



GOVERNANCE COMMITTEE

11 March 2015

Subject Heading:

Flood & Water Management Act 2010

Report Author and contact details:

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Policy context:

Monitoring Officer Amendments to the Constitution to reflect legislation change

Financial summary:

These changes are mainly procedural but will have financial implications for resourcing new duties.

SUMMARY

In 2010 the Flood & Water Management Act 2010 introduced provisions for the management of risks in connection with flooding and coastal erosion.

The Government, in liaison with the Environment Agency and DEFRA (Department for Food and Rural Affairs) has since been scoping arrangements for requiring Sustainable Urban Drainage Systems (SUDS) to be provided within certain categories of new development as part of a suite of measures to combat flood risk. The Government recently announced that SUDS matters will now be incorporated within the planning application process from April 2015. Further national guidance on the exact process is awaited.

This report accordingly seeks to delegate the provisions of the Flood & Water Management Act into the executive functions of the Head of StreetCare and Head of Regulatory Services.

RECOMMENDATIONS

That the provisions of the Flood and Water Management Act 2010 be delegated into the executive functions of the Head of StreetCare and Head of Regulatory Services.

REPORT DETAIL

1. Stemming from the 2007 Pitt Review of Flooding in the UK, the Flood & Water Management Act was enacted in 2010.
2. This designates *Lead Local Flood Authorities* of which Havering is one, in its London Borough capacity.
3. Over the last 2-3 years Government, in liaison with the Environment Agency and DEFRA has been consulting on proposals to require SUDS (Sustainable Urban Drainage Systems) to be provided within larger categories of new development.
4. Amid local authority and developer concerns about the resource impact of the Government's original proposals, including future maintenance, Government late last year announced simpler proposals to require applicants for Major development to seek consent for their SUDS proposals as part of their planning application. On receipt of a "SUDS" proposal, the Local Planning Authority would consult technically with the Lead Local Flood Authority ie that separate function of this Council. The process for consulting this Council's StreetCare service on SUDS proposals would be similar to how the Council, as Local Planning Authority, consults the StreetCare's Highway Authority function (ie also the Council) on receipt of proposals which have a highways impact.
5. To give effect to the above, and any similar aspects confirmed by the Flood & Water Management Act 2010 ("the 2010 Act"), this reports seeks that within the Constitution the powers of that Act be delegated into the functions of the Head of StreetCare and Head of Regulatory Services.

IMPLICATIONS AND RISKS

Financial implications and risks:

DEFRA grant in the short term may cover initial expenditure. However longer term financial resource may be required by StreetCare if the DEFRA grant does not fully cover costs.

Officers will need to review any impact following the introduction of the new SUDS arrangements. This cannot currently be quantified, but may be a pressure.

Legal implications and risks:

Following closure of Government consultation on proposals not to implement schedule 3 of the 2010 Act in the form drafted on 24th October 2014, the Secretary of State for Communities and Local Government announced in a Ministerial Statement on 18th December 2014 that the Government was proposing to progress revised proposals for implementation on 6th April 2015. The assessment of Sustainable Drainage (SUDS) as part of the planning application process for major applications will become a statutory requirement in line with the proposals set out in the Ministerial Statement. A copy of the Ministerial Statement is appended to this report at Appendix 1 and it sets out the proposals and the definition of major applications.

This report seeks to delegate legislative provisions in the interests of enabling timely and effective decisions on SUDS submissions made as part of major development proposals.

Human Resources implications and risks:

There is likely to be a mid to longer term impact on staffing requirements depending on the detail of guidance awaited from Government.

Equalities implications and risks:

There are no implications for equality and diversity.

BACKGROUND PAPERS

*There is a **statutory** obligation to list papers relied on in the preparation of the report, **unless**:*

- 1. It is an exempt report.*
- 2. Papers relied upon are already in the public domain as “published papers”. This can include: books, magazines and newspapers; Government publications; Council publications (including previous reports and minutes of meetings).*