

REPORT TO: EXECUTIVE COMMITTEE
Date of Meeting: January 14th 2020

REPORT TO: FULL COUNCIL
Date of Meeting: January 21st 2020

Report of: Director, Environment and City Management
Title: Flood Protection Schemes 2019 - 2022

Is this a Key Decision?

Yes

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 Seeking approval for funding contributions to deliver flood protection schemes at the following locations:
1. Northbrook Flood Protection Scheme (Delivery by Devon County Council).
 2. Topsham Ferry Road & The Strand Flood Protection Scheme.
 3. Topsham Bowling Green Marsh Embankment Repairs

2. Recommendations:

That Executive:

- 2.1 Recommends to Council the contribution of £100,000 towards the £970,000 Northbrook Flood Scheme currently being delivered by Devon County Council.
- 2.2 Recommends to Council the estimated £800,000 budget for the delivery of the Topsham Ferry Road & Strand Flood protection scheme, of which £80,000 would be made up of ECC capital spend and the remainder would comprise contributions from other parties (primarily Environment Agency and Devon County Council).
- 2.3 Recommends to Council the estimated £500,000 budget towards the Bowling Green Marsh Embankment Repairs. These costs will be recoverable from the Environment Agency throughout the project.

3. Reasons for the recommendation:

The proposed flood schemes will protect ECC council housing stock and ECC land.

- 3.1 The proposed flood schemes will improve the resilience of communities and legally protected habitats to future climate change.
- 3.2 The Partnership Funding approach used means that ECC's contribution will unlock substantial extra funding in the form of grants from Devon CC and the Environment Agency.

4. What are the resource implications including non financial resources.

Financial Resources

- 4.1 As a Risk Management Authority ECC can access grants from the Environment Agency and Devon CC to support the delivery of flood schemes, subject to making contributions towards the scheme, as part of a partnership funding approach.
- 4.2 ECC had previously approved a budget of £500k for the Northbrook flood scheme in February 2013. Following transfer of project delivery to Devon CC, the requested contribution is £100k, some 20% of the previously approved budget.
- 4.3 For the Topsham Flood Scheme, a financial contribution of £80k is requested from ECC. ECC's contributions have been set at around £1k per property, similar to the level of contribution made to the River Exe flood alleviation scheme delivered by the Environment Agency.
- 4.4 Bowling Green Marsh is a special case, whereby there is a legal driver for carrying out the works meaning that the Environment Agency's grant scheme should pay for all of the works. The only financial contributions being made to this project are early-stage costs to engage a contractor to support the design and planning of the project due to the specialist nature of the work. This cost can be recovered from the Environment Agency at a later stage of the project.
- 4.5 The table below provides a summary of the project budgets and capital contributions requested from the Council.

Project	Total Project Value	Spend Profile			
		FY	ECC capital contribution	Contribution from others	Total
Northbrook Flood Scheme (DCC led)	£970k	19 - 20	£100k	£870k	£970k
		20 - 21	-		
Topsham Flood Protection Scheme	£800k	19-20	£ -	£100k	£ 100k
		20-21	£80k	£620k	£700k
Bowling Green Marsh	£500k	19-20	£ 20k	£ -	£20k
		20-21	£ -20k *	£180k	£160k
		21-22	£ -	£160k	£160k
		22-23	£ -	£160k	£160k

* ECC has existing budget committed for works in 19-20. It is expected that the EA will refund this spend in FY 20-21 once they have approved the project to proceed.

Non-Financial Resources

- 4.6 As the Topsham and Bowling Green Marsh projects would be managed by ECC, we will be the project budget-holders and so require approval to spend the total budget values shown above. The grants process means that we are able to request external funding in advance of spending on a quarterly basis, so we do not anticipate a need to borrow additional capital funds in excess of the contributions set out above.
- 4.7 Both ECC-led projects will be managed by a member of the engineering team, and time spent on the projects will be recharged to the capital projects.

- 4.8 The Topsham Flood Protection Scheme is likely to take up 1 – 2 days per week of a City Council engineer's time through the construction phases (currently scheduled for Spring and Autumn 2020), with design and construction works delivered by Environment Agency framework contractors. Following completion, an ECC officer from the engineering department will attend an annual flood exercise, with a total time demand of around 4 hours per year.
- 4.9 The Bowling Green Marsh Scheme is likely to take up 1 – 2 days per week of City Council engineer's time through the construction phases (currently scheduled for April – September in consecutive years 2020,2021 and 2022), with design and construction works delivered by Environment Agency framework contractors.
- 4.10 It is anticipated that the two projects can be delivered within existing staffing arrangements.

5. Section 151 Officer comments:

- 5.1 If approved the budgets will be added to the capital programme. The £180,000 cost to the Council will be funded from borrowing and will add approximately £9,500 per annum to the General Fund budget.

6. What are the legal aspects?

See Monitoring Officers comments.

7. Monitoring Officer's comments:

Any issues of concern will be raised at the meeting.

8. Report details:

Northbrook Flood Protection Scheme

- 8.1 The flood scheme is being delivered by Devon County Council, and will reduce flood risk to 55 homes at risk of flooding around Guinevere Way and George's Close. A number of these properties are ECC council houses.
- 8.2 At Executive and Full Council in February 2013, a contribution of £500,000 over two years (£200,000 in FY 13/14 and £300,000 in FY 14/15) from borrowing was agreed to support ECC in the delivery of the flood scheme. However, this was removed from the budgets as a saving in 2016 due to project commencement delays. The project is now being led by Devon CC, and has commenced on site with Phase 1 nearing completion and Phase 2 entering planning, and a contribution of £100,000 is now requested from Exeter City Council.
- 8.3 If the contributions is not granted, we would be renegeing on a previously agreed commitment and as such would run the risk of severely damaging our reputation with key funding partners (Devon CC and Environment Agency) which may limit our ability to access grant funds for flood risk and environmental management projects in the future. It is also likely that this would result in the whole scheme not being fully delivered, which would leave council housing at risk of increased flooding as a result of climate change.

Topsham Ferry Road & The Strand Flood Protections Scheme

- 8.4 This scheme will reduce flood risk to Ferry Road and The Strand, and provide property-level flood protection to 64 homes and 15 businesses at risk of flooding from high tides and waves, of the likes seen in February 2014.
- 8.5 Whilst ECC has no statutory duty to protect properties against flooding, we currently deliver sandbags to Topsham in anticipation of high tides or strong winds to help reduce flood risk to property. This is not a sustainable or effective means of managing flood risk in the long term, and is paid for from existing revenue budgets. We would prefer for the community to be able to deploy its own defences, and the proposal will facilitate the operation by residents and by the Topsham Emergency Group.
- 8.6 The proposed project is considered to be best delivered by ECC rather than the Environment Agency, due to the property-specific nature of the proposed works and the need to engage with individual property owners. ECC has run similar projects on behalf of Devon CC in the past, which has demonstrated the effectiveness of the approach.
- 8.7 If the flood scheme is not progressed the affected properties will remain at flood risk, and this risk will increase over time as a result of climate change.

Topsham Bowling Green Marsh Embankment Repairs

- 8.8 These works would repair the flood bank which forms the boundary of the Bowling Green Marsh, protecting the site from Wave and tide flooding. Works would be carried out over three consecutive years, prioritising high risk areas.
- 8.9 Bowling Green Marsh is owned by Exeter City Council but rented to the RSPB for use as a reserve, and is one of the RSPB's most popular sites in the southwest given its proximity to the large urban areas of Exeter and surrounding settlements. The site is considered to be the most important freshwater, high tide roost on the Exe Estuary and is a designated habitat of national and international importance supporting significant populations of waterbirds.
- 8.10 If the flood banks were to fail, the value of the site would be lost and this would likely have a substantial impact on the birds and the habitat. As the site is a protected habitat, allowing it to deteriorate as a result of the embankment failing would leave the council open to legal action and substantial fines from Natural England.
- 8.11 The works will be managed by ECC, as they will be carried out on ECC land and for the benefit of this land, probably making use of the Environment Agency's framework contractors due to the specialist nature of the works.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The flood protection schemes will increase the climate resilience of our communities, making these communities more sustainable. The Exeter Vision 2040 states that the city will be recognised as a leading sustainable city and a global leader in addressing the environmental challenges of climate change.
- 9.2 Delivery of these schemes will contribute to the City Council's objective of building great neighbourhoods. This objective seeks to protect and nurture communities, and ensure that residents have a home that is secure, affordable and healthy. Flooding has a detrimental impact on communities, contributing to poor physical and mental health and reduced security. Flooding can lead to people being displaced from their

homes, and the stress of damage or loss of valuables and sentimental items can often lead to job losses, both of which are contributors to increasing deprivation in communities. Being flooded or at risk of flooding decreases property values and can make properties harder to sell. The flood protection schemes will reduce flood risk to communities, therefore reducing the above impacts.

- 9.3 Delivery of these schemes will contribute to the City Council's objective of leading a well-run council. Flooding is a disruptive event, and can often be considered as an emergency event due to the risk to the public and the need for a quick recovery to limit the time that flood victims spend out of their home and business following the event. Whilst not a statutory responder to flooding events, Exeter City Council staff would be expected to support our partners at the Environment Agency and Devon County Council in the management and clean-up of a flood. By delivering these flood schemes, we reduce the potential burden on the Council and become more resilient to deal with emergencies and disruptive incidents as a result.

10. What risks are there and how can they be reduced?

- 10.1 The Topsham Flood Protection Scheme is reliant on grant funding from strategic partners, and there remains a risk that ECC will not be successful in their application for grant funding. If this were to occur, we would expect the works not to proceed to detailed design or construction. There would therefore be a minimal financial risk to the council, however homes and businesses in Topsham will remain at flood risk in this event. This risk has been minimised through regular liaison with the Environment Agency throughout the project development phase, who have continued to indicate that we are likely to be successful in our grant bid.
- 10.2 As with all construction projects, there is a risk that the cost of the projects will increase. For the Northbrook Flood Scheme, this risk remains with Devon County Council. For the schemes at Topsham, cost estimates have been calculated using the Environment Agency's cost estimation guidance, with appropriate contingencies applied to allow for reasonable cost increases. Early contractor involvement will be used to add additional certainty to costs and programme prior to submission of the grant application to the Environment Agency, and EA framework contractors will be used for any specialist works to further reduce risks to the project.

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
 - foster good relations between people by tackling prejudice and promoting understanding.
- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from

reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.
- 11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because:
 - 11.4.1 There is no impact of this decision in relation to race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status.
 - 11.4.2 Construction of flood defences has the potential to disproportionately impact on older people and those with a disability where they interact with existing access routes and make movement through the public realm more difficult. The three schemes recommended will be constructed in such a way as not to impede on the movement of the public across defined access routes. Where raised access is proposed across a bund at Hamlin Gardens, slopes will be sufficiently shallow, short and low as to not impede movement any more than the existing local topography.

12. Are there any other options?

Northbrook Flood Protection Scheme

- 12.1 There is no realistic alternative option available other than not contributing to the scheme.
- 12.2 Not contributing could prevent the second phase of the scheme from being completed, leaving a number of homes at risk of flooding. It would also significantly impact our relationship with the DCC flood risk management team, and may affect our ability to access future grants from DCC. There may be additional knock-on impacts to our relationship with other DCC teams, who currently offer us invaluable support and engineering services at a substantially reduced cost when compared with consultants.

Topsham Ferry Road & The Strand Flood Protections Scheme

- 12.3 A full appraisal of potential options has been carried out to determine the most cost-beneficial scheme both to the city council and the taxpayer. The selected scheme maximises the benefit: cost ratio offered by the works, and also looks to deliver the most technically feasible and publically agreeable option. The other options available involved hard engineered solutions to create new flood defences right along the river frontage, either in masonry, stone or sheet-piling, however these would have substantially impacted on heritage, visual character and amenity, and the estimated cost would have been in the region of £5 million of which ECC would have had to contribute a significant portion.

Bowling Green Marsh

- 12.3 A full appraisal of potential options has been carried out to determine the most cost-beneficial scheme both to the city council and the taxpayer, and to determine which options are technically feasible given the environmental constraints at the site. These

were broadly grouped into Maintenance (proposed option), reactive replacement works or proactive replacements. The two replacement options were rejected on the grounds of cost, environmental impact, non-alignment with policy and technical feasibility.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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