

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	02 December 2015	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2809
TITLE:	Local Flood Risk Management Strategy – Cabinet Approval	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>NOTE: Given the large file size for these attachments they can be only viewed on Council's website.</p> <ul style="list-style-type: none"> • Local Flood Risk Management Strategy: Main document • Local Flood Risk Management Strategy: Summary • Local Flood Risk Management Strategy 'What's changed' review of consultation feedback • Bath & North East Somerset Council's Surface Water Management Plan • Strategic Environmental Assessment: Main document • Strategic Environmental Assessment: Non-technical Summary • Habitats Regulations Assessment 		

1 THE ISSUE

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

2 RECOMMENDATION

2.1 Cabinet approve the adoption of the Bath & North East Somerset Council Local Flood Risk Management Strategy.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

Financial – Revenue

- 3.1 The duties of the Lead Local Flood Authority, including the implementation of a Local Flood Risk Management Strategy, are currently funded by a combination of Defra grants and Council Revenue budgets. We anticipate this revenue scenario to continue into 2016/17.
- 3.2 The Strategy identifies (in table 5-1) a series of actions the vast majority of which would be managed within these existing revenue budgets.
- 3.3 Due to the inherent uncertainties in flood risk, key areas where costs arising from the adoption of the Strategy could be in excess of existing revenue budgets include:
- *Development of a register of assets which significantly affect local flood risk.*
The scale and cost of this project will depend on the volume of assets and the level of detail required for each asset. This is something that will be worked through with the Operational Flood Working Group and Strategic Flood Board with any potential costs being factored into annual budgets as the register grows.
 - *Completing investigations of flood incidents, where the appropriate criteria are met.*
If and when flood incidents occur and there is a requirement for a large-scale flood investigation (as happened with the Chew Valley floods in 2012), grants would be available from Defra via mechanisms outlined in Section 6 and Appendix E of the main Strategy.
- 3.4 Where possible the Council would look to work in new ways with multiple external stakeholders (such as the Environment Agency) 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. These mitigating working and funding measures mean that overall no revenue budget growth is anticipated from these proposals.

Financial – Capital

- 3.5 It is not anticipated that there are any additional costs (i.e. costs beyond current budget arrangements) as a consequence of the actions within the Strategy. Where drainage or flooding investigation work might result in the need for a significantly large scheme with a high cost that is beyond current annual budgets we would investigate the opportunities to utilise other funding mechanisms (such as the Defra Flood and Coastal Erosion Risk Management Grant in Aid). Other funding opportunities are reviewed in Appendix E of the Strategy.
- 3.6 Each capital project would be considered through the Council's usual review and approval process.
- 3.7 Funding for the Actions in the Strategy is outlined in Section 6 and Appendix E of the main Local Flood Risk Management Strategy document. To note that whilst all the funding opportunities outlined in Appendix E can contribute to better flood risk management, not all of these funding options are available to the Council. We have used this section to highlight a range of possible funding opportunities for anyone that can contribute to managing flood risk (including land owners and communities).

Other

- 3.8 It is not anticipated that there are any significant resource implications in terms of property/ offices/ land etc.
- 3.9 It is not anticipated that there are any significant resource implications in terms of staffing.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Under the requirements in 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 set out in the Flood & Water Management Act 2010.
- 4.2 The Flood & Water Management Act 2010 imposes a duty on the Council as Lead Local Flood Authority to develop, maintain, apply and monitor a strategy for local flood risk management – i.e. the Local Flood Risk Management Strategy which is the subject of this report.
- 4.3 Section 9 of the Flood and Water Management Act 2010 sets out what a Local Flood Risk Management Strategy must specify:
- (a) the risk management authorities in the authority's area,
 - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area,
 - (c) the objectives for managing local flood risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Regulations 2009),
 - (d) the measures proposed to achieve those objectives,
 - (e) how and when the measures are expected to be implemented,
 - (f) the costs and benefits of those measures, and how they are to be paid for,
 - (g) the assessment of local flood risk for the purpose of the strategy,
 - (h) how and when the strategy is to be reviewed, and
 - (i) how the strategy contributes to the achievement of wider environmental objectives.
- 4.4 The Local Flood Risk Management Strategy must be consistent with the National Flood and Coastal Erosion Risk Management Strategy in England, 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.

- 4.5 A Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) have been prepared and are annexed to this report. These documents have analysed the environmental impact of the measures and actions outlined in the Local Flood Risk Management Strategy. Both the SEA and the HRA have been reviewed by the Council's Ecology team and Natural England.
- 4.6 The Strategic nature of the Local Flood Risk Management Strategy is such that no specific practical projects have been identified in environment or habitat sensitive areas. The SEA and HRA do however make it clear that any subsequent on-the-ground works, as a consequence of Strategy actions, will need to be screened for environmental or habitat impact.
- 4.7 The Local Flood Risk Management Strategy supports the following statutory considerations:
- Sustainability – the Strategy promotes the use of sustainable drainage systems for new developments
 - Planning Act 2008 and National Planning Policy Framework – the Strategy supports the requirement that new development should not increase flood risk
- 4.8 The Local Flood Risk Management Strategy supports the following policies within the Council's Core Strategy:
- CP5 Flood Risk Management
 - CP7 Green Infrastructure

5 THE REPORT

- 5.1 Cabinet members are asked to review the Local Flood Risk Management Strategy annexed, which sets out, amongst other things, the legislative requirements for the Lead Local Flood Authority under the Flood and Water Management Act 2010 and the Lead Local Flood Authority's Objectives and Strategic Actions.
- 5.2 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 and 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).
- 5.3 The Local Flood Risk Management Strategy has been developed in cooperation with other Risk Management Authorities, relevant Council departments and neighbouring local authorities, and has included specific workshops with key stakeholders (other organisations and community groups) – see Consultation (below) for more details.
- 5.4 The Local Flood Risk Management Strategy presented to this Cabinet has been developed in conjunction with technical consultants and is based on best practice and is consistent with the National Flood and Coastal Erosion Risk Management Strategy in England.

- 5.5 The draft Local Flood Risk Management Strategy was subject to an eight week public consultation. Results from the Consultation concluded that more than 80% of respondents either agreed with the Objectives or thought they could be slightly rephrased. 86% of respondents agreed with the Actions set out in the strategic action plan.
- 5.6 All feedback from the Consultation has been carefully considered and where appropriate the Strategy has been edited to accommodate suggestions.

Also attached to this report is:

- a summary of the Local Flood Risk Management Strategy
- a document showing what has changed following the consultation on the draft Local Flood Risk Management Strategy
- the Bath and North East Somerset Surface Water Management Plan
- the Strategic Environmental Assessment (and non-technical summary); and
- the Habitats Regulations Assessment.

6 RATIONALE

- 6.1 The publication of the Local Flood Risk Management Strategy is a legislative requirement under the Flood and Water Management Act 2010. All 174 Lead Local Flood Authorities are required to produce a Strategy.

7 OTHER OPTIONS CONSIDERED

- 7.1 NONE- It is a legal requirement for the Council as Lead Local Flood Authority to produce a Local Flood Risk Management Strategy

8 CONSULTATION

- 8.1 Informal consultation has taken place between partners and stakeholders through the Strategic Flood Board and Operational Flood Working Group.

- 8.2 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 of the main Strategy document.

- 8.3 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 Local Flood Risk Management Strategy as well as on the Local Flood Risk Management Strategy Action Plan

- A break out session which gave attendees the opportunity to discuss the Local Flood Risk Management Strategy objectives and Action Plan in more detail.
- 8.4 As a result of the workshop a number of changes were made to the draft Local Flood Risk Management Strategy documents.
- 8.5 The formal area-wide public consultation took place over 8 weeks starting on 1st September 2015 through 26th October 2015. The draft Local Flood Risk Management Strategy (and associated documents) was shared with the public giving accurate information, myth-busting and taking the views of partners and residents.
- 8.6 The consultation was primarily web based; using the Council's Consultation Module on the public website. The consultation information was also available in printed format at the Council's libraries and One Stop Shops. Targeted emails to the main stakeholders (including other Risk Management Authorities, transport organisations, heritage and environment organisations, Parish Councils, Local Flood Representatives and community flood groups) was also sent to draw attention to the consultation.
- 8.7 Other channels of engagement included the following:
- A two-page article in the Council's 'Connect' magazine that goes to every home in the area.
 - News releases and feature articles (external media, website, social media) were picked up by all local newspapers.
- 8.8 Feedback was widespread and received from a mixture of organisations and individuals. The final version of the Local Flood Risk Management Strategy incorporates all comments relevant to the remit of a Local Flood Risk Management Strategy as defined in the Flood and Water Management Act 2010.
- 8.9 The table below summarises the main themes arising from the consultation and how the final draft has addressed these themes:

Theme	How this has been addressed
Clarity on the remit of the Local Flood Risk Management Strategy (i.e. why flooding from Main Rivers was not included)	Improvements have been made to the introduction to the Strategy, setting out its remit more clearly.
Flood risk impact of development in Bath (along the Avon corridor) and impact of potential changes to Twerton Gates and Pultney Weir.	A section has been added to talk in general terms about Main River flood risk (which includes the River Avon through Bath) and direct people to the most appropriate organisation (the Environment Agency and their Bristol Avon Catchment Management Plan).
Being clearer about the Council's role in coordinating the various agencies and organisations involved in all forms of flood risk (not just local flood risk)	Sections have been improved to emphasise the Council's role in terms of ensuring that all forms of flood risk are being addressed by the appropriate organisations. This highlights the coordination role of the Council and emphasises the important partnership functions of the Strategic flood Board and Operational Flood Working Group.
The value of heritage in the City of Bath and the area as a whole	The City of Bath World Heritage Management Plan has been referenced, and heritage in general is acknowledged as being important in the Bath and North East Somerset area.

8.10 The Councils Monitoring Officer, section 151 Officer and the Place Strategic Director have had the opportunity to input into this report and have cleared it for publication.

8.11 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.

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.

10 EQUALITIES

10.1 Consideration has been given to the public sector equality duty under the Equality Act 2010 in the preparation of the Local Flood Risk Management Strategy and no adverse or significant issues have been identified.

11 HUMAN RIGHTS

11.1 The Local Flood Risk Management Strategy is a strategic document the adoption of which is unlikely to have any direct interference with any individual's human rights. The Council is under a legal duty to prepare and maintain the Local Flood Risk Management Strategy.

Contact person	<i>Jim Collings, Flood Authority Manager</i> <i>Telephone: 01225 394366</i> <i>Email: jim_collings@bathnes.gov.uk</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	