

The Somerset Rivers Authority and Flood Action Plan – Update Report

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1. Purpose of the Report

The report updates Council on the development of the Somerset Rivers Authority (SRA) since the reports to District Executive in December 2014 and August 2015. The report sets out progress this year, together with the ongoing discussions for future funding and governance. Full Council is requested to endorse and agree SSDC's preferred long term funding option for the SRA as recommended by DX on 6th August 2015.

2. Public Interest

The flooding across a wide area of Somerset in the winter of 2013-14 brought wide spread distress to South Somerset. Many homes were flooded for long periods, Muchelney was cut off for about ten weeks and many roads were closed. The impact was therefore felt by the many of South Somerset residents and businesses.

The flooding attracted national Government interest and Somerset partners were requested by the Defra Secretary of State to develop a Flood Action Plan and, at a later date, to form the Somerset Rivers Authority.

Defra and DCLG have now conducted a review of the options for ongoing funding of the SRA and have asked Somerset partners to respond to them on which is their preferred option.

3. Recommendations

That Council:

- (1) Notes progress to date in the development of the Somerset Rivers Authority
- (2) Notes progress of the Levels & Moors 20 Year Flood Action Plan (2014).
- (3) Agrees the recommendation from District Executive that SSDC's preferred funding option is that of a creating a new precepting body and that the Leader is authorised to communicate this view to the SRA Board meeting later this month.

4. Background

The Levels & Moors 20 Year Flood Action Plan (2014), developed at the Government's request and signed off by the Secretary of State in March 2014, included a proposal to create a Somerset Rivers Authority to:

- Provide a renewed, co-ordinated and joined-up approach to addressing flooding and resilience issues.

- Develop new approaches to the management of the drained areas and the wider catchment, and
- Enhance local leadership.

Many of the other actions within the Flood Action Plan are completed and a review of the plan is currently underway. The Plan has short and long term actions, and the review is looking at what has been achieved so far, which of the long term options identified in the Plan should still be pursued and what other actions are necessary to ensure there is a sustainable plan for the future.

Some highlights of the delivery of the Flood Action Plan include:

Dredging and River Management

- The construction of the new Thorney Village Ring Bank, and construction work to improve the existing Thorney Pottery Ring Bank, are complete.
- The 8km dredge on Rivers Parrett and Tone, to the 1960's profile, has been completed.
- A project looking at 10 other potential dredging locations is complete and the next dredging location has been identified for downstream of Northmoor Pumping Station.
- A pre-flood standard of flood protection has been established at 50+ locations, in a multi-million pound programme of works. This has involved extensive repairs to flood banks on the Rivers Parrett and Tone. Spillway repairs at Middle Moor and Aller Moor were completed; flood defence works to protect properties at Aller Drove is complete; temporary pump platform and compound at Dunball, and conversion of existing pumps at Northmoor, are now complete.
- Permanent protection at Westonzoyland is complete.
- Phase 1 of river modelling work to assess the impact of the various Flood Plan actions, is complete.
- The Parrett Barrier multi-agency project team has been set up to deliver the preliminary work prior to construction, now that that the SRA has secured Growth Deal funding for this phase of the project.
- Trigger documents for 10 key locations across the levels explaining what, when and why certain operational decisions are undertaken in extraordinary flood conditions, have been rolled out at 30 public/partner meetings and were well received.
- Work to develop options for increasing the capacity of the Sovey/Kings Sedgemoor Drain system has been undertaken; a preferred option is now being developed further.

Land Management

- £100k has been secured to complete survey work and £550k to deliver a programme of small scale on-farm schemes in 2015/16.

Land Management involves a range of ways to encourage land use that stops or slows water entering river courses and maximises natural flood management.

- An advisory team for land management advice and support is now in place.
- Farm visits have begun and the first Capital Grant Scheme been applied for and completed.

Urban Run-Off

- An initial feasibility study for £16m flood storage upstream from Taunton has been published. Planning for the next stage of the project is underway, and a funding bid is being submitted.
- Flooding 'hotspots' identified, working with other agencies.
- Work continues with partner authorities to develop Sustainable Urban Drainage Systems (SUDS) guidance for developers and planners for new developments.
- Reviewed / identified sample sites to evaluate effectiveness of existing SUDS schemes.

Resilient Infrastructure

- A 500m stretch of the Muchelney to Drayton road was re-opened, having been raised over a metre in places, to ensure it remains open even in flooding on the scale of 2013/14.
- Improvement scheme for Sowe/King Sedgemoor Drain: Phase I of the Beer Wall project was completed with a 60 tonne temporary bridge lowered into place on the A372, to ensure the road stayed open throughout winter. Road works were then completed, and the final phase of work started this summer.
- Deep clean of system including review and survey of gullies and culverts.
- 20 of 26 minor flood alleviation management schemes have now been completed, the rest will be completed next financial year.

Building Local Resilience (Led by SSDC – Assistant Director, Health and Wellbeing)

- A Community Recovery and Resilience Officer was appointed and has been working with flood affected communities to develop flood plans; the first ones are now nearing completion, a second phase will be developed.
- Support meetings for flood affected communities have been held at a number of locations.
- Support given for access and take-up of grants for homes, farms and businesses.
- A Somerset community resilience website has been developed, to provide accessible resilience and flood risk information.

Business Case & Delivery of Long Term Solutions

- An Economic Impact Assessment of the 2013/14 flooding in Somerset has been undertaken, and is now being finalised.

5. Somerset Rivers Authority

A key change from the early days of the Flood Action Plan is that the SRA's remit includes the whole of Somerset, not just the flooded areas of the Levels and Moors. This is to ensure that all areas have the potential to benefit from the joint working and any funding available for flood alleviation measures.

A further change is the 'hierarchy' of the SRA and the Flood Action Plan. As stated previously the setting up of the SRA was an action with the Flood Action Plan. The position now is that the work of the Somerset Levels & Moors Flood Action Plan is still carried forward but does so now as part of the SRA programme.

It is important to note that the existing flood management responsibilities, accountabilities and funding will continue unchanged for the SRA partners – the Environment Agency, the Internal Drainage Boards, Somerset County Council (the Lead Local Flood Authority), and the five county district councils of South Somerset District Council, Mendip District Council, Taunton Deane Borough Council, Sedgemoor District Council, West Somerset District Council. It also does not diminish the responsibilities of riparian owners. More detail about the Somerset Rivers Authority can be found here <http://www.somersetiversauthority.org.uk> .

Since January 2015 the SRA has developed:

A **Common Works Programme** (2015-16) for Somerset, to plan, deliver and share information about all Flood Risk Management work in the county. This is core work for all partners but brought together and co-ordinated where possible and efficiencies developed for joint delivery. The Common Works Programme for this period is available on the Somerset Rivers Authority website here <http://www.somersetiversauthority.org.uk/our-work/common-works-programme/>

Currently, all Somerset's Flood Risk Management Authorities are discussing their future joint work programme for 2016/17.

A new **Enhanced Maintenance Programme** for 2015/16 using interim funding has also been produced and this undertakes a range of prioritised new flood risk management activity across all districts in Somerset, including maintaining the 2014 dredge on the rivers Parrett and Tone. The detail of this programme can be seen here

<http://www.somersetiversauthority.org.uk/our-work/enhanced-maintenance-programme/>

Our representative on the SRA is the Leader of the Council. The Strategic Director (Operations and Customer Focus) sits on the SRA Management Group and, currently, also on the SRA Key Partners Group which focuses solely on developing the SRA, with representation from the Internal Drainage Boards (IDBs), the County and District Councils, the Department for the Environment, Food and Rural Affairs (DEFRA), the Department for Communities & Local Government (DCLG), Natural England and the Environment Agency (EA).

6. Funding options

The SRA itself has been set up with interim funding for 2015-16 from a mixture of Central Government and local partners. A major area of work this year has been

developing options for long-term funding, carried out through a Strategic Funding Review with DEFRA and DCLG. This report has now been released and a stakeholder workshop has been held, to which all our councillors were invited and were able to input into the discussion.

The optimum outcome for SSDC would have been to set up the SRA with all funding from Central Government. However, this has never been accepted by Central Government and is not an option given to us as part of the Strategic Funding Review.

The funding review is attached as Appendix One to this report. The review does not recommend a particular option and we also are told that there is no presumption that any of these options will be taken forward. SSDC officers and Leader contributed to the review after discussion with the Finance Manager, Assistant Director for Legal and Corporate Services and Assistant Director for Finance and Corporate Services. There are four options:

- (1) **Creating a new precepting body.** This requires primary legislation but gives the ability for all households in Somerset to play a part in the raising of funds. A charge of £12.50 per band D house per year £3.50 per hectare for land occupiers in other areas of Somerset would raise £2.7 million. Monies raised are transparent and are ring-fenced for the SRA and its work. This option will take several years to deliver but gives long term sustainability and does not impact on existing council budgets and hence their services. Six partners (including SSDC) have said publically that this is the only acceptable funding solution. The IDB position and partner final decisions on this will be updated verbally at the meeting.
- (2) **Creating a new levying authority.** Primary legislation is still needed and the levy could be on both the County and the District Councils. Any additional levy charge on SSDC would limit our ability to raise council tax for our other services within the current 2% referendum threshold and hence puts an increasing risk on our budget setting over future years. This option is not recommended.
- (3) **Raising funds through council tax.** If agreed this could be implemented by April 2016. It is suggested that the County Council are within this funding mechanism. Again, this limits our ability to raise council tax for our other services within the current referendum threshold and increases the medium to long term risk on our budgets. Although this is a quick option to implement, the funding is not ring-fenced and would be subject to annual re-negotiation which gives no sustainability to the SRA. This option is not recommended.
- (4) **Internal Drainage Boards (IDBs) extend boundaries or increase levy.** Currently the Parrett Drainage Board levy £58,215 on SSDC which is equivalent to £0.95 per household across the district. Levies and rates are approved by the IDB Board each year and can increase the levy if they show that their expenses have increased. The Land Drainage Act and a document known as the Medway Letter set out water levels to define the boundaries of an IDB Board, broadly that of land with the EA's Flood Zone 2. If the IDB extend their area to Flood Zone 2, they could raise £580k with £178k of this being levied on SSDC. This is not sufficient for the enhanced work programme of the IDB in future years nor would it give the SRA any ability to raise, hold or spend funds and limits the role for the Districts and County Council. In addition, it is difficult to see how the ongoing support for the important community and local flood resilience measures within the 20 year plan could be managed through

this option. There are also concerns about a lack of wide accountability and representation. This option is not recommended.

More detail can be seen in the body of the funding report. Other options that have been put forward are a County Drainage District and a Somerset Regional Flood and Coastal Committee. Unless it was possible to show how all land would benefit from a County Drainage District this would require new legislation. And Flood and Coastal Committees are not independent of government.

7. Consultation

In April 2014 a letter was sent to all 121 town and parish councils in South Somerset asking some general comments on future funding of the 20 year action plan. 12 parishes responded with only one saying that they felt that people would pay more for additional flood alleviation. Since then, the focus of the Somerset Rivers Authority and works done has changed to county-wide and a considerable amount of flood alleviation works will have been seen by local people. Nevertheless, this shows a potential issue of triggering the referendum threshold.

All local partners (officers and members) were consulted as part of the Defra and DCLG strategic funding review. More recently a stakeholder workshop was held on 24th July to discuss the funding options. This was well attended by a range of councillors and council officers, IDB members and their overarching body ADA, EA, community representatives, CLA, Defra and CLG officers, and wildlife groups amongst others.

The funding options report was presented by DEFRA and DCLG officers who reiterated that only local solutions will be considered by Ministers and that there is no option for funding for enhanced maintenance from Central Government. Indeed even the idea of retaining part of business rates could not be considered as this money currently goes to the Treasury and hence would be seen as central government funding.

A wide ranging discussion included:

- Asking Central Government for the council tax trigger point on Somerset district councils to be lifted for the time being to help them fund the SRA.
- Consideration of a wider flood and coastal committee.
- Changing the Medway letter and the Act.
- Changing landowner levies.
- The fact that all options, except the council tax option were lengthy, requiring interim funding.

There was an agreement that Somerset needs the right option, which may not be the quickest option. There was also a consensus that there was considerable common ground between the partners about the best funding option now that each one had heard the issues facing the other partners. In addition, it would be necessary to word the response back to Government carefully to reduce the potential of unintended consequences. Not until each SRA partner has formally consulted their own bodies can a final decision be reached by the SRA Board in late September.

8. Summary of SSDC position

Having looked carefully at the funding options review and heard the views of local stakeholders, District Executive believes that the right option for South Somerset District Council is to set up a separate precepting body.

The IDBs would continue to set budgets for their work programmes as at present, but any additional levy would, in future, be placed on the SRA. Existing sources of capital funding for flood risk management would need to continue to be available to the individual partner organisations.

SSDC has made its position clear on its preferred funding option before. Firstly through a joint letter with all other Council Leaders to the Defra Secretary of State on 14 October 2014, a resolution at the Leaders Implementation Group on 6 November 2014 and at District Executive on 4 December 2014. The report to District Executive stated that:

“In selecting mechanisms for implementing the Flood Action Plan, the proposal to establish the Somerset Rivers Authority as a precepting body has the advantage of raising additional funding locally in a transparent way, and one which would not be constrained by the restrictions which apply to the existing local authorities.”

“The underlying principle of any precept would be “locally raised, locally administered, locally spent”.

“Alternative proposals to progress a catchment-wide funding mechanism through the extension of the boundaries of the IDBs have been considered. However, with IDB levies on District Councils needing to be funded through the councils’ own budgetary processes, this option would neither be deliverable, due to the constraints on councils, nor transparent.”

Ministers are keen that a solution to the long-term funding be one that is not imposed from the centre but is one that works locally. They have now requested that the SRA consider the Strategic Funding Review and decide, in the light of the report, what option they wish to pursue and respond to Ministers. They indicate that they will then have discussions with the SRA about the approach to implementing that solution and what should happen in the interim, in particular next financial year.

9. Views of other partners

Partners in the SRA have been making their individual decisions in August and early September on their preferred funding option prior to the SRA meeting on 23rd September.

A verbal update on the outcome of those decisions will be given at Full Council.

10. Financial Implications

At this stage there are no direct financial implications. Progress in the current financial year will be funded from resources already allocated to the SRA. Any future financial implications will be the subject of a subsequent report and decision.

11. Legal Implications

At this stage there are no direct legal implications. However, there will be significant legal consequences associated with establishing a separate precepting body, and these will be addressed in any subsequent reports brought forward for decision.

12. Corporate Priority Implications

The Flood Action Plan links closely with the vision set out within our Council Plan. In particular the objectives which seek to create a thriving local economy, maintaining employment and business vitality, supporting positive environmental outcomes, protecting and promoting health and wellbeing support communities to help themselves and become more resilient. It would also bring crucial benefits by creating better links by joining up with partners, to ensure that services are more effectively delivered to Somerset's residents.

13. Carbon Emissions and Climate Change Implications

None directly arising from this report.

14. Equality and Diversity Implications

None directly arising from this report.

15. Background Papers

Reports to District Executive - December 2014

The Somerset Levels & Moors Flood Action Plan – Executive Summary, March 2014.

The Somerset Levels & Moors Flood Action Plan - A 20 year plan for a sustainable future – Full Plan March 2014.