

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

17 November 2010

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 THE KENT FLOOD PARTNERSHIP

Summary

This report seeks endorsement for the Council's involvement with a range of other agencies in the Kent Flood Partnership within the spirit of the Floods and Water Management Act 2010.

1.1 Introduction

1.1.1 The Floods and Water Management Act 2010 received Royal Assent in April this year and is intended to provide a more comprehensive approach to the management of flood risk for people, homes and businesses.

1.1.2 The provisions of the Act are in response to the Pitt Review of the 2007 floods and seeks to promote clearer roles for flood risk management with greater partnership and cooperation between agencies.

1.2 Responsibilities and Functions

1.2.1 The Act defines Lead Local Flood Authorities (LLFA) as County and Unitary Councils. Consequently the LLFA for Kent is Kent County Council which is responsible for local flood risk issues from surface water, groundwater and ordinary watercourses.

1.2.2 The County Council now has the responsibility to develop, apply and monitor a Flood Risk Management Strategy and form partnerships with other agencies to that end. In particular KCC will be required to maintain a register of flooding incidents, identify and map areas of significant flood risk and prepare a strategy for the mitigation of that risk.

1.2.3 Importantly, KCC will also be required to approve, adopt and maintain sustainable drainage systems (SUDS) for all developments that have drainage implications. The approval process is designed to run in parallel with the planning application process and development may not commence without approval by the KCC SUDS Approval Board.

- 1.2.4 District Councils and other agencies such as Internal Drainage Boards are defined as Flood Risk Management Authorities and have a duty to co-operate. This is to ensure that experience and knowledge is most constructively shared. It is particularly important that Districts are closely involved in areas of the County Council's role in view of the relationship with aspects of their forward planning and development control functions. It is most likely that the Flood Risk Management Strategy will have implications for planning decisions both large and small scale.
- 1.2.5 However, it is equally important to recognise that most districts have very limited resources to engage on these matters. Consequently, a sharply focussed and well understood approach is vital.

1.3 Partnership Approach

- 1.3.1 In view of the importance of partnership, KCC has convened the Kent Flood Partnership the terms of reference of which are attached at **Annex 1**. At the first meeting, which I attended, there was a mix of representation levels from the agencies with an interest. It was recognised that to be effective a smaller and tighter group needed to be formed. From a District perspective it was agreed by those present that a representation of 3 or 4 senior district officers was appropriate subject to governance arrangements being settled.
- 1.3.2 The recently appointed Flood Risk Management Officer at KCC has begun various strands of work to assess KCCs capacity to fulfil its role, collation of data and liaison with other agencies. One of the early tasks for KCC will be to prepare a preliminary flood risk assessment by June of next year. The County Council has also established a Floods and Water Resources Committee to provide a member level scrutiny role.
- 1.3.3 There are clear advantages for districts in general and Tonbridge and Malling in particular for this new approach to flood risk management to be clear and effective. For the Borough Council it is particularly important that any outputs are clearly linked to our own strategies, for example the Tonbridge Central Area Action Plan where flood risk management features highly and where the Borough Council and the Environment Agency have already carried out considerable work through our own Strategic Flood Risk Assessment work in the context of our LDF.
- 1.3.4 At a detailed level the design of drainage schemes in new development will need careful consideration and there is probably a case for the production of design guidance in order to avoid tension between planning and adoption processes.
- 1.3.5 It is also vital that other agencies and the Local Drainage Boards in particular are closely involved, given their wealth of experience, local knowledge and commitment.

1.4 Legal Implications

- 1.4.1 The Borough Council is a Flood Risk Management Authority as defined by the 2010 Act and has a general duty to cooperate, particularly in working with the Lead Flood Risk Authority, Kent County Council.

1.5 Financial and Value for Money Considerations

- 1.5.1 None as a direct result of this report.

1.6 Risk Assessment

- 1.6.1 The Borough Councils involvement with the Kent Floor Partnership should ultimately reduce risk of flooding in parts of the Borough. The risk of not participating would be to lose the opportunity to ensure that the interests of residents and businesses are identified and protected as far as possible.

1.7 Equality Impact Assessment

- 1.7.1 See 'Screening for equality impacts' table at end of report

1.8 Policy Considerations

- 1.8.1 The Local Development Framework.

1.9 Recommendations

- 1.9.1 The Board **ENDORSES** the establishment of the Kent Floor Partnership and the role of the Borough Council as described in the report and the Partnership Terms of Reference.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Steve Humphrey

Nil

Steve Humphrey
Director of Planning Transport and Leisure

Screening for equality impacts:		
Question	Answer	Explanation
a. Has an equality impact assessment on the policy (to which the activity relates) already been carried out?	No	This will be a matter for consideration by KCC as Lead Flood Risk Management Authority.

Screening for equality impacts:		
Question	Answer	Explanation
b. Is the decision in line with the policy?	Yes	
Note: <i>If the answer is 'no' to either of the above questions, then the activity must be 'screened' for equality impacts using the questions below.</i>		

c. Does the activity have potential to cause adverse impact or discriminate against different groups in the community?	No	
d. Does the activity make a positive contribution to promoting equality?	Yes	The work of the Kent Flood Partnership will contribute to assisting residents at risk of flooding.
Note: <i>If the answer is 'yes' to any of the above questions, then a full equality impact assessment is required.</i>		