agency with any information in its possession relating to flood defence or land drainage, sought by the Agency in order to carry out its flood defence function.
- Provide information on the state of its own flood defences.

4.4 **Co-ordination of all Flood Defences, Watercourses and Coastal Defences**

4.4.1 There is a need to collect and co-ordinate information on all the country's flood and coastal defences.

4.4.2 The Agency will:

- Create and maintain a new national Flood Defence and Coastal Protection Database, making relevant information available to the Authority.
- Ensure a programme is in place for the regular inspection of all flood and coastal defence assets and lengths of Main River and critical ordinary watercourses.

4.4.3 The Authority will:

- Provide the Agency with agreed information for all flood and coastal defence assets for which it is the operating authority.

4.5 **Standards of Protection provided by and Performance of Existing Defences**

4.5.1 There is a need to make an assessment of the level of protection offered by the County's existing flood defences at both a national and local level.

4.5.2 The Agency in partnership with the Authority will:

- In relation to all flood defence assets and watercourses identified by the Authority and placed on the Flood Defence and Coastal Protection Database, provide an assessment of the risk of flooding and action taken or proposed to remedy a deficiency.
- Agree methods of assessing whether an ordinary watercourse is critical or not.

The Agency will:

- Provide information, guidance and advice on the inspection of assets and watercourses.

The Authority will:

- Provide a prioritised forward plan to the Agency of capital and maintenance work for which it is responsible. This will cover the current year and the following 3-year period, they will be updated annually.

5. DEVELOPMENT CONTROL

5.1 Future Development Proposals that have potential impact on Flood Risk

5.1.1 The Agency and the Authority will work together on the implementation of the recommendations of Planning and Policy Guidance (PPG) 25 – Development and Flood Risk.

5.1.2 The Authority will:

- Ensure that flood risk statements are included in Local Authority Structure Plans.
- Ensure that when drawing up development plans and in considering planning applications, local planning authorities are aware of the assessed risk of coastal erosion as set out in SMP's.

The Agency will:

- Advise the LA on flood risk aiming to identify areas of critical flood risk and areas where certain types of development may be permissible.

The Agency will, in partnership with the Authority:

- Report to MAFF and DETR on the success of the Agency's responses to development plans and planning applications (identifying where decisions have been contrary to Agency advice).
- Report to MAFF and DETR on the inclusion of adequate flood risk statements and coastal erosion statements in the Authority's Development Plans.

5.2 Regulation of Others

5.2.1 The Agency has a key role in the regulation of other parties carrying out work on watercourses. This is achieved through the Land Drainage Consenting process for such works as culverting and bridging of watercourses.

5.2.2 The Agency will:

- Make as freely available as possible its Floodplain Policy, Riparian Owner Guide, Best Practice Guides and other relevant guidance.

5.2.3 The Authority also has powers to ensure that other parties clear their watercourses.

6. ENVIRONMENTAL ASPECTS

6.1 Introduction

6.1.1 The Agency and Authority both provide protection and environmental management for the public, and should strive to work together.

6.2 Application of Conservation Duty and Environmental Impact

6.2.1 The Agency and LA's each produce WLMP's where water level control affects SSSI's. Generally, the Agency is producing them for site related to Main River and the Authority for ordinary (and critical) watercourses, these contribute to Biodiversity Action Plans.

6.2.2 WLMP's and SMP's inform both County Structure Plans and Local Development Plans where appropriate.

6.2.3 The Authority will:

- Report annually the Agency on all losses and gains of habitats covered by Biodiversity Action Plans as a result of their flood and coastal defence operations.

The Agency will:

- Lead in the establishment of national systems for the integration and processing of local environmental data collected and managed by the Authority and the Agency.

7. FLOOD WARNING

7.1 An Integrated Flood Forecasting, Warning and Emergency Service

7.1.1 The Agency and the Authority will work together to achieve a seamless and integrated flood defence service of forecasting, warning and emergency response to the public:

7.1.2 The Agency will:

- Be responsible for providing flood forecasting and flood warning.
- Commence a Flood Awareness Campaign based on the premise that many people in flood risk areas are unaware of the Agency's role in flood warning and do not understand what to do before, during and after a flood. This will be an ongoing long-term commitment not a one-off project.
- Promote regional seminars on the wider flood defence issues and appear at local shows where appropriate.

The Authority will:

- Assist the Agency in determining whether a flood warning service and associated dissemination plans can be provided.
- In a flood situation provide an immediate response in order to care for people affected.

7.2 **Flood Warning Dissemination Plans**

7.2.1 Flood Warning Dissemination Plans are prepared by the Agency in consultation with the Authority and others. Copies of plans for specific areas can be inspected in the relevant Agency area or Authority office.

8. **AGREEMENT**

8.1 This Agreement was formed on 18th September, 2002, by the Environment Agency's Area Manager – Lower Severn and Wychavon District Council's Head of Housing and Engineering.

Section Three

DEFRA (formerly MAFF) High Level Targets

1. **APPROACH ADOPTED**

- 1.1 The targets in this document are intended to facilitate a more certain delivery of national policies and objectives for flood and coastal defence. In particular, operating authorities are being asked to provide policy statements setting out how they will contribute to the delivery of these aims and objectives. The targets also put in place arrangements for a more systematic gathering of information about the nature and status of defences thus facilitating assessment of the integrity of defences and the taking of any necessary remedial action. Reports will be published.
- 1.2 The aim is to build on best practice, assisting operating authorities to undertake activities that can reasonably be required of them in safeguarding human life as well as economic and environmental assets. Some targets flow from agreed actions following the "Bye Report" for which additional specific funding has already been made available.
- 1.3 The targets in this paper apply primarily to flood and coastal defence operating authorities. However, some targets apply to local authorities in their capacity as local planning authorities and also as bodies responsible for emergency planning. There are also targets applicable to English Nature. The targets have been prepared in consultation with the Environment Agency, the Local Government Association and the Association of Drainage Authorities, as well as with the Home Office, Department of the Environment, Transport and the Regions, English Nature and other relevant statutory and non-statutory organisations.
- 1.4 These targets are dynamic; they will be kept under review and updated as necessary. In particular, DEFRA is undertaking further research into the economic impacts of flooding and coastal erosion, which might lead to a revision of the Ministry targets and, in turn, revised targets for operating authorities. DEFRA's aims and objectives will also need to be reviewed in the forthcoming Government Spending Review, leading to a review of targets.
- 1.5 These targets need to be read alongside the legislation applicable to flood and coastal defence operating authorities, all other statutory requirements including those relating to the environment, and guidance issued by DEFRA and other Government Departments.
- 1.6 Targets that have been crossed out with a thick black line are not applicable to Wychavon District Council as an operating authority.

Target 1 – Policy Statements	By When	By Whom
<p>A. Produce and copy to Environment Agency, MAFF and DETR, a publicly available policy statement setting out plans for delivery the Government's policy aims and objectives.</p> <p>B. Report to MAFF and DETR on:</p> <p>i. completion of these policy statements; and</p> <p>ii. information collated from them.</p>	<p>31 March 2001</p> <p>30th Sept 2001 and subsequently by agreement with MAFF</p>	<p>All operating authorities</p> <p>Environment Agency</p>

Target 2 – Provision of Flood Warnings	N/A for WDC
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Target 3 – Emergency exercises and emergency plans	By When	By Whom
<p>A. Arrange, in conjunction with local authorities, emergency services and other partners, a programme of flood emergency exercises at national, regional and local levels. A national exercise, and an exercise in each Agency region and local area should be conducted by 31 December 2001 (after the introduction of new flood warning codes) and not more than three-yearly intervals thereafter.</p> <p>B. Report to MAFF on:</p> <ul style="list-style-type: none"> • the forward programme of emergency exercises; • the results of emergency exercises in the previous year, including lessons learned; and • those areas where the Agency and local authorities have, and have not, reviewed and agreed emergency plans within the previous two years. 	<p>Annually from 1 January 2001</p> <p>Annually from 1 January 2001</p>	<p>Environment Agency</p>

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Target 6 – Coast Protection Inspections and Assessment of Coastal Erosion Risk	N/A for WDC	
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Target 7 – Expenditure Programmes	By When	By Whom
Provide to MAFF a prioritised forward programme of capital and maintenance work for the assets on the database. This should cover the current and following 3 year period. Where appropriate, programmes should include proposed expenditure on any assets in third party or other ownership.	Annually from 1 April 2000	All operating authorities

Target 8 – Shoreline Management Plans (SMPs)	N/A for WDC	
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Target 9 – Biodiversity	By When	By Whom
A. In addition to statutory obligations, when carrying out flood and coastal defence works aim: <ul style="list-style-type: none"> • to avoid damage to environmental interest; • to ensure no net loss to habitats covered by Biodiversity Action Plans; and • seek opportunities for environmental enhancement. 	Ongoing	All operating authorities
	Annually from 1 April 2001	All operating authorities
	Annually from 1 July 2001	Environment Agency

Target 10 – Water Level Management Plans (WLMPs)	N/A for WDC	
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Target 11 – Coastal Habitat Management Plans (ChAMPs)	N/A for WDC	
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Target 12 – Development in Areas at Risk of Flooding	By When	By Whom
<p>Report to MAFF and DETR on:</p> <ul style="list-style-type: none"> • those local authority development plans upon which the Agency have commented, identifying plans which do, and do not have flood risk statements or policies; and • the Agency’s response to planning applications, identifying cases where: <ul style="list-style-type: none"> i. the Agency sustained objections on flood risk grounds; and ii. final decisions, either by the LPA or on appeal, were in line with, or contrary to, Agency advice. <p>(This target does not preclude the Agency from taking immediate and relevant action, e.g. to request Ministerial call-in of particularly significant cases).</p>	<p>Annually from June 2000</p>	<p>E.A. (in partnership with local planning authorities)</p>

<p>Target 13 – Development in Areas at Risk of Coastal Erosion</p>	<p>N/A for WDC</p>
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<p>Target 14 – IDB Administration and Membership</p>	<p>N/A for WDC</p>
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Section Four

Elaboration of the Environment Agency's Flood Defence Supervisory Duty

1. ELABORATION OF THE ENVIRONMENT AGENCY'S FLOOD DEFENCE SUPERVISORY DUTY

1.1 Definitions

1.1.1 In considering flood and coastal defence issues some definitions might be helpful:

- **Main rivers** are watercourses designated as such on main river maps and are generally the larger arterial watercourses.
- **Ordinary watercourses** are all those watercourses that are not designated as main river.
- **Sea defences** are measures to help prevent flooding from the sea.
- **Coast protection** are measures to prevent the land against erosion and encroachment by the sea.
- **Coastal defence** is an overarching term that includes both sea defence and coast protection.
- **Critical ordinary watercourses** are ordinary watercourses which the Environment Agency and other operating authorities agree are critical because they have the potential to put at risk from flooding large numbers of people and property.

1.2 Background

1.2.1 The public sector organisations that are responsible for providing defence from flooding are known as operating authorities. There are four types of operating authority, with differing powers and responsibilities.

- The first operating authority is the **Environment Agency**, which is responsible for sea defences and works on main rivers.
- The second group of operating authorities are the **Internal Drainage Boards** who look after ordinary watercourses in areas known as Internal Drainage Districts.
- The third group of operating authorities is made up of the **Local Authorities** who look after those ordinary watercourses that are not in an Internal Drainage District (it must be noted that the different tiers of Local Authorities; Counties, Metropolitan, Unitary and Districts have differing flood defence responsibilities).
- The final group of operating authorities are the **Maritime Local Authorities** who look after coast protection (prevention of coastal erosion) and may also undertake sea defence works.

1.2.2 The powers given to the operating authorities to carry out works are all permissive, which means they can choose either to carry out works or not at their discretion. No operating authority can be compelled to use their permissive powers.

- 1.2.3 The Environment Agency is funded, for flood defence purposes, by a levy on Local Authorities and by grant towards capital works from the Ministry of Agriculture, Fisheries and Food (MAFF) in England, and from the National Assembly for Wales.
- 1.2.4 Local Authorities fund their flood defence activities through the Council Tax and from Central Government through the Standard Spending Assessment mechanism.
- 1.2.5 Internal Drainage Boards fund their activities through a direct charge on agricultural land occupiers within their Internal Drainage District and from special levies on Local Authorities
- 1.2.6 MAFF in England and the National Assembly for Wales have policy responsibility for flood and coastal defence, setting policy aims, objectives and targets for the operating authorities, providing guidance, funding a Research and Development programme and grant aiding eligible works.

1.3 **Introduction**

- 1.3.1 Section 6(4) of the Environment Act 1995 states:

".....the (Environment) Agency shall in relation to England and Wales exercise a general supervision over all matters relating to flood defence".

- 1.3.2 In a statement to Parliament on 20th October 1998 the MAFF Minister, Elliot Morley, highlighted a commitment by Government, following its response to an Agricultural Select Committee Inquiry, for the Agency to develop its current supervisory responsibilities for all flood defence matters including the adequacy of defences owned by others.
- 1.3.3 In May 1999 the Government announces interim high level targets for flood and coastal defence to secure the delivery of its flood and coastal defence aims and objectives, a more comprehensive set of targets was announced in November 1999. The supervisory duty is included within the framework of the high level targets.
- 1.3.4 As the principal operating authority, and with its general flood defence supervisory responsibilities the Environment Agency has a key role in monitoring and reporting achievement by all operating authorities.
- 1.3.5 A consultation exercise has been carried out which addressed how the Environment Agency's supervisory duty in England and Wales should be undertaken.
- 1.3.6 The high level targets set by Government deal with the three key objectives to achieve the policy aims: -

- i) **To encourage the use of adequate and cost effective flood warning systems.**

- ii) **To encourage the provision of adequate, economically, technically and environmentally sound and sustainable flood and coastal defence measures.**
- iii) **To discourage inappropriate development in areas at risk from flooding and coastal erosion.**

1.3.7 The high level targets set by Government are intended to secure the delivery of these objectives. The Agency's elaboration its supervisory duty addresses the actions required to fulfil those targets and spells out clear ownership by each operating authority for its part of each section.

1.4 **The Agency's Supervisory Duty**

1.4.1 The elaboration of the Supervisory Duty is intended to be consistent with the legislative framework that currently exists. The Environment Act 1995 sets the scope of the supervisory duty as a very wide ranging, namely "all matters relating to flood defence". For simplicity in detailing the Agency's supervisory duty, the flood defence service has been divided up into eight sections: -

Section 1 Condition of flood and coastal defences and critical ordinary watercourses

- 1a. Flood Defences
- 1b. Critical Ordinary Watercourses
- 1c. Coastal Defences
- 1d. National Flood and Coastal Defence Asset Database

Section 2 Assessment of flood risk.

Section 3 Achievement of high level targets.

Section 4 Emergency response to flooding incidents.

Section 5 Awareness of flood risk in the community.

Section 6 Future development proposals that have potential impact on flood risk.

Section 7 Regulation of others.

Section 8 Application of conservation duty and environmental impact.

Taking each Section in turn the Agency's supervisory duty will be: -

- **SECTION 1 - Condition of Flood and Coastal Defence Service and Critical Ordinary Watercourses**
 - **Section 1a - Flood Defences**

The overall standard of flood defence provided in a river catchment depends on the condition of all its parts. In order to be able to understand how a flood defence system is working it is important to look at the whole picture not just parts of it.

The Agency will be responsible for inspecting defences on main river whilst Local Authorities and Internal Drainage Boards will be responsible for inspecting their own defences on ordinary watercourses. The information on the condition of all defences will then be passed to the Agency who will keep it on a national database (see Section 1d). The Agency and Local Authority/IDB will agree arrangements for identifying and inspecting third party defences.

- **Section 1b - Critical Ordinary Watercourses**

Section 1a deals with flood defences on Main Rivers and Ordinary Watercourses. This section is intended to provide a means for identifying "critical" ordinary watercourses and for assessing their condition, including flow capacities.

The Agency, in partnership with the Local Authorities and Internal Drainage Boards, will agree methods of identifying those ordinary watercourses that are critical to the area through which they pass. The Local Authorities and Internal Drainage Boards using that definition will then identify and inspect the condition of those critical ordinary watercourses. The frequency of inspection should be risk based taking account of factors such as the status and nature of the critical ordinary watercourse.

- **Section 1c - Coastal Defences**

This section focuses on the coast and deals with coastal defences and their condition in a similar way to the defences on inland watercourses.

The Agency will inspect the condition of sea and coastal defences that protect low lying land from flooding from the sea. The Maritime Local Authorities will be responsible for inspecting the condition of:

- Coast protection works that solely protect the land from erosion or encroachment; and
- Coastal defences that are in their ownership and that as well as protecting the land from erosion, provide a degree of protection from flooding.

The Agency will receive information on the condition of all coastal defences (both sea defences and coast protection works) and maintain this information on the National Flood and Coastal Defence Asset Database (see Section 1d).

- **Section 1d - National Flood and Coastal Defence Asset Database**

In order to store and make easily available information collected on the condition of defences and watercourses the Agency will develop and maintain a national database. Amongst its other uses the Agency will use the database to provide reports as required, including to Ministers and for publication in the public arena.

➤ **SECTION 2 - Assessment of Flood Risk**

As well as being aware of the condition of defences it is important to know the risk associated with them, so the Agency will assess the flood risk associated with all sea and main river defences. In partnership with Local Authorities and Internal Drainage Boards the Agency will agree methods of assessing the standards of defence for ordinary watercourses and other coastal defences. These methods will then be used, with the assistance of the Local Authorities and Internal Drainage Boards, to assess the flood risk associated with all defences on critical ordinary watercourses and other coastal defences.

Where the assessed risk gives cause for concern the Agency, with assistance from Local Authorities and Internal Drainage Boards, will bring the concern to the owner's notice and seek to agree remedial actions.

In addition the Agency will investigate the causes of serious or repeated flood events on ordinary watercourses and identify potential solutions.

➤ **SECTION 3 – Achievement of MAFF High Level Targets**

The Agency will receive information from Agency Regions, Internal Drainage Boards and Local Authorities on achievement of high level targets and provide Ministers with an annual report.

➤ **SECTION 4 – Emergency Response to Flooding Incidents**

The Agency, in partnership with Local Authorities and Internal Drainage Boards, will endeavour to provide flood warnings to those that need them efficiently and effectively and to ensure that efficient and effective emergency planning, operational and emergency response, incident management and aftercare is undertaken.

The Agency will lead in partnership with Local Authorities, Internal Drainage Boards, emergency services and others in producing and running a programme of flood emergency exercises at national, regional and local levels.

➤ **SECTION 5 – Awareness of Flood Risk in the Community**

The Agency, in partnership with Local Authorities and Internal Drainage Boards will agree and implement methods for raising and maintaining appropriate levels of public awareness within the community of flood risk.

➤ **SECTION 6 – Future Development Proposals that have Potential Impact on Flood Risk**

It is important that future housing or other building developments are not put in areas at risk of flooding or in such a place that they make an existing problem worse. For that reason the Agency will keep its guidance to local planning authorities under review and update as needed. Additionally the Agency, in partnership with Local Authorities, will report to MAFF, the National Assembly for

Wales and the Department of the Environment, Transport and the Regions on the success of the Agency's responses to development plans and planning applications, inter alia reporting where decisions have been against the Agency's advice and on the inclusion or not of adequate flood risk statements in Local Authority Development Plans.

➤ **SECTION 7 – Regulation of Others**

The Agency will produce annual statistics on applications for consent to carry out work on main rivers and ordinary watercourses and receive annual reports from Local Authorities and Internal Drainage Boards on the use of their statutory powers on ordinary watercourses.

➤ **SECTION 8 – Application of Conservation and Environmental Impact**

The Agency will prepare Water Level Management Plans for those main rivers where one is needed, except where another operating authority has accepted responsibility, and give advice to help Local Authorities and Internal Drainage Boards prepare Water Level Management Plans for other sites where one is required.

The Agency will also report to MAFF and the National Assembly for Wales on the preparation and implementation of Water Level Management Plans. The Agency will also report to MAFF and the National Assembly for Wales on the impact of flood and coastal defence operations on habitats covered by national Biodiversity Action Plans.

1.5 **Implementation**

In considering its supervisory duty it has been the Agency's intention to achieve supervision by consent and then to exercise its supervisory duty in partnership with the other operating authorities. In view of that, the Agency will set up a forum with the Association of Drainage Authorities to discuss the high level targets and the manner of implementation in partnership of the Agency's supervisory duty. The Agency will also discuss the need for a similar forum with the Local Government Association.

It is intended that agreed guidance for IDBs and Local Authorities will be produced by April 2000, to complement the MAFF targets.

Section Five

Further Information

FURTHER INFORMATION

For further information and advice please contact us. You may contact us in the following ways: -

- By visiting the Civic Centre in Pershore and speaking to one of our Land Drainage Engineers
- By telephone us on: 01386 565000
- By faxing us on: 01386 561826
- By writing to us at: Wychavon District Council
Planning Department
Civic Centre
Queen Elizabeth Drive
PERSHORE
Worcs.
WR11 1PT
- By contacting your Local Councillor.
- By e.mailing us at: engineers@wychavon.gov.uk
- By visiting our Web Site at: www.wychavon.gov.uk