



Leicester
City Council

WARDS AFFECTED
All Wards

Overview and Scrutiny Board
Cabinet

17th June 2010
21st June 2010

PROCUREMENT OF A SURFACE WATER MANAGEMENT PLAN STUDY

Report of the Strategic Director, Development Culture and Regeneration

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to procure the Surface Water Management Plan Study.

2. Recommendations

- 2.1 The Cabinet is requested to approve the procurement of the Surface Water Management Plan Study by external consultants.

3. Summary

- 3.1 This report details why a Surface Water Management Plan Study needs to be procured, the legislation involved, how the procurement will be carried out and how it will be funded.

4. Report

- 4.1 Following the Pitt Review into the serious flooding across the UK in 2007, the Government has now enacted legislation and introduced regulations to improve the approach to flood risk management. Similarly, at a European level, the European Union has issued Directives relating to Flooding and Water Resources. The Legislation places a legal responsibility on unitary or county councils to take the lead in managing local flood risk.
- 4.2 The Environment Agency (EA) has now published the Draft Catchment Flood Management Plan for the region. In the plan, the Leicester Principal Urban Area (PUA) has been identified as being at significant risk of flooding from surface water (pluvial flooding). This is flooding resulting from heavy rainfall events and ordinary watercourses, not main river. Following this, Defra has allocated funding to the top 77 at risk local authorities to enable them to develop a Surface Water Management Plan (SWMP) by undertaking more detailed flood risk mapping, identifying flood risk hot-spots and establishing a long term action plan to mitigate the risk of surface water flooding in these hot-spots. Leicester City received one of the highest allocations (£250,000) as we are in the top 10 "at risk" authorities. Defra and the EA are expecting the initial study work to produce more detailed flood risk mapping for Leicester PUA to be completed by around April 2011.

4.3 In addition to the above, a Level 2 Strategic Flood Risk Assessment (SFRA) compliant with national Planning Policy Statement 25 (PPS25) is necessary to support the Local Development Framework, in particular the Site Allocation Document which is to be produced at the start of 2011. The SFRA is essential to informing spatial development and regeneration within the City. New Growth Point funding of £80,000 has been secured to assist with the mapping and production of the Strategic Flood Risk Assessment and will be added to the Defra funding.

4.4 **Legislation**

4.4.1 The Floods and Water Management Act 2010 received Royal Assent on 8th April 2010. Key features of the Act that are particularly relevant to the City Council are:

a) To give the Environment Agency an overview of all flood and coastal erosion risk management and unitary and county councils the lead in managing the risk of all local floods.

b) To encourage the uptake of sustainable drainage systems by removing the automatic right to connect to sewers and providing for unitary and county councils to adopt Sustainable Urban Drainage Schemes (SUDS) for new developments and redevelopments.

4.4.2 The EU Floods Directive has been transposed separately, through regulations, which came into force on 10 December 2009 in the form of The Flood Risk Regulations 2009 (SI 2009/3042). Under the regulations, Leicester City Council is now a Lead Local Flood Authority tasked with the following (amongst other requirements).

a) Preparing preliminary flood risk assessments, maps and plans for surface water flooding, flooding from ordinary watercourses and other causes of flooding not the responsibility of the Environment Agency, and excluding sewer flooding which is not caused by precipitation;

b) Preliminary flood risk assessments by the lead local flood authorities to be prepared before 22 December 2011;

4.5 **Surface Water Management Plan Study Procurement.**

4.5.1 The data requirements for the production of both the SWMP and the SFRA are the same and both exercises are being taken forward under a single project. To enable the Council to undertake its role as a Lead Local Flood Authority (and Planning/Highway Authority) it is necessary for the Council to procure a Surface Water Management Plan Study. This will involve procuring detailed hydrological modeling to identify pluvial flood risks and combine this with flood risk mapping from main river (fluvial) sources to give a comprehensive flood risk map for the City. The study will also take into account the existing drainage infrastructure where appropriate and identify options for long term measures to mitigate flood risk.

4.5.2 The study will also enable the production of the new Strategic Flood Risk Assessment document. These documents will help ensure the Council complies with the requirements of the Flood Risk Regulations (EU Floods Directive) within the prescribed time and dates. The procurement of the initial modeling for the SWMP study and SFRA document are expected to cost around £150,000. Further modeling work incorporating drainage infrastructure will then be required at an additional cost once the key flood risk hot-spots have been identified as we propose

a single procurement exercise for both elements of this project. The values involved are in excess of the European Union threshold for services and will require an advert to be placed in the Official Journal of The European Union (an OJEU Notice).

- 4.5.3 It was originally anticipated that we could use the EA’s framework contract which would have been quicker and more convenient than tendering externally. However, Legal Services determined that this framework contract was not suitable for use by the City Council and so we are now tendering externally.
- 4.5.4 We have consulted with Corporate Procurement and Legal Services, who have advised that we can use the “Accelerated Procedure” under the EU Procurement Rules to enable us to fast track the tendering process to help ensure we meet the key deadlines. We are looking to have awarded a contract for the initial phase by July 2010, subject to Cabinet approval of this report for the expenditure to take place. Work is already underway to develop the tender document, establish a select list and undertake the tender exercise.
- 4.5.5 Corporate Procurement and Legal Services are working with the project team (comprising Highways and Planning staff) to develop the contract documentation. We are also liaising closely with our key partners, the Environment Agency and Severn Trent Water, to develop the technical specification. The contract is being modeled on the Environment Agency format and will use the NEC3 Professional Services Contract, 3rd Edition – Option C as the basis for tendering. Option C is a Target contract, comprising a priced activity schedule. Where costs exceed the Target, the supplier will bear a proportion of the cost. The process will take a minimum of 2 months to complete.

5. Financial and Legal Implications

5.1 Financial Implications

There is £250,000 funding available from Defra in the form of an Area Based Grant (ABG) and £80,000 available from New Growth Point funding.

Paresh Radia, Finance, Ext 29 6507.

5.2 Legal Implications

The City Council as Lead Flooding Authority now has legal duties as detailed in paras 4.4.1 and 4.4.2 above.

Steven Krempel, Legal Services, Resources, Ext 29 6974

5.3 Climate Change Implications

The work will play a key role in the Climate Change Adaptation Plan. Schemes coming from the SWMP will reduce the disruption caused by flooding on key transport routes used by buses, cyclists and pedestrians and create green routes through the City. Schemes will also include returning watercourses to a more natural state, increasing biodiversity and opening up green river corridors.

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References within the report
Equal Opportunities	No	

Policy	Yes	4.3
Sustainable and Environmental	Yes	4.5.1
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Imp Act	No	

7. Background Papers - Local Government Act 1972

- Reports to Cabinet Lead Members (Councillor Osman & Russell) 14th April 2010 and 5th May 2010 entitled 'Update for Flood Risk Management'.

8. Consultations

- Finance Team
- Legal Services
- Corporate Procurement Team

9. Risk Assessment Matrix

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1	Difficulties with the Procurement procedure.	L	M	Tendering externally
2	Insufficient specialist 'in house' capacity available	L	M	Flood Risk Manager to be recruited
3	Insufficient specialist external consultants and EA input available	M	M	Working closely with EA to prepare tenders as soon as possible. Large size of contract is an advantage.
4	Insufficient time to complete study	L	L	Minimum requirements being fast tracked, Defra aware of the tight timescales

L - Low
M - Medium
H - High

L - Low
M - Medium
H - High

10. Report Author

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)