

# WYRE FOREST DISTRICT COUNCIL POLICY STATEMENT ON FLOOD DEFENCE

## 1. INTRODUCTION

### Purpose

1.1 This policy statement has been prepared by Wyre Forest District Council to provide a public statement of the Council's approach to flooding in its area.

### Background

1.2 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 defence "operating authorities" i.e. the Environment Agency, local authorities (District and County Councils) and internal drainage boards. Responsibilities differ according to the type of operating authority and Wyre Forest District Council's responsibilities are set out in paragraphs 3.1 and 3.2 below.

1.3 The Government has published a policy aim and three objectives for flood defence<sup>1</sup>. To ensure a more certain delivery of the aim and objectives by the individual operating authorities the Government has published a series of high level targets<sup>2</sup>. The first target requires each operating authority to publish a policy statement setting out their plans for delivering the Government's policy aim and objectives in their area. This will include their assessment of flooding and erosion risk in their area, and the plans for reducing or managing that risk.

1.4 This policy statement fulfils that requirement. Copies are also available from the Council's offices at Wyre Forest District Council, 7/8 New Street, Stourport on Severn Worcestershire.

We are also providing a copy to

- the Department for Environment, Food and Rural Affairs
- the Environment Agency.
- Worcestershire County Council as strategic flood authority

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

2.1 Wyre Forest 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:

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

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

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

Provision of flood warning systems is the responsibility of the Environment Agency. However, Wyre Forest 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;
- maintain an awareness of the Environment Agency's flood warning dissemination plan for our area and contribute to its implementation as necessary; and
- play an agreed role in any flood warning emergency exercises organised by the Environment Agency covering our area.

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

Within available resources Wyre Forest 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 assessing 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;
  - ◇ 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;
  - ◇ 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\* and in accordance with the Wyre Forest District Local Plan – Revised Deposit Plan Policy IMP.1 (Planning Section 106 Obligations)
  - ◇ 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, and
  - ◊ ensure that, for those Water Level Management Plans where we are the lead operating authority, we work in partnership with English Nature to complete, implement and review Plans in accordance with DEFRA guidance on plan completion and the timetables set out in Environment Agency High Level Targets i.e. Stourvale Country Park and the Hurcott Pool Country Park.

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

As the Local Planning Authority for the Wyre Forest area, the District Council has, through the District Local Plan – Revised Deposit Proposals, provided a clear policy framework for the consideration of development within floodplains and adjacent to watercourses. The District Council will take account of flooding risks and land drainage issues in all matters relating to its development control function, in accordance with PPG.25 and the statutory Development Plan.

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

#### **Flood defence responsibilities**

3.1 Apart from certain obligations to protect internationally important habitats under the EU Habitats Directive, most flood defence works are undertaken under permissive powers.

3.2 Operating authorities such as Wyre Forest 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.**

3.3 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. These areas are such as Springfield Park and Broadwaters Pool where the Council is the relevant landowner.

3.4 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).

### **Assessment of flood risk**

3.5 The Wyre Forest District Council is the relevant operating authority for ordinary watercourses in the Council's area except the River Severn and the River Stour and Blakedown Brook which is designated as main river and thus the responsibility of the Environment Agency. There is no internal drainage board operating in the Council's area.

3.6 The Environment Agency has 'en-mained' a significant part of Ridding's Brook, downstream from the culvert at the rear of Riddings Close in Bewdley. This section of watercourse is therefore treated as a main river by the Environment Agency.

3.7 Based on historical flooding information, coupled with the Environment Agency's indicative flood plain maps, the Council has carried out an assessment of the risk of flooding from the ordinary watercourses in our area. The main areas at risk of flooding are the areas of Kingsford, land adjacent to Lodge Close, Bewdley, Worcester Road, Stourport on Severn, Riddings Close, Bewdley and Netherton Road, Dunley. The Council is satisfied that there are minimal risks to human life created by these flood risks from ordinary watercourses, but emphasises the need for the Environment Agency's flood warnings to be heeded, where these are provided (see below). This assessment was carried out prior to the flooding events of June and July 2007 however and there is a need to revisit and review the historically perceived situation in the light of these events and revised guidance and information from local individuals and Agencies, the Environment Agency and others.

### **Action to reduce or manage flood risks**

3.8 The main means by which flood risks will be managed is through the Environment Agency's flood warning dissemination plans which are constantly updated, the latest update being 2003. This makes arrangements for warnings to be provided on the main river(s) within this Council's area, including individual warnings to high risk properties. Wyre Forest 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.

3.9 Within the resources available the Council will ensure that maintenance is carried out on the flood defences and channels which we own, or for which we accept responsibility, so that they operate at optimum efficiency. Where the responsibility for maintenance

rests with a landowner and we become aware of concerns regarding the watercourse, we will aim to secure co-operation in ensuring appropriate maintenance takes place, drawing on enforcement powers if necessary.

3.10 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. Revised Deposit proposals for the Replacement District Local Plan include policies NR.5 (Development in Floodplains), NR.6 (Development adjacent to watercourses) and D.7 (Sustainable drainage) which have been proposed in consultation with the Environment Agency and reflect PPG.25 advice.

#### **4. PARTNERSHIPS 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 also has an important part to play, in recognising the vital importance of watercourses in controlling flood risk and the need to avoid blockages, whether by 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 Wyre Forest District Council intend to review this policy statement within the next year when it will be revised and reissued as necessary. This review will take into account any lessons learnt or information or advice obtained arising from the flood events of June and July 2007. Meanwhile, the Council welcomes any comments on the approach and policies set out in this statement.

#### **References**

<sup>1</sup> Strategy for Flood Defence in England and Wales MAFF and Welsh Office, September 1993

<sup>2</sup> High Level Targets for Flood and Defence Operating Authorities and Elaboration of the Environment Agency's Flood Defence Supervisory Duty MAFF, November 1999

APPENDIX

RELEVANT MAFF HIGH LEVEL TARGETS PUBLISHED IN NOVEMBER 1999

Target 1 - Policy statements	By when	By whom
A. Produce, and copy to Environment Agency, MAFF and DETR, a publicly available policy statement setting out plans for delivering the Government's policy aims and objectives.	31 March 2001	All operating authorities

Target 3 - Emergency exercises and emergency plans	By when	By whom
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 at not more than three-yearly intervals thereafter.	Annually from 1 January 2001	Environment Agency (in partnership with other operating authorities)

Target 4 - National Flood and Coastal Defence Database	By when	By whom
A. Develop a National Flood and Coastal Defence Database and maintain it thereafter. The database should include information from other operating authorities (Target 4B) and on assets which provide a flood and coastal defence service that are in private or other ownership.	1 September 2000	Environment Agency (in partnership with other operating authorities)
B. Provide the Environment Agency with information on flood and coastal defence assets that are the responsibility of the operating authority. Such information should be in an agreed format and provided in the first instance by September 2000, and updated within one month of completion of any significant change, including creation, alteration, destruction or abandonment.	1 September 2000 and ongoing thereafter	All operating authorities

Target 5 - Flood defence inspections and assessment of flood risk	By when	By whom
A. Ensure that a programme is in place for the regular * inspection (whether by the Agency or the relevant operating authority following an agreed approach) of: <ul style="list-style-type: none"> <li>• all of the flood defence assets included in the database; and</li> <li>• main rivers and critical ordinary watercourses.</li> </ul> * The frequency of inspection should be risk based, taking account of factors such as the status, nature and significance of the flood defence, main river or critical ordinary watercourse.	Annually from 1 April 2000	Environment Agency

<b>Target 9 - Biodiversity</b>	<b>By when</b>	<b>By whom</b>
<p><b>A. In addition to statutory obligations, when carrying out flood and coastal defence works aim:</b></p> <ul style="list-style-type: none"> <li>• to avoid damage to environmental interest;</li> <li>• to ensure no net loss to habitats covered by Biodiversity Action Plans; and</li> <li>• seek opportunities for environmental enhancement.</li> </ul> <p><b>B. Report to the Environment Agency on all losses and gains of habitats covered by Biodiversity Action Plans as a result of their flood and coastal defence operations.</b></p> <p><b>C. Report to MAFF on the collated information from Target 9B.</b></p>	<p><b>Ongoing</b></p> <p><b>Annually from 1 April 2001</b></p> <p><b>Annually from 1 July 2001</b></p>	<p><b>All operating authorities</b></p> <p><b>All operating authorities</b></p> <p><b>Environment Agency</b></p>

<b>Target 10 - Water Level Management Plans (WLMPs)</b>	<b>By when</b>	<b>By whom</b>
<p><b>A. In partnership with English Nature, complete WLMPs:</b></p> <ul style="list-style-type: none"> <li>• in European sites</li> <li>• in other SSSIs.</li> </ul> <p><b>B. Have in place a programme for implementing and reviewing WLMPs (flowing from the policy statement in Target 1).</b></p>	<p><b>30 March 2000</b></p> <p><b>31 Dec 2000</b></p>	<p><b>Relevant operating authority</b></p> <p><b>Relevant operating authority</b></p>

<b>Target 12 - Development in areas at risk of flooding</b>	<b>By when</b>	<b>By whom</b>
<p><b>Report to MAFF and DETR on:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the Agency's response to planning applications, identifying cases where: <ul style="list-style-type: none"> <li>(i) the Agency sustained objections on flood risk grounds; and</li> <li>(ii) final decisions, either by the LPA or on appeal, were in line with, or contrary to, Agency advice.</li> </ul> </li> </ul> <p><b>(This target does not preclude the Agency from taking immediate and relevant action, eg to request Ministerial call-in of particularly significant cases.)</b></p>	<p><b>Annually from June 2000</b></p>	<p><b>Environment Agency (in partnership with local planning authorities)</b></p>

October 2007

WFDC Policy for Flood Defences – Mike – Miscellaneous