

Report to the Cabinet

Report reference: C-123-2007/08.
Date of meeting: 10 March 2008.



**Portfolio: Community Wellbeing.
Civil Engineering and Maintenance.**

Subject: Response to the Pitt Review - Interim Report on Summer Flooding 2007.

**Responsible Officer: Mike Tipping (01992-564280).
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Democratic Services Officer: Gary Woodhall (01992-564470).

Recommendations:

- (1) That the Council responds to the recommendations and interim conclusions of the interim report by Sir Michael Pitt " Learning Lessons From The 2007 Floods" as part of a consultation exercise;**
- (2) That the Cabinet approves the suggested response as set out in the schedule attached to this report; and**
- (3) That the Overview and Scrutiny Committee be invited to consider the implications for the authority arising from the final report of the Pitt Review, expected to be published in the summer of 2008.**

Report:

1. During August 2007, Sir Michael Pitt was asked by the Government to carry out a review of the flood-related emergencies, which occurred during the summer of 2007. The interim report of the Review " Learning Lessons From The 2007 Floods" was published in December 2007 with three objectives:

- (i) to identify issues which need urgent action;
- (ii) to set out the direction for the remainder of the Review; and
- (iii) to provide a document for consultation before the final report is published.

2. The following extract from the report summarises the extent of the impact arising from these flood related emergencies.

"The three months from May to July were the wettest since records began and the events that followed have been linked to the deaths of 13 people. They also resulted in damage to approximately 48,000 homes and 7,000 businesses. Power and water supplies were lost, railway lines, eight motorways and many other roads were closed and large parts of five counties and four cities were brought to a standstill. From an emergency response standpoint, this was a new level of challenge. The flooding triggered a series of emergencies, which stretched local resources to the limit."

3. The report contains a total of 15 recommendations and 72 interim conclusions.

4. Whilst the County of Essex and indeed the Epping Forest District was not significantly affected by the events of 2007 there will be significant implications for all local authorities if the Government decides to adopt and act upon the 15 main recommendations and also if the

72 interim conclusions become firm recommendations in the final report expected to be published during the summer of 2008.

5. From the District Council's perspective the implications arising from the report could affect a number of services - Emergency Planning, Land Drainage, Planning (Development Control, Forward Planning and Building Control), Housing and Local Land Charges.

6. It is therefore appropriate for the Council to consider the recommendations and interim conclusions and to respond with its views as part of the consultation exercise.

7. Attached is a schedule of all the recommendations and interim conclusions with the relevant page number from the report and the Council's suggested response.

8. GO EAST facilitated an East of England Consultation Event into the Pitt Review on 4 March 2008 at which the Council was represented. A verbal report will be made if necessary on any matter arising from the event that Cabinet should be aware of in considering the proposed response.

9. A full copy of Sir Michael Pitt's interim report is available in the Members Room.

10. It is also suggested that when the final report is published it would be appropriate for the Overview and Scrutiny Committee to consider the implications for the District Council arising from the final recommendations of the Pitt Review.

Statement in Support of Recommended Action:

11. Flooding is identified as a significant risk for Epping Forest District in the Local Risk Register, although the District did not experience wide spread fluvial flooding at the same time as the rest of the country in 2007, there was localized flooding in parts of the District. This was mainly pluvial or surface water flooding.

12. The consultation exercise provides the Council with the opportunity to comment on the recommendations and interim conclusions in the report thereby ensuring that the Council's views are at least considered by the Review Team when drafting the final report. The deadline for responses is 31 March 2008.

Other Options for Action:

13. The Cabinet may decide not to respond to the consultation. This would mean that the Council misses the opportunity to contribute to future strategic flood planning that could have an impact on the Epping Forest District, the District Council and its resources.

Consultation Undertaken:

14. No external consultation was carried out but the response has been widely circulated amongst Directorates of the Council that are likely to be affected by the recommendations and interim conclusions.

Resource Implications:

Budget Provision: Nil.

Personnel: None.

Land: N/A.

Council Plan 2006-10/BVPP Reference: None.

Relevant Statutory Powers: The Civil Contingencies Act 2004; The Land Drainage Act 1991.

Background Papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.
Key Decision Reference (if required): Not a key decision.

Proposed Response to the Interim Report of the Pitt Review on the Summer Floods of 2007.

The Council believes that in general this is a considered and comprehensive review.

However, the Council believes that not enough emphasis has been made of the fact that ultimately the general public in known areas of risk should be taking greater responsibility for:

- (a) protecting their own property from flooding;
- (b) reinstating their own property and clearing up after a flooding event;
- (c) making their own provisions for business continuity (businesses); and
- (d) taking responsibility of their duties as riparian owners and adequately maintaining the existing land drainage system.

There are numerous references in the report to "local authority" or "local authorities". These generic terms could apply to a Shire County Council, a Unitary Council, a District or Borough Council.

Where the report seeks through recommendation or interim conclusion to place new duties and responsibilities on the "local authority" it should clarify at which level(s) it envisages the duty or responsibility to apply.

Chapter 3 - Building a better understanding of the risk

Recommendation 1, p37

" That more frequent and systematic monitoring of groundwater levels at times of high risk should be undertaken by the Environment Agency, which should begin as soon as possible to predict and mitigate further serious groundwater flooding from this winter onwards."

The Council agrees with this recommendation.

Recommendation 2, p37

" That the Environment Agency supported by local authorities and water companies, should urgently identify areas at highest risk from surface water flooding where known, inform Local Resilience Forums and take steps to identify remaining high risk areas over the coming months."

The first phase consisting of mapping these high risk areas is being undertaken as part of the Strategic Flood Risk Assessment that is being carried out under Planning Policy Statement (PPS25). Unfortunately in many other authorities due to the lack of in house Land Drainage expertise, this exercise has been lead by non-engineers or outside consultants and as a result information gathering has been inconsistent.

At present the Environment Agency only have responsibility for river and coastal flood risk but not surface water (Pluvial) or ground water flooding. The floods suffered in 2000 by EFDC, and subsequent years, were largely surface water and this still presents the District's greatest risk. The current Environment Agency flood warning system is unlikely to be adequate given the speed at which such flooding occurs. A "one size fits all" response is not adequate in these circumstances.

Interim Conclusion 1, p33

"That Government takes the lead in making the case for the need for adaptation to climate change and particularly in mitigating the potential impacts on communities".

This is a matter for the Government to decide, however it is important that a consistent policy applies nationally.

Interim Conclusion 2, p33

"That the Government develops a clear strategy and action plan to deliver the provisions of the Climate Change Bill to support adaptation to increasing impacts from flooding".

It is important that any agencies, including local authorities, that may be tasked with delivering such a strategy are given adequate resources to do so by the Government.

Interim Conclusion 3, p34

"That the Environment Agency further develops its tools and techniques for predicting and modelling river flooding, especially to take account of extreme and multiple events; and takes forward work to develop similar tools and techniques to model surface water flooding."

The Council would question whether the Environment Agency is best placed to model the surface water drainage systems. Within Epping Forest District, one small District, there are over 1000 km of Ordinary Watercourse, over and above the Environment Agency's Main Rivers. Many surface water pinch points are around Highway drainage infrastructure, which has historically been designed to a fairly frequent return period, or where sections of roadside ditches have been piped for operational reasons.

Capacity of all public sewers could be assumed to be to a design of 1 in 30 year return period (the maximum under Water UK's, Sewers for Adoption Guidance). It is safe to assume that for storms like those of summer 2007 all public sewers will flood and floodwater will flow overland (mainly on roads) to topographic lows. Measures should be put in place to address the resulting pollution.

Unauthorised works to watercourses by riparian owners can drastically change localised flooding characteristics and increasingly localised flooding can be traced to this. Mapping the existing surface water flood risk may give a wrong impression of vulnerability. Policing the land drainage network using the Land Drainage Act is difficult and expensive, there is a need to allocate adequate resources for enforcement.

Consideration should be given to the extent to which the body responsible for mapping the surface water flood risk will be responsible for it's accuracy in the face of unauthorised riparian owner action and lack of enforcement.

Interim Conclusion 4, p34

"That the Environment Agency revises its flood maps to identify areas where there is a risk of significant depths and velocity of water, to improve the effectiveness of emergency planning."

The Council agrees with this conclusion.

Interim Conclusion 5, p34

" That the Environment Agency works more closely with Local Resilience Forums to provide information drawn from flood risk modeling and mapping tools to improve the accuracy and consistency of flood risk information in Community Risk Registers."

The Council agrees with this conclusion.

Interim Conclusion 6, p35

" That the Environment Agency progressively develops and brings into use flood visualisation tools, designed to meet the needs of flood risk managers, emergency planners and responders."

The Council agrees with this conclusion.

Interim Conclusion 7, p37

" That the Met Office and the Environment Agency produce an early assessment of the costs, benefits and feasibility of techniques, which can predict where rain will fall and where surface water flooding will occur."

This is a matter for the Meteorological Office and the Environment Agency to comment on.

Chapter 4 - Managing Flood Risk

Recommendation 3, p57

" That the Environment Agency should urgently develop and implement a clear policy on the use of temporary and demountable defences."

This is a matter for the Environment Agency to comment on.

Interim Conclusion 8, p41

" That PPS25 should be rigorously applied by local planning authorities, including giving consideration to all sources of flood risk and ensuring that developers make a full contribution to the costs both of building and maintaining any necessary defences."

In many Authorities Planning Officers pass consideration of flood risk to the Environment Agency because they may not have the in-house skills or capacity for this. However, the Environment Agency will only advise on Conditions to be added to the Planning Consent.

They are often unable to carry out any engagement with the developer for anything other than large developments (over 1 Hectare in size or over 10 dwellings), do not monitor works on site and do not consider ongoing maintenance of any structures built. Once the 'desk study' phase of the conditions approval is completed all remaining monitoring of works and ongoing maintenance is left to the Local Authority (generally Building Control officers) to supervise – who, in many cases may not have the skills or capacity for this.

However, a strong mechanism for the Local Authority adoption of SUDS (Sustainable Drainage Systems) would be welcomed and developer contributions could be used to subsidise specific drainage engineering skills within local authorities.

Interim Conclusion 9, p42

" That householders and business owners should no longer be able to lay impermeable surfaces as of right."

The cumulative effect of such paving works could represent a significant volume of flow and a reconsideration of such an automatic right to pave is welcome.

However this will be unpopular with home owners and will be costly for local authorities to both police in the first place and enforce where necessary. There is a cost and resource implication that must be considered and catered for.

Interim Conclusion 10, p42

" That the automatic right to connect surface water drainage of new developments to the sewerage system should be removed."

This is predominantly for Utility companies to comment.

Interim Conclusions 11 and 12, p44 and 13, p45

" That no new building should be allowed in a flood risk area that is not flood-resilient, and that the Government should work with organisations such as the Royal Institute of British

Architects and the building industry to encourage flood-resilient building and development design."

" That the Government should incorporate flood resistance and resilience requirements for new properties in flood risk areas into Building Regulations as part of the current process of revision."

" That the Government should incorporate requirements for resistant or resilient refurbishment of flooded properties in high flood risk areas into Building Regulations as part of the current process of revision."

This will involve considerable training for Local Authority Planners and Building Control Surveyors and will require clear Government guidance for developers.

Interim Conclusion 14, p45

" That local authorities and housing Associations should take a more active role in increasing the uptake of flood resistance and resilience measures, leading by example by repairing their properties with appropriate materials where it is cost-effective."

This may have cost implications. These need to be quantified and the necessary additional resources made available by Government.

Interim Conclusion 15, p45

" That local authorities in high flood risk areas should extend eligibility for home improvement grants and loans to encompass flood resistance and resilience products."

Again this will have cost implications and may serve to dilute the funds currently available unless additional money is made available.

Interim Conclusion 16, p46

" That local authorities, as they discharge their responsibilities under the Civil Contingencies Act 2004 to promote business continuity, should encourage the uptake of property-level flood resistance and resilience measures. This should be reflected in guidance from the Government."

There is no objection in principle to this conclusion but it will need very clear guidance and robust public understanding of flood risk for this to be of any true value. Blanket guidance to the public is likely to quickly become discounted and ignored.

Experience has shown since the introduction of the Civil Contingencies Act 2004 that there is limited interest amongst small businesses of business continuity issues.

Interim Conclusions 17 and 18, p47

" That local authorities should lead on the management of surface water flooding and drainage at the local level with the support of all responsible organisations including the Environment Agency, water companies and internal drainage boards, the Highways Agency and British Waterways."

" That local authorities in flood risk areas should assess their capabilities to deliver their wide range of responsibilities in relation to local flood risk management."

Since the handover of Critical Ordinary Watercourses to the Environment Agency in April 2004, land drainage and flood defence allocations have been diverted from local authorities to the Environment Agency, which has led to the misunderstanding that the Environment Agency is now responsible for all flood risk. As a result many Local Authorities have lost qualified drainage staff. This coupled with the national shortage of drainage resources will make it difficult if not impossible, for local authorities to lead on these issues.

Interim Conclusion 19, p47

“ That the Environment Agency should have a national overview of all flood risk and that, Defra’s work on the development of a national overview role for the Agency in relation to surface water flooding should be progressed.”

The Environment Agency will have no specific understanding of the public surface water system, foul drainage, or highway drainage design and operation. This is because the issues and risks are better understood at local level.

To clarify any contradiction between this conclusion and the proposal in interim conclusion 17 there is a need to define the role of the Environment Agency and the two levels of local authorities.

Interim Conclusion 20, p48

“ That local Surface Water Management Plans, as set out under PPS25, should provide the basis for managing surface water flood risk. These plans should be coordinated by the local authority and be risk-based, considering all sources of flooding.”

The section in PPS25 dealing with the management of Surface water appears to the Council more about inclusion of these considerations when considering new development plans and planning applications.

Apart from a reference to include surface water management in the strategic flood risk assessment there appears to be no requirement for local authorities to prepare specific "Local Surface Water Management Plans".

If the suggestion is that these plans are now required then guidance needs to be produced by Government for this purpose.

The purpose and intent of this conclusion needs clarification.

Interim Conclusion 21, p49

“ That a local register of all the main flood risk management and drainage assets (overland and underground) should be compiled by the relevant local authority, including an assessment of their condition and details of the responsible owners.”

This is potentially an enormous task which will require a significant resource commitment over a sustained period of time. The Environment Agency has tried to produce this type of database for predominantly Main River Assets (the National Flood and Coastal Defence Database). As a result of resource constraints local authorities have had limited buy-in to this. With more Environment Agency assistance and resources, known ordinary watercourse asset data could be added to this by local authorities and this may negate the need for local authority lead mapping.

Interim Conclusion 22, p50

" That Defra should issue guidance on how all organisations can be brought together to work with local authorities on surface water flood risk management, sharing information, modeling and expertise on a consistent basis.

The Council agrees with this conclusion.

Interim Conclusion 23, p50

“ That the Government, as part of its Water Strategy, should resolve the issue of which organisations should be responsible for the ownership and maintenance of sustainable drainage systems.”

The Council agrees with this conclusion, however the mechanisms for this must be clarified as soon as possible before critical mass of local authority drainage skills are lost. If it is agreed that local authorities are to adopt any such assets then there is a need to provide adequate resources.

Interim Conclusion 24, p52

" That DEFRA should work with OFWAT and the water industry to explore how appropriate risk-based standards for drainage systems (including pumping stations) can be achieved."

There is a legacy of old systems and piped Highways watercourses where applied design standards have become redundant due to climate change or increased flows generated due to urbanisation. The Council would challenge the practicality of applying a rigorous new standard and accompanying design works immediately downstream of a historical under capacity structure?

Where homeowners want to culvert short sections of ditch in order to create a vehicular crossover this Council insists on a minimum pipe size for maintenance, which does not compromise the water carrying capacity, or match with any upstream neighbour, on the basis that there is already an upstream flow control. These aspects must be taken into account when devising standards.

Interim Conclusion 25, p53

" That, as part of the forthcoming water industry pricing review, the water companies, in conjunction with local authorities and other partners, should develop proposals for investment in the existing drainage network to deal with increasing flood risk."

Most under capacity infrastructure is likely to be privately owned or owned by the Highways Authority. Justification is required of public expenditure on routine upgrading of riparian owner assets. Ongoing maintenance liabilities must also be considered.

Interim Conclusion 26, p54

" That local authority scrutiny committees should review SWMPs and other linked plans, such as Local Development Frameworks and Community Risk Registers, to ensure that flood risk is adequately considered and to ensure greater transparency and progress in the management of that risk."

Clarification is required about the level at which scrutiny should be undertaken. Does the generic term "local authority" refer to the County Council in a Shire County or to district/borough councils? See also the Council's response to interim conclusion 60.

Too much scrutiny and engagement with the public could result in high jacking of plans by vocal pressure groups and diversion of resources from more critical works.

Riparian owners are responsible for all watercourse maintenance but the Land Drainage Act does not allow for enforcement of routine maintenance. It mainly focuses on Local Authorities powers to carry out works, however most Local Authorities would be unwilling to ever carry out routine works where they are not a riparian owner.

In order to be able to rebut excessive demands for routine maintenance through public forums there must be very clear acceptable standards set by central government, for watercourse condition.

Interim Conclusion 27, p55

" That it is appropriate for the Environment Agency and other local organisations to continue to focus investment on areas of highest assessed long-term risk, whether or not they have been recently flooded."

Clarification is required as to how this would work in practice in relation to the current

permissive powers under the Land Drainage Act to carry out flood mitigation works and also about the level and source of investment.

Interim Conclusion 28, p55

" That the Government should commit to a strategic long-term approach to its investment in flood risk management, planning up to 25 years ahead."

In principle the Council agrees with this conclusion, subject to clarification as to how such a strategy would work in practice, where the investment would be targeted and who would be the lead organisation.

Interim Conclusion 29, p57

" That the Environment Agency should open dialogue with all those landowners who will be affected by either a withdrawal from or significant reduction in maintenance of rural watercourses."

This assumes that there is a heavy maintenance regime in the first place. Most Local Authorities already carry out very little work on watercourses for which they are not riparian owners. The Local Authority is under no obligation to ever maintain riparian owner watercourses and can only 'encourage' them to do this for themselves (with no ability to enforce maintenance on anyone). The Environment Agency often carries out routine channel clearance work on Main River and as a result they are wrongly perceived to be responsible for them.

Waste management obligations are becoming progressively more onerous and owners are not prepared to carry out routine de-silting and litter clearance works because they are then handling waste for which they are charged constantly increasing rates for disposal.

The report gives reasons why watercourses may not need as much de-silting as may be perceived, however, many ordinary watercourses are entirely man-made drainage ditches or have been extensively re-routed over the years. As such these are not natural drainage features and without maintenance are likely to completely silt up.

Interim Conclusion 30, p59

" That the Government should develop a single national set of guidance for local authorities and the public on the use and usefulness of sandbags and other alternatives, rather than leaving the matter wholly to local discretion."

The Council generally agrees with this conclusion. There is a lot of confusion over the role of local authorities in the provision of sandbags. There are also inconsistencies amongst local authorities within the same County, Essex is a case in point, regarding policies on the issue of sandbags.

It should be recognised that sandbags have little effect unless sufficient warning is available. There are more effective flood defence measures available. One potential issue is that different authorities suffer from different types of flooding. It is not realistic to compare major river flooding with surface or groundwater flooding, or indeed coastal flooding.

However experience shows that the general public view sandbags as an essential tool against flooding and there is an expectation that sandbags will be provided and that any local authority that does not provide sandbags has in some way failed its residents. A major campaign of re-education will be required to change the culture surrounding sandbags.

Interim Conclusion 31, p61

" That Defra, the Environment Agency and Natural England should work with partners to establish a programme and framework to achieve greater working with natural processes, including the identification of appropriate sites and the development of more incentives for

creating water storage, restoring the natural course of rivers and establishing green corridors."

The Council does not disagree with this conclusion.

Interim Conclusion 32, p61

" That the Environment Agency should provide an analysis of the effect that land management practices had or would have had on the impact of flooding during the summer 2007 floods."

The Council would not disagree with this conclusion.

Interim Conclusion 33, p62

" That flooding legislation should be updated and streamlined under a single unifying Act that among other outcomes addresses all sources of flooding, clarifies responsibilities and facilitates flood risk management."

The Council agrees with this conclusion. The Land Drainage Act 1991 gives permissive powers to do works but not much power to enforce works on others. However without funding and political will to resource land drainage works, this legislation will be of limited use to local authorities.

Interim Conclusion 34, p63

" That the Government and the insurance industry should work together to deliver a public education programme setting out the benefits of insurance in the context of flooding."

The Council agrees with this conclusion and any other initiative that promotes a culture of self help and the public taking more responsibility for their own properties.

Interim Conclusion 35, p64

" That the Government and the insurance industry should work together to develop options to improve the availability and uptake of flood risk insurance by low-income households, and assess the costs, benefits and feasibility of these options, before the Review's final report."

The Council agrees with this conclusion.

Interim Conclusion 36, p65

" That, in flood risk areas, a note on flood risk and the simple steps that could be taken to mitigate it should be included with all insurance renewal notices. Moreover, if Flood Warning Direct is available in a customer's area, one of the conditions of renewal could be sign-up to this service."

The Council agrees with this conclusion and any other initiative that promotes a culture of self help and the public taking more responsibility for their own properties.

Chapter 5 - The emergency response

Recommendation 4, p72

" That all Local Resilience Forums urgently review their current local arrangements for water rescue to consider whether they are adequate in light of the summer's events and their local community risk registers."

The Council agrees with this recommendation.

Recommendation 5, p76

" That all Local Resilience Forums should undertake an urgent review of designated rest centres and other major facilities to ensure either that they have the necessary levels of resilience to enable them to be used in the response to flooding and other major emergencies, or that alternative arrangements are put in place.

The Council agrees with this recommendation.

This is being carried out as part of the Strategic Flood Risk Assessment. Whilst this is happening within Epping Forest District Council, experience suggests, however that it may not be a universal approach to make Emergency Planning Units aware of this work being carried out by their planning or land drainage Units. The standard of the risk assessment seems to vary greatly between authorities and clear guidance on the process should be provided.

In the Epping Forest District, in addition to the Strategic Flood Risk Assessment a review of all the Council's Rest Centres is currently underway, flood resilience forms part of this review and is based on both fluvial flood risk using Environmental Agency mapping and surface water flooding based on known risk from previous flood events. However it should be noted that in the summer floods, many properties were flooded by surface water that had not flooded before, highlighting the unpredictability of this type of risk.

Recommendation 6, p77

" That the Cabinet Office, with other departments, should urgently consider the costs, benefits and feasibility of establishing arrangements for the urgent acquisition of supplies during a major emergency, including the use of call-off contracts or the creation of national or regional stockpiles of equipment and consumables.

The Council agrees with this recommendation.

Recommendation 7, p79

" That Department of Health guidance clarifying the role and accountabilities of organisations involved in providing scientific and technical advice during a major incident should be implemented as soon as possible and understood by Gold Commanders.

The Council agrees with this recommendation and would go further and say that all those within the resilience forum and emergency planning communities should understand these roles and responsibilities.

Recommendation 8, p80

" That the guidance currently under preparation by the Cabinet Office to provide local responders with advice on the definition and identification of vulnerable people and on planning to support them in an emergency should be issued urgently."

The Council fully supports this recommendation. At present it is very difficult to gain complete information on vulnerable people. Such information is vital to the preparation of adequate response and recovery plans. Cross reference is also required with current advice on release of information under the Data Protection Act because a number of service providers within both Category 1 and Category 2 responders still consider that they are prevented from the sharing of such information.

Recommendation 9, p84

" That, in order to effectively fulfil its Lead Department role for flood risk management and emergency response, Defra needs to urgently develop and share a national flood emergency framework.

The Council has no comment to make.

Interim Conclusion 37, p 68

" That the Met Office and the Environment Agency should produce an assessment of the options for issuing warnings against a lower threshold of probability, including costs, benefits and feasibility; this will be considered further in the final report."

The Council has no objections to this conclusion.

Interim Conclusion 38, p 70

" That unless agreed otherwise locally, 'upper tier' local authorities should be the lead organisation in relation to multi-agency planning for severe weather emergencies at the local level, and for triggering multi-agency arrangements in response to severe weather warnings."

Whilst a coordinated and consistent approach is welcomed, this must also recognize local variations in planning and response to severe weather. The Council is concerned that the adoption of this interim conclusion may mean local decision making being taken out of local hands.

Interim Conclusion 39, p 71

" That where a Gold Command is established, the police, unless agreed otherwise locally, should convene and lead the multi-agency response."

The Council does not have an objection to this proposal.

Interim Conclusion 40, p 72

" That Gold Commands should be established at an early stage on a precautionary basis where there is a risk of serious flooding."

The Council does not have an objection to this proposal, however guidance should be produced to help determine when the trigger point occurs that warrants the establishment of a Gold Command.

Interim Conclusion 41, p 72

" That Local Resilience Forums should assess the effectiveness of their Gold facilities, including flexible accommodation, IT and communications systems."

The Council agrees with this conclusion.

Interim Conclusion 42, p 74

" That the Local Government Association should consider how best mutual support might be enhanced between local authorities in the event of a future wide-area emergency."

The Council agrees with this conclusion.

Interim Conclusion 43, p76

" That Cabinet Office guidance to local planners should specifically include incidents, which leave large numbers of people stranded on motorways and trunk roads."

The Council agrees with this conclusion.

This is of direct relevance to the Council as sections of both the M11 and M25 motorways pass through the District. In addition the Bell Common Tunnel on the M25 motorway is situated within the District.

At present little or no capacity exists for direct evacuation from the motorway network. However the potential numbers involved (1000 per kilometre according to the Highways Agency) would soon overwhelm the resources of many if not all District Councils in the event of an evacuation.

Experience has shown that the police are reluctant to evacuate motorists from motorways because of the residual issue of abandoned vehicles.

The role and responsibilities of the Highways Agency needs to be clarified in relation to stranded motorists in relation to the context of this interim conclusion.

Interim Conclusion 44, p76

" That, as part of their emergency plans, Local Resilience Forums should consider the vulnerability of motorways and trunk roads to flooding, and consider the potential for earlier, stronger, more specific warnings, and strategic road clearance and closures, to avoid people becoming stranded."

The Council agrees with this conclusion.

Interim Conclusion 45, p78

" That Defra should review the current requirement in emergency regulations for the minimum amount of water to be provided in an emergency, to reflect reasonable needs during a longer term loss of mains supply."

The Council agrees with this conclusion.

Interim Conclusion 46, p83

" That central government crisis machinery should always be activated if significant wide-area flooding of whatever nature is expected or occurs."

The Council does not object to this conclusion. However there is a need to define what would constitute a significant wide area event.

Interim Conclusion 47, p84

" That Defra extends its current departmental programme to share best practice and provide training in emergency response across the organisation."

The Council has no comment to make on this conclusion.

Interim Conclusion 48, p85

" That Defra and the Environment Agency work together to establish a single London situation room to coordinate flooding information, to act as a focal point for cross-Defra efforts, and to support Defra ministers."

The Council has no comment to make.

Interim Conclusion 49, p85

" That a national flooding exercise should take place at the earliest opportunity in order to test the new arrangements, which central government departments are putting into place to deal with flooding and infrastructure emergencies."

The Council agrees with this conclusion, however any such exercise needs to involve practitioners at all levels, those involved in strategic planning, emergency response and recovery.

Interim Conclusion 50, p87

" That financial assistance for local responders in relation to emergency response and recovery should be revised to improve speed, simplicity and certainty."

The Council fully supports this conclusion. The Government's previous decisions to

reimburse 100% of qualifying expenditure under the "Bellwin Scheme" for major flooding events was welcomed but did not necessarily cover the recovery phase or provide certainty in advance that local authorities would be assisted financially.

Interim Conclusion 51, p88

" That Local Resilience Forums should be made aware of recent Cabinet Office guidance setting out the transition to recovery. Recovery sub-groups should be established from the onset of major emergencies and in due course there should be formal handover from Gold Command to the local Recovery Co-ordinating Group(s), normally chaired by the Chief Executive of the affected local authority.

The Council agrees with this conclusion.

Chapter 6 - Critical infrastructure

Recommendation 10, p104

" That Category 1 responders should be urgently provided with a detailed assessment of critical infrastructure in their areas to enable them to assess its vulnerability to flooding.

The Council fully supports this recommendation. At present the District Council has little information on such single points of failure in the Epping Forest District. Experience has shown that the police are reluctant to share information on critical infrastructure risk (of all types not just from flooding) citing "security reasons".

The information sharing duties in the Civil Contingencies Act must be complied with for this conclusion to result in meaningful action. To overcome "security concerns" and to facilitate the provisions of the Civil Contingencies Act in relation to information sharing the Government could consider increasing the level of security clearance to enable nominated officers within a local authority (both County and District levels) to have access to information relevant to that local authority area.

Interim Conclusion 52, p99

" That the Government should establish a systematic, coordinated, cross-sector campaign to reduce the disruption caused by natural events to critical infrastructure and essential services."

The Council does not disagree with this conclusion.

Interim Conclusion 53, p100

" That the Government should develop and issue guidance on consistent and proportionate minimum levels of protection from flooding for critical infrastructure."

The Council does not disagree with this conclusion.

Interim Conclusion 54, p102

" That infrastructure operating companies should present the case for further investment in flood resilience through the appropriate regulatory process."

The Council has no comment to make.

Interim Conclusion 55, p103

" That a duty should be introduced on critical infrastructure operators to have business continuity planning to BS 25999 in place to more closely reflect the duty on Category 1 responders. This should include minimising the loss of service as far as practicable in the event of a serious emergency resulting from flooding."

The Council fully supports this conclusion.

Interim Conclusion 56, p105

" That, in relation to information sharing and cooperation, the Civil Contingencies Act and Regulations should be extended to require Category 2 responders to more formally contribute information on critical sites, their vulnerability and the impact of their loss.

Interim Conclusion 57, p105

" That single points of failure and the complete loss of assets need to be explicitly considered in the risk assessment and contingency planning undertaken by operators, emergency planners and responders."

The Council fully supports these conclusions. At present the District Council has little information on such single points of failure in the Epping Forest District. Experience has shown that category 2 responders are reluctant to share information on critical infrastructure risk (of all types not just from flooding) citing "commercial sensitivity".

The information sharing duties in the Civil Contingencies Act must be complied with for conclusion 57 to result in meaningful action. To overcome "commercial sensitivity" concerns and to facilitate the provisions of the Civil Contingencies Act in relation to information sharing the Government could introduce a protocol for nominated officers within a local authority (at both County and District level) to have access to information relevant to that local authority area.

Interim Conclusion 58, p105

" That Local Resilience Forums should ensure that Community Risk Registers reflect risks to critical infrastructure from flooding and other hazards".

The Council agrees with this conclusion.

Interim Conclusion 59, p105

" That Category 2 responders should be required to participate fully at Gold and Silver Commands and that the Government should deliver this through the Civil Contingencies Act or other regulatory regimes."

The Council agrees with this conclusion.

Interim Conclusion 60, p106

" That the emergency plans and business continuity plans of essential service providers should be reviewed annually by local authority scrutiny committees."

The Council agrees in principle with this conclusion, however detailed guidance will be required as to how this will work in practice and at what level the scrutiny function will operate. For instance in the County of Essex there are 15 local authorities, a County Council, two Unitary Councils, and 12 District/Borough Councils.

Would a County wide agency such as the police or fire and rescue service be expected to submit their plans for scrutiny to each of those 15 local authorities or as would seem more reasonable and indeed practical to the County Council.

Detailed guidance would also need to cover such issues as dispute resolution, the level of control the public sector would have over the private sectors plans etc.

The Civil Contingencies Act duty to share Information needs to be complied with by Category two responders, this is not always the case at present.

Interim Conclusion 61, p107

" That critical infrastructure planning should become a separate discipline within civil protection at the local level."

Clarification is required on the expectations of this conclusion?

Interim Conclusions 62 and 63, p108

" That the Government should implement the legislative changes proposed in the recently published Environment Agency biennial report on dam and reservoir safety."

" That all reservoir undertakers should be required by DEFRA to prepare inundation maps and share them with Local Resilience Forums to improve Community Risk Registers and emergency planning."

Such changes to the Reservoirs Act will involve local authorities in more resources around reservoirs management at a time when many have just lost engineering staff due to the transfer of critical ordinary watercourses to the Environment Agency. Despite the handover of critical ordinary watercourses policing to the Environment Agency their operations staff are not responsible for any critical ordinary watercourses assets such as reservoirs and in these cases the responsibility still rest with the Local Authority and/or the Riparian owner.

Chapter 7 - Engaging the public

Recommendation 11, p113

" That the Environment Agency should work urgently with telecommunications companies, consulting the Information Commissioner as necessary, to facilitate the roll-out of 'opt out' telephone flood warning schemes to all homes and businesses liable to flooding, including homes with ex-directory numbers."

The Council does not object to this recommendation.

Recommendation 12, p114

" That Local Resilience Forums urgently develop plans to enhance flood warnings through 'door-knocking' by local authorities based on an assessment of the postcode areas likely to flood."

The Council notes the view expressed in the report that "door to door calls" were a particularly successful means of communication to warn residents. However this will require the commitment of additional staff resources at a time when those resources may already be fully committed.

If this method of communication is to be widely adopted there needs to be a consistent framework for all local authorities within the Resilience Forum Area to work to including trigger points that would start the process. The advice to be given to residents also needs to be timely and accurate to ensure credibility is maintained.

Recommendation 13, p122

" That Local Resilience Forums urgently make arrangements to involve local media representatives in local preparedness and response to support their public information role."

This is a matter for the local resilience forum, but the Council sees merit in the recommendation and it is compatible with work that has already been undertaken by the local resilience forum in Essex.

Recommendation 14, p125

" That members of the public make up a flood kit – including key personal documents, insurance policy, emergency contact numbers (including local council,

emergency services and Floodline – 0845 988 1188), torch, battery or windup radio, mobile phone, rubber gloves, wet wipes or antibacterial hand gel, first aid kit and blankets.

The Council fully supports this recommendation and any other initiative that promotes a culture of self help and the public taking more responsibility for their own properties, but is sceptical about how many residents will actually do this as opposed to relying on "the authorities" to provide for them.

Recommendation 15, p126

" That members of the public increase their personal state of readiness and resilience to floods by following the Environment Agency's practical advice, where appropriate, as summarised below: • Make sure you have adequate insurance. Flood damage is included in most buildings insurance policies, but do check your home and contents are covered. • Access the Environment Agency's website to check flood risks to property (this can be followed up by advice from the Agency, for example whether the property in question is protected to some degree by physical defences). • Contact the Environment Agency to be registered on their Flood Warnings Direct scheme (however, this does not apply to surface water or sewerage flooding and people should also make sure they remain alert to weather forecasts). • Keep vital possessions, such as financial and legal documents and items of sentimental value, upstairs or stored as high as possible in waterproof containers and have plans in place to move items at short notice. • Make a list of other useful numbers you may need – your local council, the emergency services and your Floodline quick dial number. • Make sure you know where to turn off your gas, electricity and water. If you are not sure, ask the person who checks your meter when they next visit. Mark the tap or switch with a sticker to help you remember."

The Council fully supports this recommendation and any other initiative that promotes a culture of self help and the public taking more responsibility for their own properties

Interim Conclusion 64, p113

" That the Environment Agency should produce a sliding scale of options for greater personalisation of public warning information, including costs, benefits and feasibility, before the Review's final report."

The Council has no comment to make on this conclusion.

Interim Conclusion 65, p114

" That the Environment Agency works with local responders to raise awareness in flood risk areas and identify a range of mechanisms to warn the public, particularly the vulnerable, in response to flooding."

The Council agrees in principle with the conclusion, however clarification is required as to how this would work practically. The Environment Agency only really has an awareness of fluvial flood risk around Main Rivers. In addition it is very difficult to predict surface water flooding and time for warning the public is very short.

See also the response to recommendation 8 - page 80 of the report in relation to information about vulnerable people which is also relevant in this context.

Interim Conclusion 66, p116

" That advice by telephone during a flood emergency should come from just two sources – the Environment Agency for flooding information and local authority contact centres for local advice."

The Council does not disagree in principle with this conclusion but it will be important that consistent messages are given out if responsibility rests with more than one agency.

Interim Conclusion 67, p116

" That advice disseminated via the internet should be coherent by ensuring integration and consistency between local websites, including that of the Local Resilience Forum and those of all Category 1 responders."

The Council agrees with this conclusion.

Interim Conclusion 68, p117

" That essential service providers should maintain continuous provision of public information during an emergency, through a website linked to other responders and local authority contact centres."

The Council agrees with this conclusion.

Interim Conclusion 69, p118

" That the Government works towards a single definitive set of flood related health advice for householders and businesses, which can be used by the media and the authorities both locally and nationally."

The Council fully supports this conclusion. In the summer drainage officers of this Council made up a presentation concerning safety in and around pipes and floodwaters that was delivered to all local Year 6 schoolchildren as part of a Children's Safety Awareness event. Clear government guidance would be easier to deliver at this type of event, as is done with fire safety and cycling proficiency etc.

Interim Conclusion 70, p120

" That council leaders and chief executives play a prominent role in public reassurance and advice through the local media during a flooding emergency, as part of a coordinated effort overseen by Gold Commanders."

The Council agrees with this conclusion. This principle is already embedded within Essex in the arrangements for integrated emergency management through the Civil Contingencies Act and Local Resilience Forum arrangements for a coordinated approach to warning and informing the public and media relations.

Interim Conclusion 71, p124

" That flood risk should be made part of the mandatory search requirements when people buy property and should form part of Home Improvement Packs."

The Council does not object to this conclusion.

Some disclosure is already made about flood risk in answer to questions in local land charge search form CON.29R in relation to local development plans.

This typically will verify the need for a flood risk assessment in relation to new development or whether an existing property is in a flood risk area as defined by the Environment Agency, in which case the enquirer is referred to the Environment Agency for more information.

Interim Conclusion 72, p125

" That the Government launches a public information campaign which draws on a single definitive set of flood prevention and mitigation advice for householders and businesses, and which can be used by media and the authorities locally and nationally."

The Council is in full agreement with this conclusion. It is crucial that the public is made aware that they are ultimately responsible for protecting and cleaning up their own homes and businesses.