

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

04 June 2013

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 LAND DRAINAGE

Summary

This report provides an update on local flood risk management issues since the transfer of certain powers to Kent County Council on 6 April 2012. It also covers a ‘case study’ to illustrate the practical issues involved in effective flood risk management.

1.1 The Local Flood Risk Management Strategy

- 1.1.1 At the last meeting of this board, I reported upon Kent County Council’s consultation on the local strategy and the Borough Council’s response. By the date of this meeting the strategy should have been formally adopted by the KCC Cabinet at the meeting on 24 May 2013.

1.2 Surface Water Management Plans

- 1.2.1 Surface Water Management Plans (SWMP) are plans to manage local flooding risks relating to surface water, ground water and ordinary watercourse flooding. SWMPs are not associated with main river or coastal flood risks.
- 1.2.2 The SWMPs are led by KCC and produced in partnership with other flood risk management authorities such as Southern Water, the Environment Agency and district councils. The plans should identify flood risks, options to alleviate them and who will take them forward.
- 1.2.3 There are currently two plans covering the Borough. The Maidstone & Malling SWMP, now complete, extends into the Borough to include West Malling, Snodland and Wouldham within its furthest extents. This area was selected by KCC as a plan priority due to the concentration of properties at risk. The plan can be viewed at:
http://www.kent.gov.uk/environment_and_planning/flooding/how_we_manage_flood_risk/surface_water_management/maidstone_malling_swmp.aspx

- 1.2.4 The second plan is the Tonbridge & Malling SWMP covering the rest of the Borough. This represents a change in strategy from priority area plans to borough boundary plans. This SWMP is in progress and it is likely that it will extend to cover the whole of the Borough in future revisions.
- 1.2.5 The SWMP is a piece of evidence that the Council will need to have regard to when determining planning applications and when preparing the new Local Plan, along with the Local Flood Risk Management Strategy (which KCC is also leading on, in their new role as the Local Lead Flood Authority). In terms of the planning process, one of the most significant ways planning can take a positive role is through supporting the integration of Sustainable Urban Drainage Systems within new developments to reduce and manage water flowing over the surface of the ground. KCC will be the authority with responsibility for approving and adopting SuDS, once this part of the Flood and Water Management Act 2010 comes into force, but clearly this will be closely allied to the planning applications process.

1.3 Ordinary Watercourses

- 1.3.1 When I reported upon the Flood and Water Management Act 2010 to this board on 16 May 2012, a further stage of implementation of the Flood and Water Management Act 2010 (FWMA) had just taken place. Powers for consenting of works on ordinary watercourses and enforcement, previously undertaken by the Environment Agency and the Borough Council respectively, had transferred to Kent County Council (KCC) as the Lead Local Flood Authority (LLFA).
- 1.3.2 Consenting and enforcement go hand in hand in the management of ordinary watercourses and so bringing the powers under one risk management authority is a positive move. There was concern however that a county wide operation may not have the resources or local knowledge to deal adequately with individual flooding problems. Curiously the Act provided that the powers to undertake works on ordinary watercourses were retained by district councils and denied to the county council which meant that a complete management 'service' could not be provided by KCC.
- 1.3.3 I mentioned last year, that KCC was considering delegating powers under agreement to district councils. An offer was subsequently made, but for enforcement powers only which would divide up the risk management powers again. KCC currently receive a Defra grant of £750,000 p.a. to undertake their LLFA duties but none of this was proposed to be made available to district councils for accepting delegated powers. The basis for any agreement needs to be kept under review as there is already a call on our limited resources.

1.4 Flooding – Recording and Investigation

- 1.4.1 On becoming aware of a flood in its area, the lead local flood authority is required to investigate the incident and publish the results of the investigation. The investigation however, will be limited to which risk management authorities have

relevant functions and whether they have exercised those functions or intend to do so.

- 1.4.2 Whilst this is indeed the requirement of the act, experience has shown that this is not sufficient to mitigate or eliminate flooding. What is needed is appropriate expertise to investigate the causes; a shared understanding of the problem and then partnership working to implement 'joined up' measures.

1.5 Hadlow – A Local Flooding Case Study (In Progress).

- 1.5.1 Flooding at Cemetery Lane and the Harrow Public house in Maidstone Road, Hadlow was first brought to our attention in December when assistance was requested by the Pub Landlord and sandbags were supplied to stem flooding to the restaurant section of the pub. In addition to the internal flooding, the majority of the car park was being inundated and Cemetery Lane was impassable by pedestrians with the flood water extending out onto the A26.
- 1.5.2 The source of flooding is runoff from agricultural land to the north of Cemetery Lane and from the lane itself. From Cemetery Lane, the water follows the course of an old watercourse which followed the rear property boundaries eventually draining to the River Bourne near Hadlow Castle. Unfortunately, over time, the watercourse was culverted in parts using a variety of pipe sizes and materials.
- 1.5.3 In liaison with KCC and with Shepherd Neame, owners of the Harrow, an investigation was commenced. With almost no records of the existing drainage, the first task was to locate and survey pipes and ditches as far as possible. A key manhole was found to have been surfaced over and this was not accessible until KCC was able to raise the cover to footway level.
- 1.5.4 It was also clear that an open length of watercourse through a garden was very badly silted up and was in itself exacerbating the car park flooding. As the property was unoccupied and there was a level of urgency, the pragmatic course of action was to send in a contractor to clear, rather than by requesting KCC to serve notice on the owner.
- 1.5.5 Land ownership details were sought for the agricultural land and a CCTV survey commissioned to check the state of pipes and culverts. Rather than carry out any more piecemeal improvements, what is now needed is a comprehensive and balanced plan to alleviate the flooding and that is currently being worked upon. It is unlikely that this plan will involve enlarging everything to merely pass the flow quickly to create a new problem further down the system, hence the need for a balanced solution.
- 1.5.6 This 'case study' is really to illustrate that flooding problems are often complex, requiring partnership and co-operation to alleviate and are unlikely to be resolved satisfactorily by strict compliance with the requirements of the Flood & Water Management Act.

1.6 Legal Implications

1.6.1 None

1.7 Financial and Value for Money Considerations

1.7.1 Low cost works are met from the Land Drainage revenue budget.

1.8 Risk Assessment

1.8.1 None.

Background papers:

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Nil

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