

## **North West Regional Flood and Coastal Committee Minutes of the meeting held on Friday, 20 October 2023**

### **Attendees**

#### **Members and invited presenters**

Adrian Lythgo (Chairman)  
Councillor Giles Archibald (Cumbria Strategic Flood Risk Partnership)  
Councillor Stephen Clarke (Lancashire Strategic Flood Risk Partnership)  
Councillor James Shorrock (Lancashire Strategic Flood Risk Partnership)  
Councillor Tricia Ayrton (Greater Manchester Strategic Flood Risk Partnership)  
Councillor Richard Silvester (Greater Manchester Strategic Flood Risk Partnership)  
Councillor Philip Cusack (Greater Manchester Strategic Flood Risk Partnership)  
Councillor Karen Shore (Cheshire Mid Mersey Strategic Flood Risk Partnership)  
Councillor Laura Crane (Cheshire Mid Mersey Strategic Flood Risk Partnership)  
Chris Findley (EA Appointed Member – Development and Sustainable Investment)  
David Shaw (EA Appointed Member – Planning and Design)  
Carolyn Otley (EA Appointed Member – Working with Communities)  
Suzana Ilic (EA Appointed Member – Coastal)  
Neville Elstone, (EA Appointed Member – General Business)  
Paul Barnes, (EA Appointed Member – Agriculture)  
Perry Hobbs, (EA Appointed Member – Water Industry)  
Carl Green, Chair of the North Wales and North West Coastal Group  
Fran Comyn, Rochdale Borough Council  
Paul Cobbing, Independent Consultant  
Paul O'Hare, Manchester Metropolitan University  
Dee Grahamslaw, United Utilities  
Paul Shaffer, Chartered Institute of Water and Environmental Management (CIWEM)  
David Hodcroft, Greater Manchester Combined Authority

#### **Environment Agency Officers Present**

Nick Pearson, Area Flood Risk Manager (GMMC)  
Fiona Duke, EA Area Flood Risk Manager (Cumbria and Lancashire (C&L))  
Mia Hanson, EA Area Flood Risk Manager (C&L)  
Sally Whiting, Senior FCRM Adviser (GMMC)  
Adam Walsh, FCRM Programming Manager (C&L)  
Laura Lamb, FCRM Programming Senior Advisor (C&L)  
Crystal Orton, RFCC Project Manager (GMMC)  
Dermot Smith, Senior FCRM Adviser (GMMC)  
Philip Carter, Senior Specialist, Sustainable Places (C&L)  
Sarah Fontana, Senior LA Capital Projects Adviser (GMMC)  
Elizabeth Lowe, Commercial Business Relationship Manager, Local Operations  
Helen Telfer, Senior Advisor, Green Growth Team (GMMC)  
Michelle Evans, RFCC Secretariat Officer (GMMC)

#### **Local Authority Officers:**

Doug Coyle, Westmorland and Furness Council

Nick Rae, Westmorland and Furness Council  
Alison Harker, Cumbria Strategic Flood Risk Partnership  
Andrew Harrison, Cumberland Council  
Chloe Tringham, Cumberland Council  
Marcus Leigh, Lancashire County Council  
Laura Bigley, Lancashire County Council  
Clare Nolan-Barnes, Blackpool Council  
Lorah Cheyne, Lancashire Strategic Flood Risk Partnership  
Sarah Wardle, Merseyside Strategic Flood Risk Partnership  
Claire Wyn-Jones, Liverpool City Council  
David Boyer, Warrington Council  
Matt Winnard, Cheshire Mid Mersey Strategic Flood Risk Partnership  
Jill Holden, Greater Manchester Combined Authority  
Imran Munshi, Blackburn Council  
Dwayne Lowe, Bolton Council  
Sarah Parkington, Rochdale Council  
Katie Eckford, Shoreline Management Plan Co-ordinator / Coastal Group Secretariat  
Johnny Phillips, United Utilities  
Marianne Ridley, United Utilities  
Tracey Garrett, National Flood Forum

### **23 (31) Welcome, Chairman's Introduction & Apologies for Absence**

Adrian Lythgo opened the meeting and thanked Members for their understanding in moving to a virtual meeting. Rochdale was the original meeting location, however due to poor weather conditions and the chance of flooding in and around Rochdale the decision was made to hold the meeting virtually instead. Adrian gave his apologies to any inconvenience this change in arrangements had caused.

No Declarations of Interest have been received.

Adrian advised apologies for the meeting have been received from Councillor Elizabeth Grey and Councillor Ian Moncur, both from the Merseyside Strategic Flood Risk Partnership; David Harpley (EA RFCC Appointed Member – Conservation); Stewart Davies (EA Board Member); Ollie Hope (EA Area Flood Risk Manager for GMMC), and Ian Crewe (EA Area Director for GMMC), who is on incident duty this morning.

Adrian welcomed: Councillor Richard Silvester (first RFCC meeting); Councillor James Shorrock (first RFCC meeting as Lancashire Partnership Chair); Claire Wyn-Jones from Liverpool City Council (who has been nominated to place the Local Levy vote on behalf of the Merseyside Strategic Flood Risk Partnership); Ali Harker (the new Cumbria Partnership Co-ordinator); Mia Hanson (new EA Area Flood Risk Manager for Lancashire, who is job sharing with Fiona Duke); Laura Lamb (EA Cumbria & Lancs FCRM Programming Senior Advisor, presenting the Programme Update item alongside Neville Elstone); and Michelle Evans (acting RFCC Secretariat, in the absence of Rachel Harmer).

Adrian also welcomed today's speakers: Dermot Smith and Philip Carter (presenting on Biodiversity Net Gain), David Hodcroft and Dee Grahamslaw (here to present the item on Integrated Water Management), Paul Shaffer from CIWEM presenting with Laura Bigley and Johnny Phillips (on the Surface Water Flooding item), and Paul Cobbing and Paul O'Hare (here to present the Flood Poverty Project item). Tracey Garrett from the National Flood Forum is also here to observe today's meeting.

Adrian referred Members to his quarterly Chair's Update paper, shared with Members in September. He did not want to specifically focus on anything in the update, but highlighted some developments since the paper was written.

He referenced the £25 Million Defra fund for Natural Flood Management (NFM), being administered by the Environment Agency (EA) which is now open for bids. Details of this have been circulated by the EA to sub regional partnerships. There is an opportunity to work with the Rivers Trusts, Woodland Trust, Wildlife Trusts, and other third parties on important NFM interventions, which critically address communities we know to be at risk.

Adrian highlighted information paper B, which provides some up-to-date flood risk data for the Northwest, reflecting Committee members' previous queries about how we look at the numbers of properties at risk. He advised this data shows the number of properties at risk of flooding across four flood categories, by partnership and by council area. He highlighted that across the Northwest there are approximately a quarter of a million properties at risk of flooding and although there are differences between the sub regional partnership areas, there are significant numbers of properties at risk in all five. He recommended this may be something to have a look at in the sub regional meetings when considering the highest priorities for flood risk within each partnership area.

Adrian highlighted the Risk Management Authority (RMA) Coastal Survey, mentioned in Information paper A, which is a survey for Shoreline Management Plan coastal practitioners, planners and elected Members. He understood from Coastal Group colleagues there haven't been many responses from elected members and the survey closing date was today. It will be kept open until the evening of the 22 October for anyone who wishes to take part but hasn't yet had the chance to do so.

Adrian made Members aware of the national RFCC EA Appointed Member recruitment campaign which went live on 19 October, the purpose of the campaign going national being to try and raise the profile of RFCCs, to increase interest in our work and to attract more applications. Members heard that within the Northwest there are three appointments needing to be readvertised. Adrian advised that the current post holders are very welcome to re-apply.

Adrian advised that earlier this week he attended the launch of the second National Infrastructure Assessment (NIA), of which there is now a copy available online. Members heard, as reflected in the first NIA, there are very significant recommendations for Government and others around water and flooding, amongst all of the other economic infrastructure that we have in the country. Adrian highlighted some of the report's contents,

including the National Infrastructure Commission's recommendation to reduce surface water flooding by 2055, which action should reduce the number of properties at highest risk by 60%. He advised, by implication if the recommendations aren't picked up then that that won't happen.

**23 (32) Minutes of the RFCC Meeting held on 21 July 2023 and actions and matters arising**

David Shaw proposed and Carolyn Otley seconded the minutes of the July 2023 RFCC meeting.

The minutes of the meeting were approved by the Committee.

There were no matters arising.

**23 (33) Recent Flooding Incidents**

Adrian Lythgo advised Members there is a formal report setting out the level of flooding in the last quarter that has been reported through to us. He advised that specifically he thought it was important that we have a formal report this quarter, since Members will be aware from his update and more widely that there were some tragic fatalities, which followed flooding in Merseyside.

Adrian advised we are not able to comment on the cause of the flooding as there is a Section 19 Report and other investigations are ongoing, but this does show the risk from surface water flooding that we will be taking about later in the meeting.

He provided Members with the opportunity to comment on any flooding in their areas should they wish to do so.

There were no further comments.

**23 (34) Report from the RFCC Finance & Business Assurance Sub Group**

Laura Lamb presented the investment programme update.

**2023/24 Investment Programme update**

Reporting on outcomes from the 2023-24 programme, Members heard the Northwest target is forecasting (at mid-August) to better protect 4,379 properties from flooding, against our unofficial target of 3,598.

Total capital funding available for the Northwest is £109.220 Million. This includes £94.777 Million of FCRM Grant-in-Aid (FCRMGiA), £8.457 Million of Local Levy, and £5.986 Million of Partnership Funding contributions. Forecasts at mid-August 2023 show the Northwest is expecting to draw down £115.433 Million this year. This is £6.213 Million more than allocated.

Actual spend to the end of August 2023 was £24.723 Million, meaning there is a remaining £90.710 Million forecast remaining to spend/claim. £67 Million of this relates to EA-led projects and £23 Million relates to Local Authority-led projects (LAs).

## **Local Levy Programme**

Laura provided a Local Levy programme update and confirmed £1.6 Million of allocations had been released through a recent review due to schemes no longer requiring their Levy contributions or not progressing within the current programme timeframe.

As a result of assessing scheme confidence, it has been possible to identify a further £4.4 Million of Local Levy funding allocation where there is a low or medium confidence. These allocations will remain in the programme but it enables the team to provide a more realistic and nuanced view of the programme.

Following this review, the balance of Local Levy is now expected to reduce more gradually to around £3 million by the end of 2024/25, which gives us capacity for further investment within the programme.

Laura reported on the starting balance, allocation, forecast spend and resulting balance (as included in the report) and the updated income and expenditure scenario graphs. She highlighted the current allocation for 2023/24 is £8.4 Million, which has reduced from the £9.5 Million approved by the RFCC in July 2023, due to the 2023/24 allocation for the Irwell Vale to Chatterton scheme having been reprofiled into 2027/28.

Cllr Giles Archibald enquired about whether interest is earned on the Local Levy balance. Neville advised Giles will be contacted outside of the meeting to address this. (ACTION: Adam Walsh)

Neville Elstone thanked Laura Lamb for her presentation.

Adrian thanked Laura for providing the factual part of the report and advised it is just worth reflecting from the Finance and Business Assurance Sub Group that there was some good discussion around how we could make the information on risks more explicit in terms of trends between meetings, not necessarily at individual project level, but to bring the information alive a bit more, and we undertook to take that away. Neville advised that since the meeting some early work has been done on this which is detailed in the presentation slides and anticipated we should see some further details in January.

## **Indicative allocation for 2024/25 and Local Choices**

Laura then provided an overview of the FCRMGIA refresh bid for 2024/25. Members noted the original bid was submitted in July 2023 and indicative allocations have been

received back from National with Areas and project teams in the process of responding to advise of changes they would like to make. Laura provided detail on the use of over-programming to help to balance risk. She explained that GMMC Area and Cumbria & Lancashire Area have very different risks, and take different approaches to it, but that both use over-programming to provide a buffer so that Areas can overspend if necessary and to also give the Government and the Treasury confidence that the allocation can be spent.

Laura provided Members with some more detail on the over-programming in GMMC and C&L along with the projects that are attached to this work. Adrian added that the level of detail provided by Laura was not available at the time of the RFCC Finance and Business Assurance Sub-Group meeting and was still work in progress at that time.

Carolyn Otley commented that there appears to be plenty of capital funding available, but perhaps not the revenue funding to allow us to deliver it. Laura confirmed this is correct and noted revenue budgets are more squeezed and we are trying where possible to capitalise what we can to enable delivery to continue.

Neville Elstone raised his concern for the future programme. Members noted that it appeared the funding that is being allocated nationally isn't being allocated in a way that allows us to deliver well in the Northwest and questioned if there was anything we can do as an RFCC to make the case for change.

Adrian Lythgo advised the whole Local Choices process is designed to allow the Committee to agree the efficient use of capital funding. What the EA and the Treasury don't want is to tie up funding in schemes that are not progressing, so the Local Choices process allows money to be moved around the country to the Areas and schemes that are delivering. He also referred to Carolyn's comment about the relative scarcity of revenue funding compared to capital funding and confirmed this is something the RFCC Chairs discuss on an ongoing basis and is not restricted to the Northwest EA and LAs.

### **Local Levy Strategy**

Sally Whiting then spoke briefly on the NW RFCC Local Levy Strategy, advising that following its original publication in 2020, a refresh of the document will take place between now and January 2024. Members were advised the engagement process has begun around specific elements of the strategy and an online survey has been sent out. Sally welcomed all to provide their thoughts and feedback, noting the low level of responses so far and urged Members and officers to respond.

### **RFCC Business Plan**

Sally Whiting then provided an overview of the RFCC Business Plan work taking place, advising there is a lot of activity with approximately 22 live projects underway.

The latest spend forecast against the Business Plan is circa £1.2 Million, which is an underspend of about £240k. This is slightly higher than last quarter, which is as a result of

clearer spend forecasts from projects which are now starting. Sally also provided an indication of the likely investment requirements for the next couple of years, required to continue the projects that are going to be underway.

For the benefit of newer RFCC Members, Sally provided a quick flavour of a range of the projects taking place.

Members were requested to formally acknowledge the completion of two actions:

- ID19 Natural Flood Management (NFM) delivery projects - now completed.
- ID14 LA Capital Project Delivery – there have been numerous developments and improvements led at a national level which are now in the process of embedding, and along with the ongoing support provided to LAs through the LA Capital Project Advisors, there is no further standalone action to be taken under ID14.

Sally then presented a request for £30k of Local Levy to fund key deliverables from ID12 'Paving over Front Gardens' Project, where the Committee has previously approve funding for a Project Manager resource to lead the project. This is about raising awareness and changing behaviours in homeowners, suppliers and contractors and in order to reach and influence them the project is planning to create a show feature garden at the RHS Tatton Show in July 2024. There is also an RHS Urban show taking place in Manchester in April 2024 for which we are exploring opportunities for involvement.

Members were advised that United Utilities have confirmed their support of match funding for the garden (£20K) and in combination with the additional £30k contribution will enable the garden and other project deliverables.

Paul Barnes enquired as to whether there were any opportunities to contribute to the Paving over Front Gardens project. Neville advised the contact details for the Project Lead will be shared with him and thanked Paul for the offer of support.

Sally Whiting then advised the Committee that a further discussion that had taken place at the Sub Group meeting on the review of the funding for the Capital Programme Co-ordinator role, Members had asked for additional information to be provided and therefore the matter was deferred to the next meeting. Nick Pearson will be leading on the review process and the output will be brought back to the RFCC Finance and Business Assurance Sub-Group in January 2024.

**Resolved:**

Following the recommendations from the RFCC Finance and Business Assurance Sub-Group, the Committee:

- Noted the progress on the 2022/23 (Year 2) capital and resource (formerly revenue) programmes.
- Noted the risks to the North West investment programme for 2023/24.
- Considered and approved the North West FCRM GiA Local Choices return.
- Noted the outcome of the review of Local Levy contributions to FCERM schemes and the more gradual reduction in the Local Levy balance currently forecast.

- Noted the main aspects of the Local Levy Strategy that will be refreshed and agreed to respond to the survey if they have not already done so.

RFCC Business Plan:

- Noted the progress on the RFCC Business Plan.
- Recognised projects ID19 and ID14 as complete.
- Agreed to support the additional Local Levy funding of £30k for the ID12 'Paving Over Front Gardens' Project.

There were no further comments or questions.

### **23 (35) Biodiversity Net Gain - Implementation Update**

This item was discussed in advance of the Finance and Business Assurance Sub-Group item, but is minuted here to keep in line with the meeting agenda.

Adrian reported that the national requirements with respect to Biodiversity Net Gain (BNG) and some of the related legislative developments have been delayed, however it is timely to provide Members with an update on the considerations that are associated with BNG. The EA and other RMAs have been considering what the BNG requirements will mean and are anticipating their implementation.

The Committee heard that BNG is a way to contribute to the recovery of nature, whilst developing land, and it's making sure that wildlife habitat is in a better state than it was before the land was developed. BNG will aim to reverse the decline in wildlife habitat and introduce measurable and quantifiable improvements in biodiversity, as a result of new land developments.

Dermot Smith provided an overview of the drivers behind the new BNG legislation. He provided the context of the biodiversity crisis in addition to the climate crisis highlighted in the State of Nature Report of 2023 which shows there are some considerable declines across biodiversity in almost all areas. He cited the example of the Turtle Dove, which since the early 1970s has declined in numbers by approximately 99% and is now on the Rare Breeding Birds Panel.

Philip Carter provided an overview of the policy background and planning implications for the BNG legislation, which became a legal requirement through the Environment Act and established a minimum amount of BNG that developers should lawfully provide through their new developments, under the three categories of habitat, hedgerows and watercourses.

The Environment Act makes it clear that developers need to provide a minimum of 10% BNG, which means they will have to compensate for 110% of any impacts of their development on biodiversity. Local Authorities seek higher BNG through evidence-based policies and the EA has a target of achieving 20% BNG on its schemes. BNG is measured in units and calculated based on the existing biodiversity value of a site, with a backstop date of 2020, which means a developer cannot reduce the biodiversity value of a site before it is developed.



Members noted:

- It will not be acceptable to increase BNG for one category in expense of another category, i.e. you cannot provide 30% BNG just for habitat.
- A BNG plan will need to be produced by the developer.
- BNG can be provided onsite (preferred) or off site (but carries a multiplier).
- BNG will require an ongoing maintenance commitment for 30 years.
- The EA will not be a statutory consultee on BNG proposals, but will be able to offer relevant advice.
- Any BNG site that is provided will be recorded on a register to be maintained by Natural England.
- The Government has allowed a third option to on site and off site BNG, which is the purchase of BNG credits.

Philip Carter explained when the BNG requirement will come into force:

- Now, if it's already in the Local Plan as a local planning requirement
- January 2024 for most development applications (delayed from November 2023)
- April 2024 for small sites (less than 10 houses)
- 2025 for national significant infrastructure projects

There will be some exceptions, for example householder extensions will not require BNG.

Between now and January 2024 the Government are preparing statutory documents to cover items such as: exemptions; irreplaceable habitats; The Register; Planning System and Commencement Regulations. We can also expect to see the final version of the statutory biodiversity metric for calculating BNG, along with draft BNG templates for habitat management and monitoring over the 30-year period. In addition, there will be a guidance pack for landowners, developers and LAs around their roles and responsibilities in the delivery of BNG.

Dermot Smith provided Members with further information on how BNG is going to be measured and highlighted risks to the delivery of projects due to these new requirements, along with the increase of project costs. Members heard that money may be available through the Partnership Funding Calculator for Outcome Measure 4 (environmental outcomes), but this may not be sufficient and will bring greater complexity in developing and delivering projects. Partnership working will be key in delivering some of these requirements. More discussions with landowners will need to take place, more legal agreements will need to be put in place, and partners will be needed to manage land for long periods of time, all of which brings significant risk.

Members heard that in 2020 the EA set up a Biodiversity Net Gain Assurance Group in the two North West Areas to help prepare for this new legislation and to support projects that were having to deliver BNG. National teams were also involved so they knew what support and guidance they would need to establish to help with this work.

Members noted that Planning Authorities will have a dual role to play, firstly they will enforce the regulations and decide on planning applications and secondly, they will facilitate the delivery of BNG in their local Nature Recovery Strategies.

Dermot showed Members a BNG tracker spreadsheet set up for North West projects to monitor and manage the delivery of BNG. This monitoring tool will help to see BNG requirements in a more joined up way, linking requirements to potential sites, and supporting more strategic conversations with environmental NGOs as potential partners.

Councillor Giles Archibald enquired about the BNG aspects of the Kendal Flood Risk Management Scheme and was advised the BNG data for the scheme was not yet available.

Dermot also suggested one way the RFCC could help manage the delivery risks associated with the new BNG requirement might be to use Local Levy funding to support the strategic purchase of land parcels, to create some larger areas of habitat, or to purchase some BNG units from eNGOs. While this does introduce some risk associated with being able to provide BNG geographically close enough to the site where it is being lost, this initiative would not be a net cost to the Levy programme as it would be another form of underwriting capital project delivery until FCRMGiA funding for the projects can be secured and then the Levy-funded BNG units would effectively be bought back. In the worst case scenario, if a BNG site was secured and then it was concluded it would never be required to compensate for our projects, it could be sold on the open market and with the habitat already established it would attract a higher value.

Adrian Lythgo thanked Dermot and Philip for their presentation and advised on the consideration of Local Levy, the Committee should do that as part of refreshing the RFCC's Business Plan in the January to March 2024 period, so it can be done in a considered and thorough way.

Councillor Giles Archibald asked if any lobbying is taking place for other causes of biodiversity loss to be featured in this programme going forward. With specific reference to peat he asked if this can be featured as a specific issue of discussion in the future. Cllr Archibald also expressed some disappointment that the 20% BNG requirement was not now to be applied at project level (rather than across the whole programme) and would only apply to capital projects.

Dermot quoted EA guidance recently received which while only applying the 20% BNG target to projects requiring planning permission, it is the EA's aim to achieve a measurable biodiversity improvement on all works including revenue and maintenance programmes. Dermot reflected that BNG is a specific tool to help address biodiversity loss and part of the EA's role has been to advise Government on the issues raised by BNG but reflected there is much more Government policy in terms of Environmental Land Management (ELMs), which is going to help to address some of the farmland and agricultural declines.

Paul Barnes commented that BNG can be stacked and, by incorporating it with ELMS Schemes there are good opportunities to attract double funding for the same thing – the only situation where this is possible.

Councillor James Shorrocks asked how the EA planned to support RMAs to meet and deliver the BNG requirements of projects currently in the investment programme. Dermot responded that we would support LAs in the same way we do for the EA's own programme, to monitor and track projects and their BNG requirements and achievements using the same tool, to enable oversight across the whole programme. He also acknowledged it is likely to be slightly more challenging to access this information from LAs.

Councillor Philip Cusack welcomed the BNG requirement and the EA's aim to deliver 20%, but highlighted a warning that needs to be raised across the country, of resource and skills shortages within the planning system to make it happen. He advised the Royal Town Planning Institute recently estimated that 61% of public sector planners could not confirm that they'd have the in-house resource or ecological expertise to deliver BNG requirements. Implementing and policing this new process is going to be a huge problem for many LAs.

Dermot Smith acknowledged and recognised this pressure with the resources not currently available but expressed some hope that the situation may improve once the requirement is fully live. Philip Carter also commented that BNG does place a strong onus on developers who if not compliant will be in breach of their planning permission or conditions, or s106 agreement. This should hopefully provide a sufficient 'stick' to ensure developers do the right thing, subject to LAs having the resources to enforce.

Adrian Lythgo remarked on the RFCC's awareness of pressures within LAs and on the links and relationships with planners. He suggested that it might be something for Chris Findley and David Shaw to give some thought to under the relevant Business Plan ambition.

Suzana Ilic thanked Dermot and Philip for their presentation and asked how this will be applied to coastal projects, noting there will be challenges especially for projects that are at the edge of Sites of Special Scientific Interest (SSSI). Dermot confirmed that BNG also applies to coastal projects and believes there is some special guidance in dealing with areas close or next to designated sites.

Fiona Duke advised that where there are designated sites at the coast, if we're having any impact, we would need to provide compensatory habitat in advance of going for planning permission and doing any development. She gave one example of the Hambleton Scheme on the River Wyre. Compensatory habitat is separate to BNG, so we need to provide BNG on top of that compensatory element, therefore protected sites follow a different process to BNG.

Adrian highlighted that with regard to the Our Future Coast programme, Carl Green will need to clarify whether BNG or compensatory habitat was being looked into.

David Shaw agreed with Councillor Cusack's concerns and advised that we should not forget the Community Forests as a potential partner for delivering this work.

Adrian thanked Members for the discussion and advised this is clearly another important consideration for land use planning and some of the opportunity costs of land that could probably be used for several different purposes. He advised the Committee collectively need to make the case for why land should be used for BNG associated with flood schemes.

### **23 (36) Local Levy for 2024/25**

Adrian Lythgo reminded Members that this is the formal vote with respect to the Local Levy where LLFA RFCC Members are asked to consider and vote on the rate of Local Levy funding for 2024/25. This vote takes place in October every year, to provide Local Authority Finance Directors time to feed this into their budget preparations for the 2024/25 financial year.

The Local Levy raises in the region of £4.4 Million a year, which is a crucial way of leveraging in additional capital money and take forward multiple projects, as discussed earlier in the meeting.

Members noted it is specifically the responsibility of LAs to raise the Levy as it comes from within their Council Tax revenue, and therefore it is a vote purely for LA Councillors on the Committee, or their properly nominated substitutes.

Adrian confirmed that formal nominations had been made by the Merseyside Strategic Flood Risk Partnership for Sarah Wardle and Claire Wyn-Jones to place the Local Levy votes on behalf of their Councillors. Adrian asked Members if they had any objections to these two nominations, confirming he was happy to accept these substitutes, and Members confirmed they were also happy to accept the two nominations.

Adrian discussed the Local Levy vote and the process the Committee follows, noting that each of the five sub-regional partnerships considers the position that it would prefer in terms of the extent to which or whether there is an increase in the Local Levy, and that those discussions have taken place. He advised he is aware of the levels of increase that the sub-regional partnerships are wishing to see and for that reason he will firstly see if there are any general comments that Councils wish to make about the Local Levy, and then secondly, he will ask if any Councillor wishes to propose the level of increase for 2024/25.

Adrian asked if there were any comments from Councillors, of which there were none.

Councillor Stephen Clarke formally proposed a 3% increase in the Local Levy, which was seconded by Councillor Giles Archibald.

The Committee voted that the Local Levy increase for 2024/25 should be a 3% increase.

Adrian advised the agreement to raise the Local Levy by 3% should be celebrated and noted that we have a consensus across all of the sub-regional partnerships that the Levy should increase by 3%. On behalf of the Committee Adrian thanked the LLFAs for this support, as he is very aware of the revenue pressure on LAs more generally and the other calls LAs have on this funding. He noted that the LAs were making a priority of the protection of communities that flood, and the work that we do.

Resolved: The Committee:

- Agreed a 3% increase to the Local Levy for 2024/2025
- In accordance with section 23(3) of the Flood and Water Management Act 2010 it was agreed that the sum of £4.544 million be met from the levy in 2024/25 and that the Environment Agency issue a levy under section 17 of that Act on those County and Unitary Councils shown below, whose areas are situated in whole or in part in the area of the Environment Agency's North West Flood and Coastal Risk Management Region for the financial year 2024/25. The levies made on those councils shall be paid by them in four equal payments on 1 May 2024, 1 July 2024, 1 October 2024 and 1 January 2025.

**County Councils:**

Derbyshire, Lancashire, Northumberland, North Yorkshire, Shropshire and Staffordshire.

**Unitary Authorities:**

Blackburn–with–Darwen, Blackpool, Bolton, Bury, Cheshire East, Chester and Cheshire West, Cumberland, Halton, Knowsley, Liverpool, Manchester, Oldham, Rochdale, Salford, Sefton, Stockport, St Helens, Tameside, Trafford, Warrington, Wigan, Wirral and Westmorland and Furness.

## **23 (37) Surface Water Management**

Adrian Lythgo referred back to his opening remarks regarding the increasing impact of surface water and the national and regional focus on addressing surface water flooding. He introduced Laura Bigley, Paul Shaffer and Johnny Philips to present this item.

Laura Bigley began by highlighting that in November 2022 the National Infrastructure Commission (NIC) published its report looking at the impacts of surface water flooding and then in January 2023 there was the publication of the review of Schedule 3 of the Flood and Water Management Act. A consultation on the implementation of Schedule 3 is expected from Government soon.

Laura Bigley started with an overview of who the NIC are. The NIC report from 2022 identified there were over 300,000 properties in England currently at risk of surface water flooding, compared to 240,000 properties at risk from river and coastal flooding and

without action it estimates up to a further 295,000 properties (i.e. almost a doubling) could be put at high risk by 2055. Laura explained the three key recommendations the NIC have identified to start to address the issues, which are: 1) to stop as much water as possible getting into drains; 2) to expand the capacity of drainage systems and 3) to create more joined-up targeted governance and funding.

Laura presented a slide on the number of properties currently at risk of surface water flooding in the North West, totalling almost 40,000, with the highest concentrations in the Merseyside and Greater Manchester partnership areas.

Laura provided Members with more detail on the specific actions the NIC believe are required under each of the recommendations.

In terms of recommendations to the Committee, Laura asked Members to read the second NIC Report published earlier this week, and then consider: what the Committee's aspirations are for surface water in the North West; is there anything we could do as a Committee to 'get ahead' to deliver benefits to communities across our region; and how we could use the NIC recommendations to influence the refresh of the Committee's Business Plan and Local Levy Strategy.

Laura then moved on to cover the Sustainable Drainage Systems (SuDS) Review, published in January 2023, which provides a framework for the approval and adoption of drainage systems. She highlighted key milestones on a timeline since the original creation of Schedule 3 in 2014. A key recommendation from the review is that the Government must act and implement Schedule 3 of the Flood and Water Management Act 2010, with the unitary authority or the County Council becoming SuDS approval bodies (SABs). Schedule 3 will also provide national standards for the design, construction, operation and maintenance of SuDS. Thirdly it makes the automatic right to connect surface water runoff to the public sewer conditional on that drainage being approved by the SAB. Members heard that Schedule 3 has already been implemented in Wales where a post implementation review has highlighted some teething issues and lessons learned which will hopefully be incorporated into the English legislation and processes.

Members were provided with information on what may require approval from the SuDS Approval Body (SAB) and received an overview on what the public consultation steps will look like, the first being the implementation approach and the second being the regulatory impact assessment.

Members noted;

- the importance of responding to the public consultation on the implementation of Schedule 3 in England.
- things could change and nothing is guaranteed until the legislation is passed.
- unless or until Schedule 3 of the Flood and Water Management Act comes into force it is very much business as usual for LAs and other Risk Management Authorities in relation to SuDS.

Paul Shaffer from the Chartered Institute of Water and Environmental Management (CIWEM) then presented on a review of surface water management that CIWEM were asked to undertake from the perspective of RMAs, focussing on local government. This sought to obtain independent input around cooperation and collaboration, funding, and capacity and skills, and on whether things have changed since the 2020 Jenkins Review, recognising there have been Surface Water Action Plans and the National FCRM Strategy. A survey was undertaken in Summer 2022, supported by focus groups with LAs and water companies. Paul provided an overview of the survey results.

This covered the Duty to Co-operate which was quite patchy with some RMAs better than others, partly due to a lack of clarity about organisations' respective roles and responsibilities, especially those of the Environment Agency and its strategic overview role. The survey also recognised inconsistent approaches nationally in how some of the same organisations are co-operating and sharing information, including on assets and Section 19 reports. The increasing use of nature-based solutions and the need for co-ordination to deliver SuDS with multiple benefits, particularly retrofitting, could compound these challenges and requires changes in working and greater clarity on what is required.

Responses on Collaboration reflected the view that the EA and LLFAs are the best collaborators, with other RMAs (including water companies and highways authorities) less so. Again, roles and responsibilities, and knowing who to talk to within organisations, and resources were all issues affecting the quality of collaboration.

On Funding, Paul advised that only half of the LAs/RMAs reported having a ring fenced or allocated budget for looking after surface water management, and very few of those had long term certainty.

Insufficient budgets and certainty have contributed to poor resourcing and challenges in undertaking statutory duties, and capacity and skills were shown to be a real concern across all of the LAs, only a third having the full complement of staff. This was a key concern for many LAs.

A total of 19 recommendations have been developed addressing all the above themes and challenges, relating to leadership, engagement, clarity, funding applications, training and apprenticeships, knowledge management and sharing of resources and knowledge (Local Hubs).

The Committee were advised that Paul and Laura are working with the EA on improving surface water management, particularly looking to identify some quick wins and early gains with regard to communication and engagement.

Johnny Phillips from United Utilities informed Members of a new rainwater management team set up to focus on this within UU, and provided Members with an overview of the Price Review 2024 Business Plan submission, in which from 2025 to 2030 UU are:

- Planning to spend £3 Billion to reduce sewer spills from storm overflows from over 400 sites across the North West.
- Seeking a 32% reduction in sewer flooding across the North West.

Johnny provided Members with highlights of the Drainage and Wastewater Management Plan (DWMP) which details UU's long term plan to achieve strategic planning targets and identifies £290 Million of investment in surface water management over a 25-year period. The huge investment now going into reducing storm overflows will significantly help with rainwater management overall, both through conventional solutions where appropriate but increasingly by addressing rainwater at source, through partnerships, using nature-based solutions and green-blue infrastructure within the public realm delivering multiple benefits.

He touched on the components which will create the Asset Management Plan (AMP) 8 programme, that is the WINEP, DWMP and Advanced WINEP. The Advanced WINEP will provide for investment and resource now on longer term partnership working to get ahead for the next AMP period. He then touched on UU's Rainwater Management Strategy which looks across catchments from the Uplands, through Attenuation and Disconnection in more urban areas, and finally Reuse, valuing our water resources more.

Finally, Johnny provided a picture of the UU's new Rainwater Management Team. They have acknowledged they need to work differently to deliver all of the programmes, activities and projects for the next AMP. The team will include Business Development Team Managers and Operations Managers to work more closely with the EA and RMAs.

Councillor Giles Archibald queried the slide Laura Bigley had shared on surface water flood risk in the North West and asked if this was for houses at risk of surface water flooding, fluvial flooding or coastal flooding. He asked what assumptions are being made about climate change projections and if there is a total picture of all the risks.

Also in relation to Laura Bigley's presentation, Councillor Tricia Ayrton commented that it appears there are some quite significant exemptions in which developments the rules will apply to, specifically questioning the terminology 'significant development'. It appears to be a potentially huge loophole within the guidance because some of it is stated quite subjectively. She asked if the term 'significant development' will be clarified. Laura advised this will be part of the public consultation, noting there will be much more clarity on the scope, the threshold and the process for what this looks like for different scales of development.

Councillor Philip Cusack similarly raised his concern about the proposed exemption in Schedule 3 of permitted development. He recognised that legislative change may be required but he expressed his view that it is critical that permitted development including things such as paving over front gardens is included within this somehow. In terms of general surface water management, he highlighted the importance of the planning system and particularly local plans. He reported that his LA has a surface water policy within the local plan reflecting the hierarchy of how surface water should be managed. He asked how many other LAs in the North West have this kind of policy in their local plans and if they don't have this then could we as a body suggest some wording for a supplementary planning document to go into local plans to that effect.

Laura Bigley advised that what has just been described including the drainage hierarchy is a national requirement and not a local requirement, so every local planning authority in England should be compliant with that requirement. Individual local authorities have some



flexibility to make this more strict if required. And it is the role and responsibility of the LLFA through their advice to the LPA to make sure that developments adhere to the hierarchy. In relation to the proposal for a North West supplementary planning document, Laura advised to hang fire for now until we know more about Schedule 3 and SABs have a key role to play in development of more strategic planning requirements on surface water management. Instead she encouraged the application of evidence-based documents for local plans.

Claire Wyn-Jones highlighted that the Merseyside Strategic Partnership has recently submitted to the RFCC information on the lack of resource within Merseyside to deal with the implementation of Schedule 3 and wanted to reiterate that as a partnership Merseyside have got concerns regarding resource and what the implementation will look like.

Adrian Lythgo advised as the CIWEM survey results have shown, this is a concern that is held more widely than Merseyside and this concern also came back through the North West capacity survey from the sub regional partnerships.

Adrian thanked Members for the discussion noting that clearly surface water is the largest unmitigated flood risk that we have in common with other RFCC areas. In response to Councillor Archibald's question, the numbers that were presented as flood risk for surface water are separate to the numbers that are in the information paper (Info item B), which include flood risk from rivers and on the coast. He reminded Members that one of our ongoing pieces of work is trying to get as good a handle as we can on the strategic flood risk that we experience across the North West. He advised Councillor Archibald that there is not currently a definitive number for all sources of flood risk combined, something which we are still seeking to understand better.

On the concern regarding climate change predictions made by Councillor Archibald, Adrian advised that predictions can vary between different cases and asked if we can provide a longer answer on climate change scenarios and predictions for flooding in due course. Councillor Archibald agreed and welcomed this.

Adrian then reiterated Laura's recommendations on how the RFCC will respond to the Schedule 3 consultation. This is something that he will engage the Committee in, it is just a case of how this will be done. Secondly and referencing the RFCC's Business Plan, he asked that if Members share the view that surface water is the largest unmitigated flood risk that we're responsible for overseeing as the RFCC, then it follows that when we refresh the business plan, we ought to think quite widely about surface water actions. He suggested having a particular workstream that feeds into the next refresh of the RFCC Business Plan around surface water and in the meantime taking this away and thinking about how this could be shaped.

There were no further comments.

## **23 (38) Greater Manchester Integrated Water Management Plan – Approach and Learning**

David Hodcroft, GMCA, and Dee Grahamslaw, UU, provided the Committee with an update on the work that has been taking place in Greater Manchester on the Integrated Water Management Plan (IWMP).

Adrian Lythgo advised the presentation is about sharing and learning and because there is a shared interest across the region and indeed nationally regarding the work that has been taking place in Greater Manchester.

David Hodcroft provided a short history of the journey Greater Manchester has been on, gaining real traction in 2015 with an EU funded project (Natural Course) to deliver real improvements to rivers and the water environment in the North West, and then moving forward to 2021 where GMCA agreed a trilateral partnership and Memorandum of Understanding with UU and the EA to manage water differently.

In the past 12 months while the plan has been in development, there have been three Mayoral Round Tables, and a draft plan was submitted for approval in June, informed by a review by the Role and Scrutiny Committee on issues relating to flooding and integrated water management. The plan helps to address a number of recommendations made by the Scrutiny Committee to the Combined Authority (CA).

David advised that although currently there is the trilateral partnership between GMCA, UU and EA, it is hoped that Transport for Greater Manchester and the individual authorities will be brought on board and then by 2025 there is a vision to extend the partnership into a multisector partnership bringing in a wider range of stakeholders.

David referred to the National Infrastructure Commission recommendations on surface water, recognising that the Commission's Terms of Reference were quite limited to surface water, whereas Greater Manchester have looked at water management more broadly, with social, economic and environmental outcomes.

A high level analysis of planned investment in Greater Manchester has been carried out, revealing that between 2023 and 2030 the four organisations of Transport for Greater Manchester, CGMA, EA and UU will be investing circa £2.4 Billion.

David discussed the skills and resources issue and advised that by bringing together our teams we can learn from each other and not have to compete for the limited resource. There is also an ambition to bring graduates on apprenticeship schemes into this sector, which will help to develop our skills and provide the collective teams with more resilience.

Dee Grahamslaw summarised the plan, focussing on its seven interdependent workstreams, and which link well to the RFCC's Business Plan. Dee provided Members with a flavour of each of the workstreams, including the work that has been ongoing for the past 12 months:

- Living Integrated Opportunity Programme
- Digital Platform
- Adaptive Policies and Standards
- The Partnerships
- Skills and Resources
- Integrated Investment Plan
- Marketing and Engagement

Maps were illustrated detailing investment opportunities across the area, some in the next seven-year period, relating to transport, housing, the water sector or related IT activity. This work has been done to understand where there may be opportunities to collaborate and integrate planning across partner organisations. It has been done quite quickly as organisations have been able to share information readily, underpinned by the collaborative agreement and the political mandate from the Mayor of Greater Manchester.

Dee reinforced the aim to extract and share learning from the GM initiative, supported by the RFCC through its Business Plan. She referred to a workshop in October to capture learnings around governance, outcomes and delivery, along with the costs and programme management needed to deliver an integrated plan for water management more generally. She highlighted some of the early learnings from the workshop including needing individuals who are keen to collaborate and share information, and those with the softer engagement skills that can often be overlooked. The need to build rapport with others and the ability to build relationships has been key to the project's progress.

Dee reflected on the huge task it had been to get the project to where it is in a year, but that this had been a good timescale and has provided the momentum to drive the project forward.

Adrian Lythgo thanked Dee for her presentation. He emphasised that there are aspects of what Dee has described happening in other sub regions across the North West but the distinctive thing in GM is the way it has been systemised, made to work as a system rather than a series of one-off initiatives, and in looking to do that for the long term.

## **23 (39) Flood Poverty – Project Findings and Recommendations**

Due to time restrictions, Adrian Lythgo asked if there are any key messages from the Flood Poverty project that can be shared today, in light of the fact that this item was originally due to be coupled with an afternoon site visit, and he suggested this item to now be moved to the January 2024 RFCC meeting instead.

Fran Comyn agreed this would be better and as an interim measure he suggested for himself, Paul Cobbing and Paul O'Hare to host an online workshop for those who are interested in the findings of the project ahead of the next Committee meeting, which was agreed. Paul Cobbing advised that dissemination of the project findings and recommendations is an important part of the engagement process and asked if there are people who would find this information useful then to let him know.

Paul O'Hare advised there is nothing further for him to report today, but he is keen to give this topic more time and possibly through a workshop as Fran has suggested.

Adrian Lythgo apologised for having to cut short the presentation, due to the meeting discussion taking longer than expected. He advised Fran that it would be excellent if a workshop can be pulled together to discuss the learning from the Flood Poverty Project and he confirmed the item will be brought back to the next RFCC meeting in January as the first substantive discussion item.

### **23 (40) Any Other Business**

Adrian Lythgo referred Members to Information Item D detailing the proposed RFCC meeting dates for 2024. He advised if any of these dates cause any significant problems to let RFCC Secretariat colleagues know.

The following further items of business were advised by Members:

- Paul Barnes recommended Members seek out lectures on soil carbon from Walter Jehne, a soil scientist, on YouTube, which are relevant to our work.
- Carolyn Otley reminded colleagues of the new GCSE Case Study on Low Crosby on the Flood Hub, along with many other educational resources, and highlighted that it would be fantastic if LA colleagues could share the information with their education teams to make local schools more aware.
- Suzana Ilic reiterated the message to respond to the survey on Shoreline Management Plans.

Adrian thanked Members for their attendance to the meeting highlighting the rich information that had been shared along with making some important decisions.

Members were then advised that whilst the meeting has been taking place, in Scotland there has been a second fatality in conjunction with the storm that's currently coming across the country. Adrian wished everyone a safe weekend and closed the meeting.

There were no further items of business.

The next RFCC meeting will be held on 19 January 2024 and will be a face-to-face meeting.