



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Working Group - Local Flood Risk Management

At: Room 235 (Councillors Meeting Room) - Guildhall, Swansea

On: Thursday, 4 April 2019

Time: 10.30 am

Convenor: Councillor Peter K Jones

Membership:

Councillors: S J Gallagher, S M Jones, P Lloyd, I E Mann, C L Philpott, S Pritchard, B J Rowlands, D W W Thomas and G D Walker

Agenda

Page No.

1 Apologies for Absence

2 Disclosure of Personal and Prejudicial Interests

www.swansea.gov.uk/disclosuresofinterests

3 Letters from previous meeting

- a) Convener's letter to Cabinet Member (8 October 2018 meeting)
- b) Response from Cabinet Member (8 October 2018 meeting)

1 - 5

4 Public Question Time

Questions must relate to matters on the Agenda and will be dealt with in a 10 minute period.

5 Flood Risk Management Progress Report

Councillor Mark Thomas, Cabinet Member for Environment and Infrastructure Management
Mike Sweeney, Principal Engineer

6 - 13

6 Discussion and Conclusions

Councillors are asked to discuss conclusions arising from this session for inclusion in the Convener's letter to the Cabinet Member:

- a) What do you want to say about this issue to the Cabinet Member in the Convener's letter (what are your conclusions arising from this session?)

b) Do you have any recommendations for the Cabinet Member arising from this session?

c) Are there any further issues you wish to highlight to the Scrutiny Programme Committee arising from this session?

Huw Evans

Huw Evans
Head of Democratic Services
Tuesday, 26 March 2019

Contact: Liz Jordan 01792 637314

Agenda Item 3



To:
Councillor Mark Thomas
Cabinet Member for Environment and
Infrastructure Management

Please ask for: Scrutiny
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Date 30 October 2018
Dyddiad:

Summary: This is a letter from the Local Flood Risk Management Working Group to the Cabinet Member for Environment and Infrastructure Management following the meeting of the Working Group on 8 October 2018. It is about progress on the recommendations made at the last meeting in February 2018.

Dear Cllr Thomas

The Local Flood Risk Management Scrutiny Working Group met on 8 October to receive an update on progress made on the recommendations from the Working Group's last meeting on 20 February. It also received a presentation on nature based flood management solutions. This letter provides you with feedback from that meeting.

We would like to thank you and Mike Sweeney for attending to present the update and to answer our questions and Sion Brackenbury for his presentation. We appreciate your engagement and input.

Whilst the Working Group found the meeting informative and interesting, it did have some concerns and we would like to make the following comments.

The Working Group discussed nature based solutions to flood risk management:

- We heard that Welsh Government is currently consulting on land management post Brexit. We expressed concern about how this will be funded. The consultation closes on 30 October 2018 and we feel the Authority should respond to it. As a working group, we want to give maximum support to the Public Goods scheme in chapter 6 of the WG consultation document 'Brexit and our land: securing the future of Welsh farming'. Such a scheme will likely enhance nature-based solutions to flood risk management.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

SWANSEA COUNCIL / CYNGOR ABERTAWE

GUILDHALL, SWANSEA, SA1 4PE / NEUADD Y DDINAS, ABERTAWE, SA1 4PE

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- We feel that there is a huge opportunity for the Authority to encourage strategic planting in new developments. The WG has legislated with the Wellbeing of Future Generations and Environment Acts. The task is for the Authority to enforce the legislation regarding nature-based solutions to flood risk management.
- We were informed that from January 2019 developers will have to meet Welsh standards for drainage schemes which concern SuDS requirements. We were very pleased to hear this as it hopefully help reduce local flooding problems.
- We were informed that it is possible to monitor the benefits of natural solutions. We heard that Cheltenham has done some excellent work and that Port Talbot also has examples which it would be useful to see. You expressed an interest in finding out more about this work and possibly visiting some local examples. Sion agreed to provide you with contact details.
- We feel it is worth investigating if Building Controls can be used to prevent the use of non-permeable materials in people's gardens, such as paving, on existing domestic properties. You agreed to check if the Authority can legislate on this.
- We were pleased to hear that there are opportunities to use nature based solutions in urban environments such as the outskirts of Swansea.

Working Group members picked up on issues from the previous meeting in February 2018:

- We were informed in February that a new statutory duty was commencing in May 2018 and that there would be a new Sustainable Urban Drainage Systems (SuDS) Approving Body. We heard that this has been delayed by Welsh Government until January 2019.
- We heard that there are resource implications for delivering SuDS, as it is the Authority's responsibility and that a report has been drafted proposing 4 new members of staff are employed. You informed us that you support this in principle but it is an extra cost and the Authority will have to find innovative way to do it. We heard that there will be income to support it in 2 to 3 years and the Authority will charge for the service. We also heard that developers are not responding well to the change and the Authority is expecting a surge in applications before January 2019.
- We were pleased to hear that the Flood Risk Leaflet has been reviewed and updated and that it is available on line and in hard copy at some community buildings. We suggested that advice on permeable materials and soak away could be included in the leaflet. You made an alternative suggestion, that a section titled 'Help us prevent flooding' be added to the website, which can include advice on tree planting, use of materials etc.

We then moved on to discuss the progress update:

- We were pleased to hear that the Authority has received £25,000 from Welsh Government for an advanced warning system on a road near Scurlage.
- We were also pleased to hear that the Authority has allocated more money to improving gully schemes.
- We were informed that the maintenance schedule of watercourses has been circulated to councillors and that 7 or 8 councillors have responded regarding

concerns within their ward. These will be investigated and if applicable added to the list of assets to maintain.

- We agreed with your comment that the Authority should have a consistent approach to maintenance of water course and gullies as currently different departments are responsible for different areas, for example, on school land; in parks.
- We heard that money is very tight as there are fewer funding streams available. We were not surprised to hear this but it is a concern.

The Working Group discussed progress and came to the following conclusions:

1. We are pleased that progress has been made on our recommendations from the meeting held in February 2018 including the publication of an updated flood risk leaflet and provision of information on watercourses and gullies to councillors.
2. We feel there is a huge opportunity for the Authority to encourage strategic planting in new developments and the Working Group would like to see the Authority take advantage of this.
3. We would like to see the Authority use more nature based solutions to flood risk and recommend this opportunity is explored further.
4. We feel the Authority should look into whether it can legislate on use of non-permeable materials in domestic gardens.
5. We would like an update at our next meeting on the proposals to employ 4 new members of staff for the delivery of SuDS
6. The Working Group would like confirmation at its next meeting that a section titled 'Help us prevent flooding' has been added to the webpages.
7. We would like to see a consistent approach to maintenance of water courses and gullies across the Authority.
8. The Working Group will meet again in 4 to 6 months for its annual update on Local Flood Risk Management.

Your Response

We hope that you find this letter useful and informative. We are interested in hearing your thoughts about the issues raised and would ask that you respond by 20 November 2018.

Yours sincerely

COUNCILLOR PETER JONES
CONVENER, LOCAL FLOOD RISK MANAGEMENT SCRUTINY WORKING GROUP
CLLR.PETER.JONES@SWANSEA.GOV.UK

**Councillor Peter Jones Convener – Local
Flood Risk Management
Scrutiny Working Group**

Please ask for: Councillor Mark Thomas
Direct Line: 01792 63 6926
E-Mail: cllr.mark.thomas@swansea.gov.uk
Our Ref: MT/KH
Your Ref:
Date: 16 November 2018

Dear Councillor Jones

Thank you for your letter from the Scrutiny working Group held on 8th October 2018. I note your comments and respond to them in the order they were raised.

We have submitted a response to the Welsh Government consultation on Land Management post Brexit.

With our new Biodiversity Policy, we will be looking at that to ensure that all developments consider planting to enhance our natural environment, and mitigate flooding issues. The Implementation of Schedule 3 of the Flood and Water Management Act will also ensure that 'greener solutions' to flood risk management will be maximized as part of any new development.

I, like you, was very impressed with the presentation given by Sion. As yet, he hasn't supplied me with contact details, but I am certainly keen to visit other Authorities that have used nature based solutions to their flooding issues.

I will be looking into whether or not the Authority can legislate on the use of non-permeable materials in domestic gardens.

I will provide an update at the next meeting, on our position with our ambition to employ 4 new members of staff for the delivery of Suds as part of the Authority's new statutory duty to create a SAB approving body.

We will continue to look into developing a consistent approach to maintenance of water courses and gullies across the Authority, with work to be undertaken to ascertain departmental asset ownership and to explore the existing maintenance regimes on assets significant to flood risk.

I will hopefully be able to confirm at your next meeting, that we have added a section titled "Help us prevent flooding " to our web pages.

I hope that I have responded to the points you have raised and look forward to meeting up again in 4-6 months for the annual update.

Yours sincerely



**COUNCILLOR MARK THOMAS
CABINET MEMBER FOR ENVIRONMENT & INFRASTRUCTURE MANAGEMENT**

Agenda Item 5



Report of the Cabinet Member for Environment and Infrastructure Management

Local Flood Risk Management Scrutiny Working Group 4th April 2019

UPDATE ON FLOOD RISK MANAGEMENT IN THE CITY AND COUNTY OF SWANSEA

Purpose	To provide an update on the policy/ service area
Content	To provide an update on progress since the working group meeting on the 8 th October 2018
Councillors are being asked to	To consider doing further work on this issue <ul style="list-style-type: none">• Give their views...• Consider doing further work on this issue Make recommendations to Cabinet Member / Council
Lead Councillor(s)	Councillor Mark Thomas, Cabinet Member for Environment and Infrastructure Management
Lead Officer(s)	Stuart Davies, Head of Service Highways and Transportation
Report Author	Mike Sweeney, Principal Engineer

1.0 General Description

The Drainage team is part of the Highways and Transportation service. It covers a wide range of services within Flood Risk Management with the main role for overseeing compliance to the Statutory Duties and National Flood and Coastal Erosion Risk Management Strategy.

2.0 Why We Do This

2.1 There are a number of statutory requirements and policies relating directly to this service area. The main ones are:

Flood and Water Management Act 2010 - to assert and protect

the rights of the public for the use and enjoyment of any highway

Flood Risk Regulations 2009 - Selecting and reviewing Flood Risk Areas

Land Drainage Act 1991 – Ordinary water course consents and permissive powers to ensure flows in watercourses are maintained

Coastal Protection Act 1949 – To manage coastal flood and erosion risks

Highways Act 1980 - To assert and protect the rights of the public for the use and enjoyment of any highway

Local Flood Risk Management Strategy – Strategy to reduce risk of flooding with Swansea

Shoreline Management Plan 2 – Policies to manage the threat of Coastal change

2.2 Three of the five corporate priorities are particularly relevant:-.

Safeguarding people from harm

Transforming and Future Council development - Building sustainable communities

Transforming our economy and infrastructure – sustainable maintenance of council owned Drainage and Coastal assets.

2.3 The consequences of the council not fulfilling its statutory duties may lead to :

- Damage to property or injury to people
- Claims for personal and property injury/loss
- Negative impact on the quality of life for residents
- Detrimental effect on the reputation and prosperity of Swansea

The functions and activities of the service have an impact on quality of life issues, perceptions of the city centre and the areas people live in. These have both social and economic consequences.

3.0 Management and Support

3.1 Flood risk management is delivered by 3 members of office staff in the Authority's Drainage team. The team works closely with the

Authority's Highway operational team who are responsible for operation duties.

4.0 Stakeholders

4.1 The main key stakeholders for flood risk management include Welsh Government, WLGA, Natural Resources Wales and Welsh Water who have a shared interest in complying with the FAWMA 2010 and the National Strategy for Flood and Coastal Erosion Risk Management in Wales and the flood affected communities in Swansea.

5.0 Finance

5.1 The Budget for Drainage staff is £181k to cover the costs for 3 FTEs

5.2 Drainage Capital Budget 400K circa.

5.3 The Authority will be awarded 20k to support the setting up of the SAB role

6.0 Current Performance and Trends

6.1 Schedule 3 of the Flood and Water Management Act which underpins the introduction of the Sustainable Drainage Body will come into force on January 7th 2019. This will be a new statutory duty placed on the Authority with resources identified to undertake the function.

6.2 The SAB, as an independent body within the Local Authority will deal with a technical statutory approval process and will be able to charge for services within this process. Charges have been set on a National level. Examples of chargeable aspects are:-

- SAB pre-applications – It is a key function of the SAB to engage with developers for technical pre-application discussions. This will steer developments to comply with the National Standards. When schedule 3 of the FMWA is implemented the SAB will be able to charge for pre-application comments. The charges proposed for pre-application comments will start from £250 (minimum) depending on the size of the development plus there would be similar charges for commercial properties which would be based on squared metres.
- Outline/Full applications – Under the current proposal by Welsh Government one property or above (or development above 100sq.m or with drainage implications) would require SAB approval. This process is chargeable at rates set by Welsh Government. Application costs start from £350 (minimum) with an

additional amount up to £7,500 (maximum) calculated by reference to the size of the construction area.

- Inspection of assets – SuDs schemes will need to be inspected by the SAB during construction, to ensure they are built to an appropriate standard. The SAB may charge an inspection fee based on cost recovery of £168.

- Adoption arrangement – SuDs which meet the specified adoption criteria can be offered for adoption to the SAB. Adoption by the SAB will be via a bespoke legal agreement and commuted sums or maintenance charges which reflect the maintenance /replacement plan required for the lifetime of the development

6.3 Exemptions from the need for SAB approval include:

- Single dwellings and developments of less than 100 square metres will be exempt from the need for SAB approval and
- work requiring development consent as a nationally significant infrastructure project

6.4 Initial staffing structure has been approved to accommodate for 1 Senior SAB Engineer, 1 Assistant Engineer, 1 Site Inspector and 1 Planning Admin support officer. Whilst there is one senior Engineer currently in place, further staffing appointments will be made in the new financial year.

6.5 To support this structure on a cost neutral basis it would require approximately 100 applications per year with assumptions as below. Figures assumed with 60% small, 30% medium and 10% large with 60% of applications requiring a pre-app. 1 inspection per small site is assumed with 2 per medium and 3 per large.

SAB pre – applications 60@£250	£18000
SAB full applications small site 60@£350	£25200
SAB full applications medium site 30@£1000	£36000
SAB full applications large site 10@£5000	£60000
Small site inspections 60@£168	£10080
Medium site inspections 30*2 @£168	£10080
Large site inspections 10*3 @£168	£5040
Total	£164,400

There will be a risk that the amount of income received may not be able to achieve the total amount to cover the costs for the initial SAB set up in the first year.

- 6.6 Input will be required from the Biodiversity Sections, to ensure that multiple benefits are achieved in enhancing biodiversity and amenity opportunities by creating multi-functional spaces on new developments which will create additional workloads in these sections as well as within Highways Development Control.
- 6.7 Developments which have a planning approval or for which an application has been received by the planning authority before 7th January 2019 will not need to obtain approval from the SuDS Approval Body (SAB),but there is the need to have the reserve matters if part of a condition of that permission to be made before 7th January 2020.
- 6.8 Building control have confirmed that the Authority has no legislation to enforce on the use of non-permeable materials. However, the implementation of Schedule 3 Legislation will ensure that permeable paving is used whenever appropriate, as this will be compliant to the National standards by allowing infiltration to ground as opposed to creating additional surface water run-off.
- 6.9 In terms of a consistent approach to the maintenance of watercourses, I can confirm that it is evident that the situation with regard to maintenance of watercourse varies across the Authority. The following departments have been contacted to collate current practices.

Highways – The Highways department has a policy in place on watercourse inspection procedures. Watercourses are checked at the frequencies below depending in weather conditions and level of flood risk. During dry periods inspections will not be carried out if deemed unnecessary.

	Sept to March	April to August
Blackpill & Birchtree Close	Daily	Weekly
Red List	Weekly	Monthly
High Priority	Fortnightly	Monthly
Low Priority	Monthly	Bi-Monthly

Red List to be checked following notification of a severe weather warning to wet weather . Red list to be rechecked following severe wet weather.

All inspections including out of hours visits are to be recorded on watercourses inspection sheets which must be signed and dated as proof of visit in case of claims arising from flooding incidents.

Parks Dept – Parks have their own maintenance schedules for particular hotspots for maintaining watercourses on a regular basis and although the schedule is proactive in reducing flood risk the system employed is different to the programme of inspection carried out by Highways. Future work entails evaluation of the watercourses owned by Parks in terms of level of evaluating floodrisk and they will consider implementing a programme of inspection which aligns with the Highway’s watercourse inspection regime.

Housing Dept – Housing tend to act on a reactive basis to flooding problems with no set maintenance programme in place, apart from the high risk watercourse in Garnswllt which is on an annual inspection schedule where there is the requirement to assess the condition of the bank stabilisation feature which protects the properties located on Lon y Felin. However, the number of watercourses in their ownership is low but there is a need to evaluate these in terms of flood risk. This work will be undertaken in a collaborative approach between Housing and the Drainage team to quantify the number of watercourses which need maintenance in order to reduce flood risk which could emanate from their land. Should funds be made available then there is scope to implement a similar maintenance regime to Highways. Works will need to progress in this area to provide a consistency of approach.

Education Dept – There is no Corporate Property maintenance schedule in place at present as the responsibility rests with the individual schools to maintain watercourses and ditches across education land. However, work is to progress in order to identify those schools most at risk of flooding by using flood map data so that the information can be given to the school’s caretaker to maintain as part of his/her duties/workplan

In summary, work is ongoing to assess floodrisk on land maintained by other departments by using flood map data in order to understand the level of flood risk. It is apparent that some depts. are unclear on the level of flood risk which needs to be examined further so that the relevant department can assign maintenance schedules proportionate to the degree of flood risk and available budget.

- 6.10 The Authority’s website has good information on how to prepare for flooding which contains information if a home is threatened by floodwater or in an event of a flood.
<https://www.swansea.gov.uk/floodadvice>

This information has been provided by the Authority’s emergency management team which can be amended should it be considered

beneficial by the working group.

- 6.11 In terms of planning and the potential impacts of new developments there is close and good collaborative work being undertaken between internal departments and external risk management Authorities to ensure that flood risk is not exacerbated as the result of new development proposals. Historical or known flooding risk will be reported to the Planning Department by the Authority's Drainage section when considering applications.
- 6.12 The Authority has continued its investigation on five critical sites as prioritised in the plan to undertake hydrology studies to ascertain options to reduce flood risk at these locations. Studies have been completed for 3 sites which include :-
- 330 Birchgrove Road
 - Killay Square
 - Waun Gron/Pentre Road
- Ongoing studies are progressing for :-
- 400 Birchgrove Road
 - Swansea Road Pontlliw.
- 6.13 Close working practices between operational and client staff has resulted in a number of interventions being implemented this year to critical watercourses which have included works to provide new safer access and grid arrangements to facilitate maintenance activities.
- Schemes have been completed for 4 no. sites namely:-
- Furzeland Drive Sketty
 - Clydach Road, Craig Cefn Parc
 - Libanus Road Gorseinon
 - Garrod Avenue Gowerton
- 6.14 Asset Data Collection – The Authority continues to undertake asset surveys involving CCTV work, with the data held on a GIS Mapping database.

7.0 Future Challenges & Opportunities

- 7.1 From January 7th 2019, all new developments of at least 2 properties or over 100m² of construction area will require sustainable drainage to manage on-site surface water. The Surface water drainage systems must be designed and built in

accordance with standards for sustainable drainage published by Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins.

8. Risks

- 8.1 Under the Flood and Water Management Act 2010, Swansea Council became a Lead Local Flood Authority (LLFA) and was given a series of new responsibilities to co-ordinate the management of local flood risk for surface water, groundwater and ordinary watercourses. Failure to fulfil this statutory duty will result in increased flood risk within the administrative boundary of Swansea Council and non-compliance to the expectations of Welsh Government.
- 8.2 This may lead to increased risk to life and property and critical infrastructure with the Authority being subjected to claims and public criticism

9. Assessment

- 9.1 The Authority has continued to deliver Flood Risk Management duties to ensure that compliance to the expectations of Welsh Government and statutory duties are met. The service will be delivered in accordance to best practice with continued collaboration with other Flood Risk Management Authorities to ensure that opportunities for joint working are explored through regional working groups.

Background Papers:

Schedule 3 - Flood and Water Management Act 2010

https://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

Contact: Mike Sweeney

Date: 04/03/19