Cheltenham Borough Council
Council – 21ˢᵗ June 2021
Petition: Reduce Flooding and examine flood risk in detail, before allocating more development sites.

Accountable Member	Cabinet Member Customer & Regulatory Services, Cllr. Martin Horwood
Accountable Officer	Director of Planning, Tracey Crews
Ward(s) Affected	All
Significant Decision	**No**
Executive Summary	A petition was received by Council on 22 March 2021. As the petition had in excess of 750 signatures it is entitled to a debate at Council. The content of the petition is as follows: *'Reduce Flooding and examine flood risk in detail, before allocating more development sites.* *We the undersigned petition the council to prior to the allocation of further development sites, to commission, ideally with our JCS partners but alone if necessary, a detailed pluvial and fluvial flood risk assessment across the whole JCS area. This assessment must cover the cumulative impact from all development completed, planned, or projected since 2014; climate change, other influencing factors, and major infrastructure projects; and include a full review of mitigation requirements that may be required during the construction phase. Furthermore, we ask the Council to fully consult with all relevant agencies and parish councils, reviewing and incorporating their local evidence and include this within the Council's development plans* *Justification:* *In considering flooding and flood risk, our current development plans fall short; particularly given all the evidence currently available about the cumulative impact of pluvial (surface rain) and fluvial (river) flooding across the whole JCS area. The result of this is to severely impact residents and, in some areas, has virtually destroyed faith in the Borough Council's plan.'*
Recommendations	1. **Note the existing work that the council is doing to reduce flood risk, including already winning accreditation for a nature-led approach to flood risk in development. Commit to work with relevant partners and agencies in managing the impacts of climate change ensuring that the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy plans for the longer term needs of flood management and mitigation.** 2. **Note the considerable responsibility of the Council in flood risk**

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management as well as the roles of other organisations

3. **Thank the petitioners and acknowledge that this is a very important issue**

Financial implications	*None arising from this report.* **Contact officer: Andrew.Taylor@cheltenham.gov.uk**
Legal implications	The petition will be debated at Council in accordance with the Council's Petition Scheme. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process. **Contact officer: legalservices@tewkesbury.gov.uk**
HR implications (including learning and organisational development)	None arising from this report **Contact officer: Georgie.Tweddell@publicagroup.uk**
Key risks	**See Appendix 2**
Corporate and community plan Implications	The Council is committed to considering the implications of climate change and at Council on 18 February 2019 debated a climate change emergency. In response to this resources both financial and human resource has been put in place to steer this key workstream. A climate change co-ordinator has been appointed, funded by all the local authorities across Gloucestershire to further support outcomes. As priorities are developed these are expected in part to have a positive impact on our approach to reducing the impact of flooding through climate change resilience. All local authorities have a statutory responsibility to deliver up to date development plans for their areas, assessment of flooding is a key part of the evidence base of this and is subject to scrutiny by stakeholders and communities and tested by the Planning Inspectorate at associated Examinations in Public. **Contact officer: Tracey.Crews@cheltenham.gov.uk**
Environmental and climate change implications	The Met Office and other sources indicate that climate change is likely to increase the regularity and intensity of flooding which will potentially effect new areas. This is irrespective of new developments. Whilst the council will work hard to mitigate flood risk, a realistic approach will need to be taken as the full implications of climate change are unknown. Therefore, there is great potential to champion innovation and encourage preparedness that can reduce the negative impact of flooding and climate change, which must be delivered in partnership. See section 3.8. **Contact officer: Laura.Tapping@cheltenham.gov.uk**

Property/Asset Implications	CBC own, have helped to install or are responsible for maintaining various watercourse and flood alleviation assets. See 3.3 . We also have delegated authority from GCC for consenting and enforcement on ordinary watercourses.
	Contact officer: Dominic.Stead@cheltenham.gov.uk

1.   Background to the Petition Scheme

1.1   The Council's Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures be received.

1.2   The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2.   The Petition

2.1   The Council received a petition at its meeting on 22 March 2021. The wording of the petition is set out in the Executive Summary of this report.

2.2   Cllr Emma Nelson (elected May 2021) was nominated as the petition organiser.

2.3   The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on 13th May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows

- Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
- Taking no further action on the matter.

3.   Officer Comments

3.1   The management of flood risk is a collaborative, multi-agency task. Cheltenham Borough

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Council is only one part of the coalition (including the Environment Agency, Gloucestershire County Council, Severn Trent Water and local groups) but it is an extremely important part. We take flood risk and climate change extremely seriously and aspire to reduce flood risk ourselves and encourage others to do the same.

Land use planning

3.2   The Joint Core Strategy (JCS) and Cheltenham Plan (CP) together with a number of other documents make up the Development Plan for the borough. They allocate sites for housing, employment and wider development usesand provide a set of policies which planning applications must conform to. Both of these documents have flood risk management at their core which is reflected in their vision and objectives as well as the policies themselves. For example, the CP vision aspires for Cheltenham to be a place where the quality and sustainability "natural and built environment are valued and recognised locally, nationally and internationally". It also includes an objective to "manage and reduce the risk of flooding within the Borough."

3.3   The selection of development sites in the Development Plan were influenced by a necessity to minimise flood risk. This was informed by flood risk assessments and input from the Environment Agency (EA), including representation and testing of the flood risk evidence base with the Environment Agency at the relevant development plan examination in public overseen by the Planning Inspectorate.

3.4   In terms of policies related to determining planning application the JCS includes Policy INF2: Food Risk Management which states:

> "Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated." [Full text can be found here]

3.5   Work is already underway on the JCS Review. It is currently at an early stage but once adopted will allocate residential and commercial development land to facilitate and manage the future growth of Cheltenham and its wider area. The JCS process is legally required to follow policy set out in the National Planning Policy Framework (NPPF) and expanded upon in the Planning Practice Guidance (PPG). Paragraph 156 of the NPPF states:

> "Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards."

3.6   The EA have also published guidance on how flood risk assessments should be conducted. The Council is committed to working within this guidance through the production of Strategic Flood Risk Assessments Level 1 and Level 2. These will address all sources of flood risk, including pluvial and fluvial. They will also assess cumulative impacts that development or changing land use would have on the risk of flooding and establish if a development can be made safe without increasing flood risk elsewhere.

3.7   The Council will collaborate with statutory bodies, such as the EA and LLFA, in doing so. Through formal consultations and informal discussions, the Council and its consultants will also incorporate the views and knowledge of local residents and groups into the assessments.

3.8   In addition to these statutory requirements, the Council is going further by promoting

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landscape-scale approaches and solutions that address wider environmental issues holistically. The SPD for the Golden Valley development is a good example of our approach, ensuring mitigating climate change and flooding are represented appropriately in development and brought forward more clearly at the master planning stage. The Golden Valley SPD was accredited by Building with Nature who we worked with closely to incorporate their framework of standards for the design and delivery of high quality green infrastructure. Looking forwards, we aim to encourage developers to utilise these types of resources and to foster a positive mind-set about water management and climate change mitigation.

Operational Responsibilities

3.9   There are several risk management agencies (RMAs) involved in managing flood risk. Flooding also has many different sources (rivers, surface water, highways, sewers etc.). As a district council our responsibilities are quite specific*, so we are often reliant on working collaboratively with others. For example, the Environment Agency (EA), Gloucestershire County Council (GCC) who are the Lead Local Flood Authority (LLFA), Gloucestershire Highways and local water companies like Severn Trent Water (STW).

Cheltenham Borough Council (CBC) have delegated authority for consenting & enforcing on ordinary watercourses and have some powers under the Land Drainage Act and the Flood and Water Management Act. We also have riparian responsibilities for watercourses on CBC owned land. We are the local planning authority and category 1 responders for emergencies.

3.10   CBC are responsible for commenting on flood risk for planning applications for 9 or fewer residential properties or other developments where the area being developed is less than 1 hectare. Technical advice/support for this function is currently provided by the Shared Principal Engineer at Publica. GCC as the Lead Local Flood Authority (LLFA) comment regarding flood risk for applications for anything above these thresholds. The EA sign off any strategic flood risk assessments and CBC are only involved with commenting at a site-specific level.

3.11   Cheltenham Borough Council (CBC) have delegated authority from GCC for consenting & enforcing for Ordinary Watercourses. This means we process applications for land drainage consent (for example if someone wants to install a culvert), promote awareness of and investigate riparian* responsibilities and enforce any appropriate actions. This function contributes to the management of flood risk. The EA are responsible for riparian issues relating to main rivers, but we work proactively with all agencies involved.

Riparian owners are responsible for the maintenance of watercourses. Usually this is the landowner where there is a watercourse within or adjoining the boundaries of their land. This responsibility is sometimes shared.

3.12   CBC own, have helped to install, or are responsible for, maintaining various watercourse assets. We are undertaking a process review and asset mapping exercise to ensure watercourses we are responsible for are appropriately maintained and that we can manage flooding enquiries and reports more efficiently. We have been working closely with the EA to align with their main river maintenance programme and liaising with other local districts to share best practice. Some seasonal/wildlife constraints can potentially be perceived as inaction, so we are investigating how Risk Management Authorities (RMAs) can communicate more effectively with the public about how and where maintenance is taking place and raise awareness of the benefits of working more closely with nature (e.g. increased biodiversity, protection of nesting birds).

3.13   The Cheltenham Flood Plan annex and Charlton Kings Rapid Response plan are being updated in partnership with the other agencies involved such as the civil protection team at GFRS (Gloucestershire Fire & Rescue Service). We are also reviewing and formulating an approach to sandbags, to improve clarity about what CBC are able to assist with and encourage preparedness.

Additional activities and engagement

3.14 In addition to our core operational responsibilities, we also undertake a range of other actions to help manage flood risk in the Borough.

3.15 This type of approach can also minimise the long-term maintenance costs and will be incorporated in future works on the high street. We are looking at how we can integrate flood management as part of the wider public realm and aspire to explore potential for retrofit urban SuDS (Sustainable Drainage Systems).

3.16 As a sector, flood risk management is evolving to become more holistic and incorporate a greater emphasis on tackling climate change, creating amenity and encouraging biodiversity. Increasingly we will be focussing on the impact of climate change on flooding and working with the newly appointed CBC Climate Emergency officers to explore opportunities that create multiple benefits. For example:

- SuDS (Sustainable Drainage Systems) and NFM (Natural Flood Management)

- Raising awareness of the benefits of rain gardens, ponds, permeable paving, water butts, green roofs, tree planting, re-greening gardens etc.

- Working with local schools and businesses.

3.17 In 2020, we completely revaluated how the council resources and approaches flood risk management. A new Flood Resilience Programme Officer role was created and flooding now forms a key part of the climate agenda and our respone to it. We are aware there are areas for improvement, however, so we are reviewing our processes and will be taking on board lessons learned as thinking develops around these themes.

3.18 Our communications, engagement activities and public information about flooding is being refreshed to help us continue to build more resilient communities, empower people to make positive behavioural change and improve awareness of the appropriate agencies and resources available. As a result, we are going to be relaunching our Flood Warden volunteer scheme, including new training being developed in partnership with GRCC (Gloucestershire Rural Community Council). The council will also continue to play an active part in the Local Resilience Forum (LFR) Community Resilience Group.

3.19 Since the floods of 2007, a significant amount of investment has been made to deliver flood alleviation schemes in the Borough. The council have invested in a number of schemes to protect businesses and properties and when grant funding from partners like the EA or GCC becomes available a key area of collaboration for the council is the delivery of Flood Alleviation Schemes (FAS) and Property Flood Resilience (PFR) grants for qualifying properties at risk of flooding. Other RMAs also manage their own flood alleviation schemes in the Borough (e.g. River Chelt and Prestbury) and most recently, Cheltenham has benefitted from the completion of a £2.78million scheme at Priors Farm and Noverton Farm, which should greatly reduce flood risk to properties in the Whaddon and Oakley areas of Cheltenham.

3.20 We have also been working on several collaborative undertakings to try and mitigate flood risk in the Borough including:

- Participating in the multi-agency response to December 2020 flooding incident, including contributing data at district debriefs and encouraging flood reporting.

- Working with the LLFA to support their Surface Water Management Plan (SWMP).

- Contributing to the EA's Flood Risk Management Plan (FRMP) for 2021-2027 (pre-consultation stage).

- Discussing SuDS opportunities in the town centre and wider Borough, NFM (Natural

Flood Management) potential with Charlton Kings Parish Council and feasibility of volunteer run community sandbag stores.

- Investigating possible sources of flooding and potential measures to reduce flood risk in Warden Hill with ward Councillors, STW, GCC and the Highways Authority.

4. Reasons for Recommendations

4.1 Council notes the positive actions being undertaken to assess flood risk as part of the review of the JCS. This flood risk assessment will be a key part of the JCS evidence base and key element of the process to allocate future sites.

4.2 Council endorses the actions underway and being developed to mitigate flood risk in the Council's other roles and activities and testing scope for new opportunities to influence and manage the impact of flooding as we respond to the demands arising from climate change.

4.3 In light of work planned and investigation of further opportunities for improvements there is no further action for the council to take at this time in respect of this petition.

Report author	Contact officer: Rebecca.Sillence@cheltenham.gov.uk
Appendices	1. Process for dealing with petitions at council 2. Risk assessment
Background information	N/A

Process for dealing with petitions at Council

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
- Taking no further action on the matter.

Risk Assessment Appendix 2

| The risk | | | | Original risk score (impact x likelihood) | | | Managing risk | | | | |
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likeli-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If we fail to adequately assess flood risk of new development then there will be an increased risk of flooding events.	Tracey Crews	18/02/2021	4	2	8	Reduce	The JCS Review will be accompanied by the appropriate flood risk assessments in accordance with Environment Agency standards	End of 2023	John Rowley	01/06/2021
	If we do not adapt sufficiently to climate change and its impacts then the local environment, amenity and economy will suffer	Tracey Crews	18/02/2021	5	1	5	Reduce	Two Climate Emergency Programme Officers have been appointed to lead on the Council's response to climate change	N/A	Jackie Jobes	01/06/2021
	If we fail in our Duty to Cooperate then we will be unable to complete the JCS Review	Tracey Crews	18/02/2021	4	2	8	Accept	Officers already work closely together across the three JCS authorities. A JCS programme officer is in place to ensure this continues and that statutory bodies are also involved	N/A	John Rowley	01/06/2021

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close