

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2009

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Information

1 LAND DRAINAGE & FLOODING UPDATE

Summary

This report summarises the land drainage case work for 2009, notes the initiative to tackle highway flooding hot spots and gives the latest position on the Flood Management & Water Bill.

1.1 Land Drainage & Flooding

1.1.1 From time to time members have received reports on the small but valuable area of work that the Council undertakes to resolve flooding problems or to reduce the risk of flooding. This is usually connected with the operation of ordinary watercourses as a 'Land Drainage Operating Authority', but also extends to advice and assistance to residents and businesses and informal partnerships with other agencies. The last report was to the Scrutiny Committee in October 2008 where the Council's role and responsibilities were able to be set alongside those of the Environment Agency and the Internal Drainage Board.

1.1.2 By way of an update on this work, **Annex A** lists the more significant land drainage work carried out within this calendar year to date. These activities and minor works are funded from the Land Drainage Revenue and the Drainage Improvement Programme Capital allocations.

1.2 Highway Flooding Problems

1.2.1 Dealing with highway flooding is naturally the responsibility of Kent Highway Services rather than the Borough Council. Officers of both authorities do however work in close liaison to solve flooding problems as the areas of responsibility commonly overlap and are interdependent.

1.2.2 At the August meeting of the Joint Transportation Board, the Head of Technical Services gave a comprehensive report on highway drainage including maintenance regimes and works to reduce flood risk. Following the report, Members were invited

“to provide details to the Director of Planning Transport and Leisure of any areas of concern, particularly areas prone to flooding, so that a comprehensive list could be provided to the Head of Technical Services seeking an update on the condition of the highway drainage system and an indication of works to be undertaken.”

- 1.2.3 Members’ responses are currently being collated to form that list and the expectation is that the progress on investigation and action will be reported back to the Joint Transportation Board.

1.3 Progress of the Flood and Water Management Bill

- 1.3.1 The emergence of the first draft of the Bill and its accompanying consultation was reported to this Board in May and the Council’s response to that consultation was reported in July.
- 1.3.2 The revised draft was reviewed by the House of Commons Environment, Food and Rural Affairs Committee and their report was published on the 23rd September. We quote below the opening paragraph of the report’s summary as this sums up not only the Committee’s view but also that of the majority of the major stakeholders as well.

“DEFRA still has a long way to go if it is to introduce into Parliament a comprehensive Flood and Water Management Bill of which it can be proud. The current draft is a confusing mix of measures, many of them poorly drafted; a patchwork that seeks to address individual identified problems, rather than deriving from a coherent and comprehensive strategy to implement the vision set out in *Future Water*. That lack of a comprehensive strategy makes scrutiny more difficult. That difficulty is compounded by omission of the secondary legislation required to implement the full provisions of the Bill. It is also not helped by the fact that many policies are still under development, which could lead to significant additions or alterations to the Bill”.

- 1.3.3 So fundamentally the Bill as it stands, expected to be comprehensive, unifying and enabling, falls disappointingly short of the vision of the Pitt Review. Naturally, we shall continue to follow the progress of the Bill and report back to this board at the appropriate time.

1.4 Legal Implications

- 1.4.1 None arising from this report.

1.5 Financial and Value for Money Considerations

- 1.5.1 The financial implications of the Flood and Water Management Act can only be determined when it has progressed nearer enactment and will be reported in due course.

1.6 Risk Assessment

1.6.1 Not applicable.

Background papers:

contact: Steve Medlock

Nil

Steve Humphrey
Director of Planning, Transport & Leisure