

# LEARNING THE LESSONS FROM THE 2007 FLOODS

## RESPONSE BY WYCHAVON DISTRICT COUNCIL TO THE PITT REVIEW

### 1. INTRODUCTION

1.1 Wychavon District Council is a predominately rural local authority with three main urban centres for it's 115,000 population, Droitwich, Evesham and Pershore (Wychavon's administrative centre).

1.2 As a result of the Summer floods in excess of 1600 homes and 250 businesses were internally affected by the devastating floods, the affects of which continue for many today.

At its height has over 100 Council staff, and volunteers provided an emergency response, including the setting up of 5 rest centres to provide shelter for those evacuated from homes and affected by the closure of the M50 and M5.

1.3 Wychavon District Council welcomes Sir Michael Pitts Interim Report into the Summer 2007 floods and supports the urgent recommendations it sets out. More specifically it wishes to make the following comments with respect to the Urgent Recommendations and those Interim Conclusions most relevant to Wychavon District Council.

### 2. URGENT RECOMMENDATIONS

#### Recommendation 2

**The Review recommends that the Environment Agency, supported by local authorities and water companies, should urgently identify areas at highest risk from surface water flooding where known, inform Local Resilience Forums and take steps to identify remaining high risk areas over the coming months.**

As a result of the Easter 1998 floods (the previous worst on record), Wychavon District Council put a lot of resource into investigating and analysing the affects of those floods. This work identified a number of high risk areas, some of which have benefited from flood alleviation works funded by Wychavon, supported by other agencies.

The knowledge gained from the Easter 1998 floods has been an immense help in identifying those high risk areas. Further work with the help of the EA, Severn Trent Water and Worcestershire County Council Highways is underway to deal with our "at risk" communities, not only from main river flooding but overland flows as well.

#### Recommendation 5

**The Review recommends that all Local Resilience Forums should undertake an urgent review of designated rest centres and other major facilities to ensure either that they have the necessary levels of resilience to enable them to be used in the**

**response to flooding and other major emergencies, or that alternative arrangements are put in place.**

Soon after the floods, Wychavon's Overview and Scrutiny Committee undertook a thorough review of its emergency response. Due to the extent of the flooding, some designated rest centres could not be used because of their vulnerability to flooding. We feel that as Category 1 Responders, District and County Councils should undertake a review of their designated rest centres and in so doing also consider transportation of people to and from Centres they are resourcing.

#### Recommendation 12

**The Review recommends that Local Resilience Forums urgently develop plans to enhance flood warnings through 'door-knocking' by local authorities based on an assessment of the post code areas likely to flood.**

Wychavon DC supports this recommendation and is already looking at a number of alternatives to improve flood warning systems. Some catchment areas are extremely fast reacting resulting in very little time being given to warning residents. Wychavon DC is currently working with Parish Councils and other agencies to identify ways of providing an effective early warning system.

It should however be noted that this recommendation would have significant resource implications on a council like Wychavon.

### 3. **INTERIM RECOMMENDATIONS**

#### IC3

**The interim conclusion of the Review is that the Environment Agency further develops its tools and techniques for predicting and modeling river flooding, especially to take account of extreme and multiple events; and takes forward work to develop similar tools and techniques to model surface water flooding.**

Wychavon DC fully supports this recommendation as it was very difficult to get accurate and timely information during the event. What information was available was based on gauges that were too widely dispersed resulting in some catchment areas suffering without any warning or indication of how bad it was going to get. In some cases the gauges were overtopped leaving big gaps in information.

We believe modelling techniques must be more sophisticated and information available on a more local scale so as to include those communities that may not be affected by the Rivers Severn or Avon. Since the Summer floods there has been further heavy rainfall resulting in widely inaccurate predictions that has caused panic amongst some communities. Whilst there is a natural tendency to be over cautious following an extreme event the accuracy of modelling techniques and subsequent predictions were found to be problematical.

We would also like to see a more integrated approach by all partners especially more

accurate tools developed for modelling surface water flooding, as this accounted for approximately half of our flooded properties.

Wychavon DC plans to require modelling, on flood risk, to be carried out by developers at proposal stage. This will be a key requirement in our developing Supplementary Planning Document (SPD) on Surface Water Management.

### **IC8**

**The interim conclusion of the Review is that PPS25 should be rigorously applied by local planning authorities, including giving consideration to all sources of flood risk and ensuring that developers make a full contribution to the costs both of building and maintaining any necessary defences.**

Wychavon DC fully supports this recommendation.

However there are some implications that need to be borne in mind. Firstly, in ensuring PPS25 provisions are applied in determining planning application requires good working relationships between the Planning Officers and Drainage Engineers with EA and Severn Trent. Whilst I think we are all willing to work together it hasn't always happened in the past for various reasons.

Secondly, ensuring developers make a full contribution to costs may be resisted by developers and result in the viability of developing some sites (including sites we want to see developed) becoming uncertain. I think we need to bring the matter up with developers as early as possible in the process and definitely a consideration in Local Development Framework site allocation. The implications of the Regional Spatial Strategy will also need to be considered carefully in any site allocation for future development.

Since Easter 1998 Wychavon DC has been assessing specific planning applications for flood risk and has improved this approach post Summer 2007 by assessing all planning applications for flood risk and working with developers on specific designs where there is a risk of flooding. In the past there have been cases where the Council has refused a planning application on flood risk grounds, for it to be overturned by the Planning Inspectorate. We would like to see greater emphasis placed on comments from experts on flood risk when determining a planning application. Wychavon DC has further plans to tighten up in this area by introducing a Supplementary Planning Document on Surface Water Management.

### **IC9**

**The interim conclusion of the Review is that householders and business owners should no longer be able to lay impermeable surfaces as of right.**

Wychavon DC supports this interim recommendation in principle but it will require revision of permitted development rights. Any modifications need to be carefully worded as uncertainty over wording within existing Permitted Development Rights Order causes confusion and has resource implications. Removal of any PD rights results in a likely increase in planning applications being received and enforcement complaints which will

have an effect on resources. However a total review of PD Rights by central government is proposed and the overall number of applications is likely to decrease.

As mentioned Wychavon DC is current developing a Supplementary Planning Document on Surface Water Management which will include mention of impermeable surfaces.

Discussions with numerous Parish Councils and individual residents have highlighted increased impermeable surfaces, incremental development and haphazard disposal of storm water runoff, as a major concern. We believe these contributory factors must be addressed formally and consistently through the planning process.

### **IC10**

**The interim conclusion of the Review is that the automatic right to connect surface water drainage of new developments to the sewerage system should be removed.**

A significant number of flooding incidences have been exacerbated by the increasing inability of existing drainage/sewer systems to cope with moderate rainfall due to new development connecting into existing, already overloaded, systems. We believe that this would push developers into looking at SUD's options rather than relying on mains systems. SUD's should be a first option and this will be the ethos around our SPD.

We therefore fully support the idea of a review being carried out.

### **IC11**

**The interim conclusion of the Review is that no new building should be allowed in a flood risk area that is not flood-resilient, and that the Government should work with organisations such as the Royal Institute of British Architects and the building industry to encourage flood-resilient building and development design.**

Wychavon DC fully supports this recommendation, however must point out that as more pressure comes on local authorities to provide for housing need through Regional Spatial Strategies, some of which, must be affordable housing, we are concerned that this will mean more and more houses will be built in flood risk areas to meet government targets but will not be flood resilient due to the potential costs.

We need to ensure that there is consistency in the advice coming from Central Government.

### **IC12**

**The interim conclusion Review is that the Government incorporate flood resistance and resilience requirements for new properties in flood risk areas into Building Regulations as part of current process of revision.**

Wychavon DC supports this recommendation in the belief that the only way to ensure flood resilience is built into a design it through legislation such as Building Regulations. This would be no different then in other Countries where design criteria is set for specific areas/zones susceptible extremes of weather such as wind, snow etc.

This does not however address the issue of the vast number of properties that are already in flood risk areas and do not have flood resilience built into their design, even when being refurbished under insurance due to flooding (IC13)

#### **IC14**

**The interim conclusion of the Review is that local authorities and housing associations should take a more active role in increasing the uptake of flood resistance and resilience measures, leading by example by repairing their properties with appropriate materials where it is cost-effective.**

Wychavon DC supports this recommendation but suggests there needs to be a better understanding of flood risks the nature of flooding and types of products available to reduce the risk.

#### **IC15**

**The interim conclusion of the Review is that local authorities in high flood risk areas should extend eligibility for home improvement grants and loans to encompass flood protection and resilience products.**

WDC supports this recommendation but has concerns over the cost and effectiveness of such a policy. We would expect the insurance companies to take the lead also.

#### **IC17**

**The interim conclusion of the Review is that local authorities should lead on the management of surface water flooding and drainage at the local level with the support of all responsible organizations including the Environment Agency, water companies and internal drainage boards, the Highways Agency and British Waterways.**

This is an interesting recommendation that raises a big issue but needs careful consideration. Whilst WDC is prepared to adopt its leadership role, clarity over function and responsibility, particularly in a two tier area, should be subject to detailed debate. Such a proposal must also come with sufficient resources to make a difference. Under this proposed recommendation would this result in a more locally accountable EA or utilities? There is however a question mark over the ability of the larger organisations such as EA and water companies to provide the necessary support at such a local level due to competing priorities and resources. For a number of years WDC has been using its permissive powers under the Land Drainage Act to manage surface water drainage and flooding and in the past has received very good support in some instances but due to resources and the varying degrees of ability of partner organisations to commit to improvement or management programmes, we are only able to scratch the surface of what actually needs doing. None the less Wychavon DC has made some significant differences to flooded communities through its Capital Flood Alleviation Programme. A lot of this work relies in cooperation but we would like to see a duty placed on responsible organisations so as to formalise current arrangements.

## **IC18**

**The interim conclusion of the Review is that local authorities in flood risk areas should assess their capabilities to deliver the wide range of responsibilities in relation to local flood risk management.**

Wychavon DC fully supports this recommendation provided sufficient resources are made available. WDC has already committed further temporary resources to an existing engineering section highly skilled in dealing with flooding risk management. However to meet public demand and expectation a more coordinated approach needs to be made through partners and other organisations. A clear duty placed upon local authorities would help, particularly as there is a wide difference in capabilities to deal with flood risk management in Worcestershire alone.

## **IC20**

**The interim conclusion of the Review is that local Surface Water Management Plans, as set out under PPS25, should provide the basis for managing surface water flood risk. These plans should be coordinated by the local authority and be risk-based, considering all sources of flooding.**

Surface water management plans will be highly useful for planning officers in allocating sites and determining planning applications. There are resource implications in drawing these plans but Wychavon DC has already started this work as it has retained a skilled 'in-house' engineering team well versed in flood risk management and mitigation. A Flood Action Plan will be developed for each Parish based on catchment areas with a view to managing risks and improving resilience to flooding.

Partner organisations are cooperating in this approach but agreeing priorities and gaining funding allocations will be difficult in some parts.

This work will progress from the significant investment Wychavon DC has put into flood alleviation through its Capital Flood Alleviation Programme, approved as a result of the Easter 1998 floods.

We believe this approach is best practise and has resulted in reduced flood risk for some of most affected communities.

## **IC22**

**The interim conclusion of the Review is that DEFRA should issue guidance on how all organisations can be brought together to work with local authorities on surface water flood risk management, sharing information, modeling and expertise on a consistent basis.**

WDC would welcome such guidance but recognises that for this to work it must include a duty placed on local authorities and other organisations to cooperate. Wychavon District Council in conjunction with Worcestershire County Council has already set up a multi-agency group to look at these issues on a County wide basis. Whilst it is early days progress is being made but there is varying degrees of commitment around the table to resolve joint issues due to competing priorities and resourcing issues.

## **IC25**

**The interim conclusion of the Review is that, as part of the forthcoming water industry pricing review, the water companies, in conjunction with local authorities and other partners, should develop proposals for investment in the existing drainage network to deal with increasing flood risk.**

WDC fully supports this recommendation as we believe far greater investment needs to be made into infrastructure.

As WDC systematically investigates the nature and extent of flooding within its area, it has become increasingly obvious that, in places, the existing drainage network is becoming increasingly over loaded. The Summer storm aside, there is evidence that in parts existing networks are no longer able to cope with even minor rain events and whilst there is some investment, more needs to be done and timescale for work to be carried out shortened.

## **IC26**

**The interim conclusion of the Review is that local authority scrutiny committees should review SWMPs and other linked plans, such as Local Development Frameworks and Community Risk Registers, to ensure that flood risk is adequately considered and to ensure greater transparency and progress in the management of that risk.**

WDC supports this recommendation and believes that Overview and Scrutiny must play a significant role in holding partners to account with regard to their investment, future plans and programme of works locally. WDC has already undertaken a number of scrutiny exercises to understand what is being done for its own residents and some of the problems they experience.

## **IC30**

**The interim conclusion of the Review is that the Government should develop a single national set of guidance for local authorities and the public on the use and usefulness of sandbags and other alternatives, rather than leaving the matter wholly to local discretion.**

Wychavon District Council is currently reviewing its own sandbag policy. WDC is sceptical over the practical benefits of sandbags, recognising the logistical difficulties in getting them where they are needed when they are needed, particularly in a large rural district. It does however recognise the importance residents place on them and the “security” they provide for some. It should however be noted that if there is national guidance there may well be local conditions that will result in variations to any national guidance. A degree of flexibility is therefore essential in any national guidance.

### **IC32**

**The interim conclusion of the Review is that the Environment Agency should provide an analysis of the effect that land management practices had or would have had on the impact of flooding during the summer 2007 floods.**

WDC fully supports this recommendation in that it has found anecdotal evidence that suggest recent changes in land management practices has significantly altered the way in which land drains water.

For example, many orchards in the Vale of Evesham have been dug up and replaced by salad crops. This has resulted in changes to the way in which land has drained. Changes in the way in which fields are ploughed (due to health and safety issues) has also meant that water is now channelled down a slope rather than across resulting in faster water runoff and greater amounts of silt being deposited. Intense farming has also resulted in the removal of hedgerows and ditches that would have assisted in holding water on the land. We would also suggest that due to the use of chemicals on some land, the ability for that land to absorb moisture, has been affected and we would welcome further analysis on these aspects.

In addition many existing drainage systems have been modified over the years by extending gardens; piping ditches etc and we believe this also has had a significant impact on the lands ability to drain. Our investigations have found incidences of ditch systems being filled in garden features made of water courses and 90° bends put in pipes to redirect natural flow. All these alterations contribute to flooding, not only in 2007. The legislation and willingness of partners to deal with these issues is unclear and patchy.

We believe better land management practises need to be incentivised with funding options, clear guidance and penalties for bad practice. Improve incentives for the stewardship schemes currently available would be a welcome short term action.

### **IC33**

**The interim conclusion of the Review is that flooding legislation should be updated and streamlined under a single unifying Act that amongst other outcomes addresses all sources of flooding, clarifies responsibilities and facilitates flood risk management.**

WDC fully supports this recommendation. For a number of years WDC has actively used its permissive powers to bring about clearance of ditches etc but there is a grey area in the law over changes to existing ditches or requirements to improve what is already there. In addition issues over consenting are often misunderstood ignored and not followed up which makes it very difficult to take action at a later date, particularly where it requires more than one organisation to get involved.

We believe that a more streamlined piece of legislation that places a duty on an organisation allows an organisation to do works in default and, importantly from a local authority point of view, avoid taking future maintenance responsibilities or paying out compensation when such works are carried out, is absolutely essential if improvement of land drainage is to be brought about.

Clear responsibilities must be identified and resources committed to undertaking that role. Extra funding must be provided to make this happen but it needs to be done soon!

### **IC38**

**The interim conclusion of the Review is that unless agreed otherwise locally, 'upper tier' local authorities should be the lead organisation in relation to multi-agency planning for severe weather emergencies at the local level, and for triggering multi-agency arrangements in response to severe weather warnings.**

WDC supports this recommendation.

For this to work upper tier authorities need to be committed to this and be properly resourced but not restrict District Councils in exercising the CCA responsibilities in a timely way.

The uncertainty over funding, particularly under the Belwin scheme means that there can be some hesitancy towards what can be done during the recovery phase and beyond.

### **IC42**

**The interim conclusion of the Review is that the Local Government Association should consider how best mutual support might be enhanced between local authorities in the event of a future wide-area emergency.**

WDC supports this recommendation.

During the emergency WDC received good support from neighbouring Council's less affected, indeed WDC sent its own team of EHO's into Gloucester City to support their operation and ran an advice hot line for Gloucestershire residents from Wychavon's own Civic Offices.

We believe more emphasis should be placed on basing officers close to their home rather than place of work during an emergency thereby potentially improving capacity in some areas, and avoiding the difficulties of travelling, particularly during flooding.

We are already looking at drawing up a list of professional officers with a view to allocating their duties closer to their place of residence rather than where they work. Some informal agreements are already in place but we would welcome a more formal recognition of mutual support.

### **IC44**

**The interim conclusion of the Review is that, as part of their emergency plans, Local Resilience Forums should consider the vulnerability of motorways and trunk roads to flooding, and consider the potential for earlier, stronger, more specific warnings, and strategic road clearance and closures, to avoid people becoming stranded.**

WDC welcomes this recommendation.

Communication amongst various agencies must be improved so as to allow for a proper planned response to closure of transport links, not only roads.

The closure of the M50 and M5 had a dramatic impact on Wychavon and happened with very little communication or notification. It is therefore essential that this issue is addressed through local emergency plans but guidance would be helpful.

### **IC50**

**The interim conclusion of the Review is that financial assistance for local responders in relation to emergency response and recovery should be revised to improve speed, simplicity and certainty.**

WDC fully supports this recommendation.

Financial assistance that is clear, simple and timely is essential in mounting a response. The extension of the Belwin Claim until Jan 08 was welcome as it recognised that the recovery phase from an emergency can last months, during which local authorities continue to expend resources on helping affected communities. One of the biggest issues coming out of the numerous meetings with Members, Parish Councils and individual residents is funding and what financial assistance can be obtained from both local and central government. Some funding was given very early on, to help those that have been flooded, which was very welcome, but more could be done to ensure a greater impact on those affected. Budgets can be extremely tight, increasingly so, therefore a review of the Belwin Scheme and the way in which future reimbursements can be made would be very welcome.

### **IC51**

**The interim conclusion of the Review is that Local Resilience Forums should be made aware of recent Cabinet Office guidance setting out the transition to recovery. Recovery sub-groups should be established from the onset of major emergencies and in due course there should be formal handover from Gold Command to the local Recovery Co-ordinating Group(s), normally chaired by The Chief Executive of the affected local authority.**

WDC fully supports this recommendation.

It should be noted that in large affected areas, often the recovery phase has started in one part whilst a response to the emergency is still being provided in another. We would therefore suggest that formal handover may be quite difficult in practice. None the less there does need to be a mechanism for formally recognising the start of the recovery phase as there will be a significant resource implication involved which may need careful planning.

### **IC59**

**The interim conclusion of the Review is that Category 2 responders should be required to participate fully at Gold and Silver Commands and that the Government should deliver this through the Civil Contingencies Act or other regulatory regimes.**

WDC fully supports this recommendation, particularly regarding the requirement for Category 2 Responders to be present at Gold and/or Silver Commands. During the water crises, which also impacted on Wychavon, it was particularly frustrating to have no

representative of the Water Company and a Silver. This made Planning and gathering up to date information extremely difficult. As a result, a number of residents in Wychavon were without water but as they had a Worcestershire postcode rather than a Gloucestershire postcode, there was no recognition of the problem by the water company. It is also essential that where more than one County is affected, clear communication lines are set up between each of the Golds and Silvers, particularly on cross border issue. There is a tendency to only focus on those issues within a County boundary. We would recommend that utilities in particular have a greater understanding of County boundaries and vice versa so as to avoid confusion over cross boundary issues.

## **IC60**

**The interim conclusion of the Review is that the emergency plans and business continuity plans of essential service providers should be reviewed annually by local authority scrutiny committees.**

WDC fully supports this recommendation and has already implemented it locally.

## **5. FURTHER COMMENTS**

Insurance companies – we believe that insurance companies should be held to greater account as a result of an emergency, particularly flooding. Despite what the ABI say, WDC has anecdotal evidence of sharp practices being undertaken by some insurance companies.

These include:

- Inconsistent approach to assessing damage and the time taken to assess damage. There is a real conflict between the need to remove damaged and contaminated goods and the need to keep evidence for the assessors as to the extent and nature of losses. Some insurance companies were happy with photo's/samples, others wanted to see everything and took weeks to get round to assessing the loss/damage.
- Many properties have been refurbished like with like and no consideration has been given to replacing with more flood resistant techniques. In some cases owners have offered to pay the extra, for example to raise the height of electrical sockets, but some insurance companies have refused to allow this. Consideration must be given to improving flood resilience when refurbishing damaged property.
- Some premiums have risen 4-6 fold as a result of the floods. Insurance has been refused for others. This inconsistency has created much stress and uncertainty amongst those effected. Clear and transparent information in relation to flood risk and future insurance must be available.
- Some elderly residents have been put under undue pressure by some insurance companies to reduce their level of claim resulting in some residents being significantly out of pocket.

- Generally residents have been reluctant to complain through fear of being black listed or unable to get insurance in the future.
- WDC believes that the ABI should be held to account for its members.
- Wychavon's Approach to Flood Alleviation

## 6. **WYCHAVON'S APPROACH TO FLOOD ALLEVIATION**

Wychavon DC has retained an engineering section that is skilled and knowledgeable in flood alleviation and land drainage. We believe this is essential to managing future flood risk.

Since the Easter 1998 flood the team has Since the Easter 1998 floods the Engineering Team has been very proactive in reducing the risk of flooding throughout the Wychavon District. On occasion it has also offered advice and guidance to neighbouring and remote Authorities.

Wychavon approved its flood defence policy in line with Government guidelines and other initiatives and produced a Flood Defence Policy Manual. This is available on the Council's Web Site and was issued to each Parish Council in hard copy format. It is currently awaiting the outcome of the Defra High Level Target review before being revised again.

Wychavon's engineers have also taken part in some initiatives by the Environment Agency such as catchment management plans. Joint seminars on Flood Warning with the Environment Agency and Parish Councils have also been held. A review of the former Flood Warden scheme is on the agenda for the current Flood Working Group.

On a day to day basis the Engineering Team has also been proactive on reducing flood risk by carrying out land drainage enforcement, scrutinising planning applications and carrying out capital flood alleviation schemes.

Since July 2007 over 40km of watercourses and ditches have been inspected with over 90 enforcement actions being taken. Over 50% of these actions have been signed off as completed. Because of the size of the district the Council is unable to be proactive in land drainage enforcement actions and has to rely heavily on other partners and members of the public supporting the team by passing on information on blocked ditches etc. Critical apparatus is checked often and we are currently considering teaming up with the Parish Lengthsmen – operated by the Highway Authority – to provide a more robust and efficient service.

The team also works with partners to secure actions where obstructions impede the efficient operation of other drainage apparatus.

Development Control has always featured strongly in the work of the team but following on from the July floods we have decided to pass comment on every application rather than scrutinise for flood risk based on our experience and comprehensive database. We are also, along with our colleagues in Planning, working with the EA and Water Company to close gaps in the DC system in relation to storm water management.

The team has had a number of successes in this area over recent years but is hampered by the “system”. Details of improvements have been mentioned above.

Following the in depth investigation into the 1998 floods the Council resolved to support schemes where there was no clear duty of any particular organisation to carry out flood alleviation works. The Council has made £1,169,000.00 of its own funds available for this purpose of which approximately £800,000.00 has been spent. It would be premature at this time to comment if the Council wishes to increase this funding especially in view of the severity of the July Floods. The Council remains committed however to explore all avenues to reduce the flood risk throughout the district. It is anticipated that creating flood resilient homes and improving flood warnings to those most at risk will feature heavily in any future policies.