

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Policy Development & Scrutiny Panel Planning, Housing and Economic Development	
MEETING/ DECISION DATE:	01 September 2015	EXECUTIVE FORWARD PLAN REFERENCE: E 9999
TITLE:	Draft Local Flood Risk Management Strategy – comments and recommendations for Council approval	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <ul style="list-style-type: none"> • Draft Local Flood Risk Management Strategy (main doc) • Summary of the Draft Local Flood Risk Management Strategy • Copy of an article to be published in September’s Connect Magazine promoting the public consultation for the Local Flood Risk Management Strategy. • Surface Water Management Plan (without appendices) 		

1 THE ISSUE

1.1 The Flood and Water Management Act 2010, makes Bath and North East Somerset Council a Lead Local Flood Authority and we are responsible for managing flood risk from surface water, groundwater and ordinary watercourses in the area. Under provisions in the Act, the Council must develop, monitor and apply a Local Flood Risk Management Strategy (and assist in the management of local flood risk).

1.2 We have drafted the Local Flood Risk Management Strategy. This Strategy will be publicly consulted on during September and October 2015, with a view to publishing a final draft by the end of the year. We may need Council approval of the Local Flood Risk Management Strategy in December 2015.

1.3 The Planning, Housing and Economic Development Panel are asked to consider and comment upon the Local Flood Risk Management Strategy.

1.4 Feedback is particularly sought on the Objectives (Section 2) and Actions (Section 5) of the Strategy document.

- 1.5 We are also seeking advice on who in the Council we can approach for a steer on the appropriate level of promotion of the use of sustainable drainage systems (SuDS) for the management of surface water.

2 RECOMMENDATION

- 2.1 Consider and comment upon the Local Flood Risk Management Strategy.
- 2.2 Recommend the appropriate method of sign-off by the Council (e.g. Approval by Cabinet or Single Member etc).
- 2.3 Recommend the endorsement of the Local Flood Risk Management Strategy to the appropriate decision making process (2.2).
- 2.4 Recommend to the Lead Local Flood Authority the most appropriate individual, department or Democratic Service to discuss the Council's support or otherwise for sustainable drainage systems.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 Financial Consequences – Revenue

Implementing the Strategy is likely to have consequences for the Council's Revenue Budget, including in terms of staff resources and maintenance liabilities. The Lead Local Flood Authority revenue is currently funded by Defra grants.

The Strategy attached identifies in the table 5-1 the actions and their associated costs, many of which would be managed within existing budgets.

Key areas where costs arising from the adoption of the Strategy would be anticipated in excess of existing revenue budgets include:

- Completing a regional Surface Water Management Plan;
- Completing investigations of flood incidents, where the appropriate criteria is met;
- Deliver the actions in the regional Surface Water Management Plan;
- Continue to develop a register of assets which significantly affect local flood risk; and
- Evaluate flood reports to identify where drainage improvements or other mitigation works are possible.

Where possible the Council would look to work in new ways with multiple external stakeholders in order to fund works either through joint working or supported through external funding. The Council would also seek to secure other dedicated flood risk management funding where it is appropriate and available. Section 6 of the Strategy outlines the funding approach in more detail.

3.2 Financial Consequences – Capital

None directly at this time, although future flood risk management is expected to require future capital projects and funding bids would be informed and supported by the strategy. Various capital funding options are identified in Section 6 of the Strategy.

Each capital project would be considered through the Council's usual review and approval process.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Under the requirements of the Flood and Water Management Act 2010 the Council has a duty to work towards the objectives set out in the Local Flood risk Management Strategy, as well as to comply with statutory duties as a Lead Local Flood Authority as outlined in the Flood & Water Management Act.

The Flood & Water Management Act 2010 imposes specific statutory, executive duties on the Council to:

- Cooperate with other relevant bodies to manage flood risk.
- **Develop, maintain, apply and monitor a strategy for local flood risk management. i.e. This Local Flood Risk Management Strategy**
- Take over the Environment Agency role for 'ordinary watercourse regulation' under the Land Drainage Act 1991 (as amended by FWMA 2010).
- Investigate flooding incidents (Section 19 FWMA)
- Maintain a register of assets and structures that have a significant effect on flood risk.
- Designate assets and structures, which are considered to have a significant effect on local flood risk in an area.
- For the Lead Local Flood Authority to be a Statutory Consultee on all major planning applications in order to review surface water drainage and flood risk.
- To plan for the emergency management of flooding.
- To review and scrutinise the activities of (flood) Risk Management Authorities in implementing their flood risk management functions.

4.2 The Local Strategy will complement and support the National Strategy published by the Environment Agency, which outlines a national framework for flood and coastal risk management, which aims to balance the needs of communities, the economy and the environment. The National Strategy for Flood and Coastal Erosion Risk Management sets the following objectives:

- a) Reducing the impacts on individuals, communities, businesses and the environment from flooding and coastal erosion;
- b) Raising awareness of and engaging people in the response to flood and coastal erosion risk;

c) Providing an effective and sustained response to flood and coastal erosion events; and

d) Prioritising investment in communities most at risk.

4.3 The Local Flood Risk Management Strategy has been produced in conjunction with a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) to analyse the environment impact of the measures and actions outlined in the Local Flood Risk Management Strategy.

4.4 A Strategic Environmental Assessment (SEA) of the Local Flood Risk Management Strategy is required under the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). This means that the Council must prepare an Environmental Report which identifies, describes and evaluates the likely significant effects on the environment of implementing their Local Flood Risk Management Strategy and any reasonable alternatives taking into account the objectives and geographical scope of the strategy. An appropriate assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 is also required in respect of any plan which, either alone, or in combination with other plans or projects, would be likely to have a significant effect on a European Site, or is not directly connected with the management of the site for nature conservation. SEA is an on-going process and as the monitoring framework is developed linked to the Local Flood Risk Management Strategy Aims, Objectives and Policies, consideration of the SEA Objectives will also be given.

5 THE REPORT

5.1 Scrutiny Panel members are advised to review the Local Flood Risk Management Strategy Executive Summary – this sets out the legislative requirements for the Lead Local Flood Authority to produce a Local Flood Risk Management Strategy and details the content of the Strategy, including the Objectives and Actions.

5.2 Further details can be scrutinised in the Draft Local Flood Risk Management Strategy (main doc).

6 RATIONALE

6.1 The publication of the Local Flood Risk Management Strategy is a legislative requirement. All 174 Lead Local Flood Authorities are required to produce a Strategy.

6.2 The draft presented to this Scrutiny panel and made available for the purposes of public consultation has been developed in conjunction with technical consultants and is based on best practice.

6.3 The Local Flood Risk Management Strategy has been informed by an area wide Surface Water Management Plan. The Surface Water Management Plan has analysed incidents of local flooding between 2009-2014. This information has been used to help identify locations at risk of local sources of flooding and produce appropriate actions for these areas. These actions are then incorporated into the Local Flood Risk Management Strategy (and combined with others).

The draft Local Flood Risk Management Strategy has been developed in cooperation with other Risk Management Authorities and relevant Council departments and has included specific workshops with key stakeholders (other organisations and community groups) – see Consultation (below) for more details.

7 OTHER OPTIONS CONSIDERED

- 7.1 NONE- There is no option to delegate this function of the Flood and Water Management Act to another Risk Management Authority. A decision not to adopt and publish the Local Flood risk Management Strategy may result in intervention by the Minister in accordance with section 20 of the Flood and Water Management Act 2010.**

8 CONSULTATION

- 8.1 Please see Appendix B of the main Strategy document for full details of the stakeholder engagement and consultation method used for the production of the Local Flood Risk Management Strategy.
- 8.2 Informal consultation has taken place between partners and stakeholders through the Strategic Flood Board and Operational Flood Working Group.
- 8.3 A key phase of consultation focused around a stakeholder workshop. This was held on 17th June 2015. A wide range of stakeholders were invited to attend – these are listed in Appendix B.

The stakeholder workshop consisted of:

- A briefing on the role of the Council as Lead Local Flood Authority, the background and context for the Local Flood Risk Management Strategy and the Local Flood Risk Management Strategy objectives.
- A more detailed presentation on the results of the Surface Water Management Plan and how these have been fed into the LFRMS as well as on the LFRMS Action Plan
- A break out session which gave attendees the opportunity to discuss the LFRMS objectives and Action Plan in more detail.

As a result of the workshop a number of changes were made to the emerging draft LFRMS documents. The version that is currently out for consultation therefore incorporates these amendments.

- 8.4 The formal area-wide consultation will take 8 weeks starting on 1st September 2015 through 26th October 2015. The draft Local Flood Risk Management Strategy will be shared with the public giving accurate information, myth-busting and taking the views of partners and residents.
- 8.5 The consultation will be primarily web based; using the Council's Consultation Module on the public website. The consultation information will also be available at the Council's libraries and One Stop Shops. Targeted emails to the main stakeholders will also be sent to draw attention to the consultation.

8.6 All partners are invited to visit the Strategy document on the Council website. Other channels of engagement include the following:

- News releases and feature articles flagging up consultation (external media, website, social media, Connect magazine article).
- Social media: As well as the social media channels of the Council, such as twitter and facebook pages, we can make links with partners' social media channels and engage with their followers.

8.7 Comments received as a result of the consultation will be assessed and used to refine the LFRMS within the legislative and policy framework that exists. The final version of the LFRMS requires Council approval, and we anticipate Cabinet approval for a Cabinet meeting currently scheduled for 2 December 2015 (however we await the Panel's decision on whether this is the most appropriate method for sign-off). We are aiming to publish the Local Flood Risk Management Strategy by 16 December 2015.

8.8 The Council's section 151 Officer has had the opportunity to input to this report.

8.9 The Council's Monitoring Officer is aware of this document and will be scrutinising ahead of any Cabinet decision meeting. We are likely to ask the Monitoring Officer to review the Strategy during the Consultation period.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	<i>(see opening section of this report)</i>
Please contact the report author if you need to access this report in an alternative format	