



Llywodraeth Cymru
Welsh Government

PUBLICATION

Flood and Coastal Erosion Committee meeting: 28 January 2020: notes

Notes from the meeting of the Flood and Coastal Erosion
Committee on 17 September 2020.

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Meeting no 5: minutes

Virtual Meeting via Microsoft Teams

PRESENT:

Martin Buckle (Chair)	Flood & Coastal Erosion Committee
James Morris (JM)	Welsh Government
Andy Fraser (AF)	Welsh Government
Chris Curry (Secretariat)	Welsh Government
Rowland Thomas (RT)	Ynys Mon Isle of Anglesey CC
Owen Conry (OC)	Conwy County Borough Council
Wayne Hope (WH)	Denbighshire County Council
Meghan Alexander (MA)	University of East Anglia
Andrew Sherlock (ASh)	Welsh Government

Committee Members:

Adrian Philpott (AP)	Dwr Cymru – Welsh Water
Darren Thomas (DT)	Pembrokeshire County Council
Geraint Edwards (GE)	Conwy County Borough Council
Andrew Stone (AS)	Rhondda Cynon Taf CBC
Jean-Francois Dulong (JFD)	Welsh Local Government Association

Karen Potter (KP)	Open University
Paul Blackman (PB)	Wallingford Hydro Solutions
David Harris (DH)	Independent Consultant
Anne-Marie Moon (AM)	JBA Consulting
Jeremy Parr (JP)	Natural Resources Wales
Mike Wellington (MW)	WSP Consultation
Natalie Haines (NH)	Mott MacDonald
Catherine Wilson (CW)	Cardiff University

Observers:

Ross Akers	Natural Resources Wales
Natalie Hall	Natural Resources Wales
Rachel Sion	Natural Resources Wales

Apologies:

Lorna Davis (LD)	National Farming Union Cymru
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1 - 2. Apologies and introductions

Chair gave the apologies and introductions were made.

3. Declaration of interests

The Chair asked members of the committee to consider the papers and declare

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if they had any conflicts of interest, none were given. The Chair advised members that today's meeting will be recorded by the secretariat.

4. Minutes of the meeting held on 17 September 2020, and matters arising

Draft minutes had been circulated for comment and subsequently published.

The Chair noted Action 1 to provide an update on the Welsh Government's position in advance of this meeting would be covered in item 8.2.

DH asked the Secretariat to check if the RCT presentation from the September meeting had been shared.

5. Chair's announcements

The Chair provided an update on his activities since the fourth meeting of the Committee in September 2020.

In October, he wrote to the Minister for Environment, Energy and Rural Affairs (MEERA), and the Minister for Finance and Trefnydd, to seek support for longer capital and revenue funding programmes for Flood and Coastal Erosion Risk Management (FCERM). He was also able to discuss this with MEERA, when he met her in November to provide an update on the Committee's work.

The Chair received a reply to his letter in December. The reply confirmed the value of exploring the feasibility and potential benefits of a multi-year approach. However, the UK Government's spending review announced in November 2020 provided a budget settlement for Wales for 2021-22 only, making it difficult to announce spending plans beyond this period. Nevertheless, the Welsh Government is keen to explore how we might move towards multi-year budgets in the future, with the preparation of a longer-term pipeline of schemes by Risk Management Authorities helping to support this. The Chair confirmed that both letters had been shared with members of the committee.

In September and December, the Chair attended the regular quarterly remote meetings with the Chairs of the English Regional Flood and Coastal Committees (RFCCs). At the September meeting, Defra's FCERM Policy Statement was discussed, and the Ministry of Housing, Communities & Local Government (MHCLG) Planning White Paper. There were continuing concerns raised about the potential for substantial new development on flood plains in England.

At the December meeting, there was a presentation by Environment Agency Community Engagement Officers in Northumbria, who are funded through the RFCC using local levies. There was also an update on the outcome of the UK Spending Review and its implications for FCERM, and a presentation by the Association of Drainage Authorities on their proposals to widen eligibility for membership.

In November, the Chair attended a meeting of the Flood and Coastal Risk Programme Board. The next meeting in February, will discuss the programme for 2021-22. He also in November attended the Coastal Communities Adapting Together conference. This is an EU funded project, which involves the exchange of knowledge and best practice between Wales and the Irish Republic. Again, in November, he chaired the conference of the Royal Town Planning Institute in Wales on Coastal and Marine Planning, at which Committee Members Karen Potter and Jean-Francois Dulong were speakers.

In December, the Chair and Jeremy Parr gave presentations to the National Infrastructure Commission for Wales as part of the work of the Resources Sub-Committee. Current indications are that the focus of the Commission is on other topics, with no plans to address FCERM as part of their current year's workload.

The February 2020 floods have led to insurance issues coming to the fore. As a result, the Chair has been in touch with Alastair Ross, from Association of British Insurers (ABI). He has agreed to come and speak to the next meeting of the Committee in May, about best practice in the field of flood insurance.

JM advised that there had been a few queries raised about the lack of awareness of the Flood Re scheme, and whilst Alastair Ross could provide an update on the viewpoints of the ABI, it would be worthwhile exploring a discussion with Flood Re, which are a separate organisation.

6. Items from the regional groups

DT provided an update on the South West Wales Flood Risk Management Group, which met on 27 January. Items discussed included:

- Resources and funding, with revenue funding in particular raised as a concern.
- Apprentice schemes a potential way forward.
- In terms of COVID 19, there were no significant concerns raised, however, DT did note Bridgend had flagged the issue of the workforce on the ground; a “buddies” system where they can plan office work, however, on site work is more difficult. Dŵr Cymru Welsh Water are looking to develop a smarter working approach in the post-COVID environment.
- They discussed setting group objectives and a work programme. DT advised that the Plan was not currently available as a document at this time. The issues discussed were:
 - Skills & services – the National FCERM Strategy could provide some pointers to investigate;
 - Longer-term funding plans – need to align plans between different bodies
- DT noted group members had raised issues regarding the level of administration work involved in accessing flood funding, such as the small-scale flooding grant, with tight deadlines for submissions.
- DT had nothing to report in respect of recent flooding, although he noted that Neath Port Talbot were absent from the meeting due to the Skewen incident.

The Chair confirmed the Resource Sub-Committee would consider options for apprentice schemes.

GE provided an update on the North Wales group, which last met at the end of November. Items discussed included:

- Resources and capital allocation, it was noted that revenue funding was inadequate to take forward the current flood risk management requirements.
- Skills and capacity, the Authorities agreed that the apprentice programme within region was good, although a shortage of course providers was raised.
- Authority collaboration is excellent, whilst working with other stakeholders

was also going well. It was noted, however, there were ongoing challenges with collaboration due to conflicting priorities across the region.

AS advised that they had been running apprentices through the flood risk management team, via the Welsh Government's apprenticeship scheme for a number of years. This is a well-established, successful scheme.

AS provided an update on the South East Wales group, with an extra-ordinary meeting taking place just before Christmas primarily to discuss resources. Other items covered included:

- Sustainable Drainage Approval Body (SAB) / Highways team have been used to assist with flood risk management work; however, there has been a 100% increase in SAB operational work.
- The increased revenue is appreciated by all the Local Authorities (LAs), however, AS did note Authorities have numerous private or orphan flood defence assets, where the liability and maintenance of these are difficult with the current level of powers and revenue funding.
- AS explained Rhondda Cynon Taf (RCT) CBC were currently producing their S19 flood investigation reports following the February 2020 flooding, and had received over 285 responses to their public engagement campaign, which involved over 8,000 leaflet drops and a full social media drive. He suggested that one positive to come out of these storms was the development of good working relationships with NRW, DCWW and other LAs.
- AS explained a Strategic Board was being set up, chaired by the Council's Leader, and with representation from partners such as NRW and Welsh Government.
- Next meeting to take place in the next month or so.

The Chair asked AS whether the public engagement campaign was specifically associated with the preparation of RCT's Section 19 reports. AS advised that it was, explaining that they had attained useful information from residents that had not flooded, which will also be included in the published S19 investigation reports.

The Chair also asked if the scope of the board referred to would be purely focusing on flood risk management. AS confirmed its overarching purpose would

be flood risk management, although this would include insurance, flood support and monitoring. The main requirement from their Chief Executive was for all stakeholders to work together to problem solve.

JP thanked AS for his update, and confirmed NRW would want to play its part in this initiative. He advised there may be implications if this were to be replicated across all 22 LA's, as NRW resources would be stretched in providing support.

The Chair explained that governance and collaboration was within the scope of the Resources Sub-Committee, and could be discussed at a greater length in this forum.

MW explained that there is currently lack of educational facilities in North Wales providing appropriate flood risk management courses.

Action – MW to provide a note to discuss at Resources Sub-Committee meeting in February

JFD confirmed that the WLGA had also identified this as an issue. He advised they had approached Welsh Universities regarding specific flood risk management courses. JFD suggested it could be worthwhile exploring funding support to universities.

7.1 Presentation by Owen Conry, Flood Risk & Infrastructure Manager, Conwy County Borough Council

OC gave a presentation to the Committee on Preparedness & Reactive Flood Risk Management Duties.

7.2 Presentation by Wayne Hope – Flood Risk

Manager, Denbighshire County Council

WH gave a presentation to the Committee on the East Rhyl Coastal Risk Management Programme scheme.

The slides from both presentations will be shared with the Committee.

8. Reports

8.1 Presentation by Dr Meghan Alexander, University of East Anglia - **Aligning Flood & Coastal Erosion Risk Management (FCERM) and Well-being in Wales: An analysis and evaluation of FCERM governance**

MA gave a presentation to the Committee on maximising alignment between Flood and Coastal Erosion Risk Management and the well-being agenda.

The slides from the presentation will be shared with the Committee.

8.2 Sustainable Urban Drainage (SuDS) in Wales – **Andrew Sherlock, Water Policy Manager, Welsh Government**

ASh provided an update on SuDS in Wales.

Since 2019, Welsh Government has required that all new developments in Wales, where the construction area is 100 square metres or more, require SuDS. The justification for SuDS was well established, however, as voluntary uptake remained low, it was deemed a mandatory approach was necessary and timely.

Mandatory SuDS ensure resilient drainage systems are installed for all new developments in both urban and rural areas and help increase resilience to

flooding. The increased prevalence of SuDS will play a key role in protection of the environment, the promotion of biodiversity, and adaptation to climate change.

At the end of 2020 both the Minister for Environment, Energy and Rural Affairs, and the Minister for Housing, wrote to Local Authority Chief Executives, on the need to deliver the SuDs approval duty in a timely and integrated fashion. This was to ensure the necessary quality and that the demands for private and social housing were met.

The Welsh Government are looking at ways to better align the planning and SAB processes, to save time and costs for developers. JFD reported that the WLGA were looking to establish a project with the involvement of some LAs to trial approaches to this, and work is expected to commence soon following an initial meeting. While work on TAN15 has been delayed, he was hopeful of taking advantage of this by working with planning colleagues to find ways to better integrate SuDS.

ASh confirmed that officials were aware of the particular concerns around commuted sums, and have been in discussion to develop a Wales-wide commuted sums tool. Work on this has stalled due to COVID, but is now being picked up as a priority.

He advised the Welsh Government has commissioned Arup to develop guidance for agricultural SuDS, which will be completed by end of financial year. Currently underway is a WLGA commissioned review to explore how the SAB process is being delivered. Objectives of the WLGA review are to identify areas within the SAB process where improvement is needed, from both the legislative and delivery perspectives and, where applicable, to identify recommendations for improvement.

The WLGA/Arup review is expected by Mid March, where it is anticipated to be used as supportive evidence to inform the Welsh Government's own wider ranging post implementation review, which will commence later this year. The outcome of the Welsh Government's review will inform the future direction of policy, and provide options for making the system work better. ASh advised he would be seeking contributions from stakeholders, and would welcome input

from the Committee.

ASh confirmed the areas of focus would be:

- to continue to support implementation and address the range of issues working with WLGA, SABs and policy colleagues;
- to build an evidence base to inform the review and a potential SuDS Bill in the next Senedd term, subject to Ministers' views. There may be other legislative vehicles which become available, but that would be a matter for another time.
- to maintain engagement with SABs as far as we are able including planning for Implementation Group meetings later this year
- to build links to Planning / planning authorities to remove obstacles and streamline the SAB approval process as far as we're able within the current legislative framework
- to work with NRW to ensure that sufficient capacity is in place to respond to applications in its formal consultation role
- to develop a SuDS communications plan to raise public awareness on the benefits, drawing on case studies (Greener Grangetown etc). ASh intends to also step up internal engagement, with particular focus on colleagues delivering grant schemes where SAB approval may be a factor.

JM commented that the SuDS review will help meet Measure 16 of the new National Strategy and hopefully strengthen the link with flood prevention and planning.

JFD confirmed he was working closely with ASh in developing guidance, which should include a level of proportionality within the process, currently a one size fits all which can be challenging. JFD advised they are currently running a pilot scheme with Caerphilly SAB and National Park Authorities to integrate the planning and SAB process, with the view of rolling out to other councils.

NH raised issues about engagement with SABs and NRW on pre-application consultations. NH explained they have been advised they have no time to deal with pre-applications and to go straight to the application process. ASh confirmed that they were aware of these issues, and the review will cover this.

The Chair was interested to hear how the review would address issues associated with the enforcement powers of SABs. ASh confirmed he was aware of such issues and the review could propose solutions. The Chair suggested that as planning enforcement is a specialised area, it would be unfortunate if the review recommended establishing separate SAB enforcement bodies as the work would be similar.

KP asked about the level of political support for the Welsh approach. ASh noted the climate emergency work had proved challenging for some Local Authorities, with the introduction of a number of new policies around adaptation and climate change.

AS discussed enforcement, it is not just about resources, there are also issues around the legal fees associated with enforcement activities. He agreed with the Chair about SAB enforcement processes being linked with planning. He stated RCT charge for the pre-application process, which had received good feedback and generated revenue.

ASh agreed that it wasn't just about human resources, and that there were also issues to be addressed regarding financial resources.

8.3 February 2020 Floods in Wales – Our Response – Jeremy Parr, Natural Resources Wales

JP gave a presentation to the Committee on NRW's response to the February floods, on what they did well and what needs addressing. He provided an update on NRW's February 2020 Flood Review, and sought views on potential role(s) for FCEC in considering wider issues arising.

JP asked the Committee:

- to consider (or promote consideration of) the 'discussion points' identified in NRW's report;
- to consider the Wales-wide implications of the floods and the conclusions from the various reviews being undertaken by the different authorities.

JM commented on how the UK Government are focusing on the positive outcomes of preventative flood spend by highlighting what was protected and what didn't flood. He questioned whether NRW could provide something similar? He agreed with JP on the need to promote how our assets/investments are doing a good job in preventing thousands of properties from flooding, noting the sensitivity of recognising those who did flood.

PB suggested increasing focus on property resilience given the difficulties with flood warnings, short warning times and limits on practical defence heights.

The Chair noted the actions identified that will need to be discussed with partners, and suggested some (3, 4 and 5) could be grouped together from an operational perspective, with NRW leading the discussions.

He noted actions 2, 6, 7 and 8 are questions about levels of service, levels of public expectations and the resources needed to respond to these. He suggested these were related to existing National Strategy measures and the resources to deliver them. The Chair explained that there are already measures relating to Section 18 reporting requirements which enable the performance of the National Strategy to be monitored.

The Chair also discussed Action 1: roles & responsibilities, and collaboration, which is something the Resources Sub-Committee, agreed to review within its scope. In terms of the Wales wide implications, the Chair noted that the Committee is not resourced for such a front line review. However, there were opportunities within the Committee's agreed work programme for them to review this element in the context of the Committee's role in reviewing Section 18 reports, and in developing guidance for Section 19 reports.

AP raised concerns about legislative barriers around roles and responsibilities, and queried whether there was an expectation from the Minister for the Committee to offer any advice on some of the themes.

JM suggested the Policy and Legislation Sub-Committee was expected to provide advice on if there was a need for legislative change, and noted the difficulties around roles and responsibilities from flood and water legislation. However, the Committee could also be well placed to highlight common themes

from emerging Section 19 reports alongside others like NRW and WLGA. He explained that it wasn't the role of the Committee to respond to every point, suggesting a lot of the work from the NRW Review is already in hand, or being delivered through the Strategy measures.

8.4 Welsh Government consultations

To note the responses to the consultations on Reducing Single Use Plastic in Wales and Sustainable Farming and Our Land 2020.

The Chair confirmed that both consultations had been agreed and signed off by the Committee and were now on the public record. He advised there was now a further consultation on the Agriculture White paper, which the Committee would also be providing a response to.

8.5 Reports under Section 18 of the [Flood and Water Management Act 2010](#) – Preparation for 2022 – Jeremy Parr, Natural Resources Wales

JP provided an update on NRW's intentions for a revised approach to Section 18 reporting, and to seek Committee members' views on this approach. JP advised that Ross Akers and Rachel Sion, as the NRW leads on the production of the Section 18 report, were both on the Teams call as observers.

JP explained that there is a statutory responsibility on NRW to produce a report on FCERM activity, and that the Committee will undertake an independent oversight role, prior to its publication, as set out in the National Strategy.

JP discussed NRW's proposed approach for the next Section 18 report, which will include two components. The first component will be annual reports, reflecting the two year cycle of the Section 18 process. These will detail key achievements and deliverables from NRW related to FCERM. It will act as an update against key NRW delivery programmes, provide additional detail against the National Strategy (including flood events), and likely include annual updates from NRW's Improvement Programme and from Flood Risk Management Plans.

It will cover all aspects of FCERM and be written for a public audience, published on the NRW website. NRW would aim to commence following the end of the 2020/2021 financial year.

The second component will be a progress update against the objectives, measures and other requirements listed in the [National FCERM Strategy](#) (under paragraph 335) to satisfy Section 18 of the Floods and Water Management Act 2010.

JP suggested the new process in producing the Section 18 report would be less labour intensive and applicable for the whole of Wales.

The Chair noted this approach and NRW had considered the Committee's feedback. He explained that the Local Authorities (LAs) returns for the last report was mixed, which is a cause for concern, and there was no input from the Welsh Government's highways directorate.

JM agreed the lack of responses from some of the LAs was disappointing, and shared a desire to simplify the process, with this being recognised in the National Strategy. However, he questioned why Welsh Government was lead organisation for much of the reporting on data sources rather than RMAs. He was not aware his team had been consulted on this approach which could be seen as Welsh Government reporting to itself. He suggested instead how scheme info and case studies should come through RMAs. It was agreed that these issues needed further discussion.

Members provided further general comments / questions:

- How much of the content would be factual, rather than analysis of the facts - JP explained the report would stop short of interpreting the facts.
- Regional approach should be considered, could the Regional groups perform a coordination role to assist Local Authorities?
- Targeted approach, so the correct people within the Authorities are sent the commissioning request for information.
- Streamline the process, and advanced communication of timelines.
- Clarity on consistency of content.

The Chair noted the report had served its purpose on proposed changes and had started a dialogue.

8.6 Resources Sub-Committee (RSC)

To receive the minutes of the meetings of the Sub-Committee held on 01.12.20 and 08.01.21.

The Chair noted that in the first meeting the sub-committee reported on the literature review, focussing on a number of issues and responding with recommendations.

The Chair confirmed there was one specific action from December's meeting, which was NRW's levy raising powers under the **Flood and Water Management Act 2010**. The question was raised that the regulations are not in place in Wales for NRW to use these powers. The Chair's expectation was this issue will feature in the Sub-Committee's report and will also be picked up in the Policy & Legislation Sub-Committee.

JM asked what the perceived gap is in raising levies as the abolition of the regional committee in the Environment Act (Wales) should have removed barriers and made the process more straightforward; levies remained a vital part of funding the IDBs.

JP explained it was a technical nuance relating to a reference to the former Regional Flood and Coastal Committee and how NRW lawyers had provided advice. JM requested a paper on this for Welsh Government to review and hopefully resolve.

ACTION - JP agreed to provide a paper on levy raising powers to the Welsh Government.

8.7 Policy & Legislation Sub-Committee (PLSC)

To agree the terms of reference, and to receive the minutes of the meeting of the Sub-Committee held on 14.12.20.

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AP noted the PLSC was now established, with the first meeting held on 14th December. He explained that the Terms of Reference (ToR) was one of the items discussed at the first meeting, and for consistency are based on the RSC's ToR.

AP confirmed that the main purpose of the PLSC is the delivery of theme 5 of the Flood & Coastal Erosion Committee's (FCEC) work programme, and in particular measure 1 of the National FCERM Strategy on scoping the need for legislative change, with a deadline of 2022 to complete its work.

The PLSC ToR were agreed by the Committee.

AP reviewed the minutes of the meeting held on 14.12.20, with particular reference to the timescales. He explained the PLSC has a target date of reporting back with recommendations to the 9th meeting of the full committee in May 2022, so both the end and start dates of this sub-committee are fixed. He also confirmed the 2nd meeting would be taking place at the end of March.

AP confirmed the first task of the PLSC is the drafting of a literature review, which will consider potential issues, barriers, gaps and opportunities with regards to legislation. AP will send out emails to members of the Committee, inviting them for their input into the review.

The Chair confirmed that in terms of the legislative scope, the PLSC will review the Flood and Water Management Act, and both coastal protection and land drainage legislation, but would not address SuDS legislation, as this is being progressed separately.

8.8 Committee Work Programme

To receive the report of the Chair, and to consider the recommendation that the updated Work Programme be approved.

The Chair advised that members of the Committee would have received a version of the document, which included tracked changes. He highlighted a few items on the Work Programme, which had been pushed back to future dates:

- Theme 3 – Highlighting good practice in FCERM
- Theme 7 - Advice on the integration of FCERM policies and priorities with other relevant policies and legislation.
- Theme 8 - Contribute to the preparation of the Coastal Adaptation Toolkit
- Theme 9 – Influencing research needs and programmes

Theme 10 on the consultations has been updated, although will now need to include the additional consultation on the Agricultural White paper, which was discussed earlier in today's meeting.

He then discussed Committee administration, and his intention to hold annual appraisals during the first quarter of the financial year, which will commence in April.

The Chair reviewed the annexes to the work programme, advising of the updated committee dates and NRW's annual reports to consider. He advised of the updates to both Annex 3 relating to RSC and Annex 4 to PLSC.

The Chair provided a proposal on the arrangements for future meetings, he suggested the pandemic has demonstrated that there are advantages in holding some meetings virtually. The Committee has not met physically since January 2020, and it is the intention to do so again as soon as that is possible. Thereafter, it is proposed that alternate meetings of the Committee are held remotely. The Committee will then meet physically every eight months, and hold a meeting physically in each of the three regions once every two years. There would, however, still be a focus on each of the three regions once each year.

With regard to Sub-Committees, these have met remotely from the outset. It is proposed that this will become the norm, although this does not preclude them occasionally meeting physically when necessary.

The Committee agreed the proposal on a mix of virtual and face-to-face meetings.

The next meeting the Committee is scheduled to meet in Bridgend, although this could change due to the pandemic, whilst meeting 7 is scheduled to be held in

Newport.

9. Any other business previously notified to the Chair

JFD notified the Chair of an AOB item to be shared with the Committee, regarding establishing a WLGA e-learning course.

JFD explained that the WLGA had been working closely with NRW in developing an e-learning course specific to FCERM. He advised that they had also been working with AMM, JBA consulting, on its content and delivery.

He explained the course would provide both new starters and practitioner's content and links on all FCERM matters such as:

- Clarification of roles and responsibilities
- Legislative framework
- Local FRM Strategies
- The National FCERM Strategy
- Devolved powers
- Assets and mapping

JFD noted the course would also provide practitioners information on day-to-day activities. He confirmed that he would keep the Committee updated on its progression, although realistically this won't be ready until the end of summer.

10. Date and venue of next meeting

20 May 2021,
Civic Offices,
Angel St,
Bridgend
CF31 4WB

The Chair concluded the meeting.

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