



Derby City Council

COUNCIL CABINET 7 December 2016

ITEM 9

Report of the Cabinet Member for Communities
and City Centre Regeneration

Publication of Draft Flood Risk Management Strategy and Baseline Strategic Environmental Scoping Report for Public Consultation.

SUMMARY

- 1.1 This report provides information to the Cabinet about the Council's draft Local Flood Risk Management Strategy (FRMS) and seeks approval to publish the draft strategy for public consultation.
- 1.2 The report provides the background and context to the Council's statutory obligations under the Flood and Water Management Act 2010 as the Lead Local Flood Authority (LLFA) to develop, maintain, apply and monitor a strategy for local flood risk management for this area.
- 1.3 It sets out the consultation plan for the draft strategy and provides information on how the responses to the public consultation will be used to revise the draft strategy prior to final Cabinet approval and adoption.

RECOMMENDATION

- 2.1 To agree the draft Local Flood Risk Management Strategy for public consultation.
- 2.2 To delegate authority to the Director of Communities and Place to make minor changes to the draft FRMS prior to adoption of the final FRMS.

REASONS FOR RECOMMENDATION

- 3.1 The Floods and Water Management Act 2010 (FWMA) places a statutory duty on the authority to develop, maintain, apply and monitor a Local Flood Risk Management Strategy. The act requires the council to consult on the strategy prior to adoption.
- 3.2 The final FRMS once formally adopted and published, will set out the Council's objectives and approach in coordinating the management of local flood risk in Derby which will provide the framework for prioritising those objectives over the coming years.

SUPPORTING INFORMATION

4.1 Background

Following the widespread flooding that took place in England in June and July 2007, the Government commissioned Sir Michael Pitt to undertake an independent review of flood risk management arrangements in England and Wales. The review included an assessment of the resilience and vulnerability of critical infrastructure, emergency response / emergency planning procedures and the management of the recovery phase.

4.2 The final report contained a detailed assessment of what happened during the 2007 floods and what we might have been done differently to reduce the impact of such events. It put forward 92 recommendations covering prediction and warning of flooding, prevention, emergency management, resilience and recovery.

4.3 One of the Pitt recommendations was that “the role of local authorities should be enhanced so that they take on responsibility for leading the co-ordination of flood risk management in their areas”.

4.4 Two pieces of legislation play a significant role in placing the statutory duty on how the council plans for and manages flood risk in its area.

The Flood Risk Regulations 2009 were created to transpose the EU Floods Directive (Directive 2007/60/EC) into domestic law in England and Wales. The Floods Directive provided a framework for assessing and managing flood risk, in order to reduce adverse consequences for human health, the environment (including cultural heritage) and economic activity. The regulations placed duties on the Environment Agency and local authorities to prepare flood risk assessments, flood risk maps and flood risk management plans.

The Flood and Water Management Act 2010 (FWMA) became law on 1 October 2010, following its Royal Assent in April 2010. The act makes specific provision for the recommendations provided by Sir Michael Pitt in his independent review of the flooding experienced across much of England and Wales in 2007. Part of the concept of the Bill was that Lead Local Flood Authorities (LLFAs) would be set up to co-ordinate all local flood related activities.

Under the provisions of these two pieces of legislation Derby City Council became the “Lead Local Flood Authority” for this area.

4.5 **Local Flood Risk Management Strategy**

One of the duties under the FWMA, requires the LLFA to publish a Local Flood Risk Management Strategy for its area.

Local flood risk includes surface runoff, groundwater, and ordinary watercourses (including lakes and ponds). The strategy should consider a full range of measures consistent with a risk management approach in managing local flood risk.

The LFRMS must cover the following areas as the minimum statutory requirement:

- The roles and responsibilities of various Risk Management Authorities (RMAS);
- What is a locally significant risk;
- Objectives for managing local flood risk;
- Measures proposed to achieve the objectives;
- How and when these measures could be implemented;
- Costs and benefits of the measures, and how they will be paid for;
- How the strategy contributes to wider environmental objectives;
- A review process.

4.6 The council's strategy must be consistent with the Environment Agency's National Flood Risk Management Strategy, "Understanding the Risks, Empowering Communities, Building Resilience", published in July 2011.

4.7 The draft FRMS attached to this report is the first stage in the council fulfilling its statutory duty under the FWMA. The final FRMS once formally adopted and published, will set out the Council's objectives in coordinating the management of local flood risk in Derby which will provide the framework for prioritising those objectives over the coming years.

4.8 The final FRMS will be a living document, which will continue to evolve and be revisited over time, as the Authority's understanding of flood risk grows.

4.9 The FWMA requires the council to undertake a public consultation on the proposed FRMS. The intention therefore is to publish the draft FRMS in order to gain the opinions of a range of strategic stakeholders e.g. Severn Trent Water, Network Rail, neighbouring boroughs, the Environment Agency, Natural England, Sports England etc, as well as local residents, amenity groups, businesses, developers and environmental / conservation groups.

- 4.10 The basic philosophy behind of the strategy would look to:
- **Avoid** - inappropriate development and **promote** new development and re-development that **contributes** to a reduction in flood risk elsewhere and creates environmental benefit (e.g. sustainable urban drainage, increased biodiversity)
 - **Ensure** – That by working with other flood risk partners, stakeholders, and local action groups, that flood defences are maintained appropriately.
 - **Require** – Appropriate flood defence and mitigation as part of development proposals, where appropriate, including adoption by the authority of critical sustainable drainage systems on new developments.
 - **Encourage** – Residents to take responsibility for their own risk from flooding by maintaining assets (Watercourses and flood defence structures as Riparian owners) for which they are responsible, thereby reducing the risk of flooding to themselves.
 - **Continue** - To improve our understanding of flood risk and flood incidents by recording and monitoring flooding incidents to inform future work programmes.
 - **Provide** - Open, transparent governance of flood risk management.
 - **Engage** with and support local communities to value and care for the green infrastructure used to manage flood risk.
 - **Deliver** - Outcomes that make best use of public resources and available sources of funding.
 - **Define** – Levels of service in relation to surface water drainage, flood risk Management works and emergency response procedures.
- 4.11 In developing the Strategy it is a requirement that the effects of any proposals are considered to ensure that they do not have an adverse effect on the environment or European Protected Sites. Therefore the final adopted FRMS Strategy will be accompanied by a Strategic Environmental Assessment (SEA), Equalities Impact Assessment (EIA) and Habitats Regulations Assessment (HRA). The draft FRMS will be published with a scoping SEA. The scoping SEA will be used to inform the final SEA, which will be fully developed following analysis of the responses received during the public consultation phase for the FRMS.

- 4.12 The FRMS must provide a costed action plan of measures the council intend to implement, to reduce / manage the impacts of flooding from all sources. With this in mind, the strategy action plan has been broken down into seven strategy areas: Urban Environment (U); Highways Drainage (HD); Environment Agency (E); Watercourses (W); Planning (P) and Statutory Duties (SD).

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable, publication of a local flood risk management strategy is a statutory duty under the Floods and Water Management Act 2010.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	
For more information contact: Background papers: List of appendices:	Kevin Tozer 01332 641789 Kevin.Tozer@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Local Flood Risk Management Strategy Consultation Appendix 3 - Flood Strategy SEA Scoping Report Appendix 4 - Equalities Impact Assessment Appendix 5 – Model Land Drainage Byelaws – Local Authority

IMPLICATIONS

Financial and Value for Money

- 1.1 There are no financial implications to agree the draft Local Flood Risk Management Strategy for public consultation.
- 1.2 Following the results of the public consultation, if the Strategy is adopted in its current form it would create a revenue budget pressure of £86k per annum. This pressure will be fully evaluated on the outcome of public consultation and any shortfall of budget to be managed wherever possible. This would include looking for income generation opportunities.
- 1.3 A detailed cost plan is contained in the strategy document.

Legal

- 2.1 The FRMS must consider and adhere to the requirements of the following pieces of legislation as a minimum:
 - *The Flood and Water Management Act 2010* – became law in October 2011 to provide comprehensive management of flooding risks. The Act made each local authority a Local Lead Flood Authority (LLFA) and placed new responsibilities on each to develop a strategy for local flood risk management in their area.
 - *The Flood Risk Regulations 2009* – The council is required to address flooding risks in the local authority area. The regulations outline the roles and responsibilities of the various authorities and provide for the delivery of a number of plans which assess or report on past flooding events.
 - *The Civil Contingencies Act 2004* – the Council's Emergency Management Unit has been working on community awareness in high risk areas and establishing community response plans to flooding events.
 - The strategy must be in compliance with National Flood and Coastal Erosion Management Strategy published by the Environmental Agency.
 - The published strategy must be accompanied by an SEA as required by the Strategic Environmental Assessment Regulations 2011.
 - The Equality Act 2010.

Personnel

- 3.1 The proposed LFRMS provides information on opportunities to fund flood alleviation schemes through central government finance. If the PWFRM team are successful in bidding for finance, then additional staff resources may be required in order to deliver individual schemes.

- 3.2 The council has a responsibility under the FWMA to publish and monitor the progress on the measures contained in the proposed draft LFRMS. Therefore there will need to be a level of staff establishment, to ensure delivery of the strategy objectives.

IT

- 4.1 Upgrade to existing drainage asset management software (InfoNet to InfoWorks ICM) required to allow the PWFRM team to use the data contained in the integrated urban drainage model (IUD) model to run varying flood models, to determine the extent of potential flood envelope, under storm conditions.

Equalities Impact

- 5.1 The Equality Act 2010 introduced a new public sector equality duty. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 A full Equalities Analysis Assessment (EAA) will be undertaken to inform the final version of the strategy once the results of stakeholder and public consultation have been evaluated, however a preliminary assessment would indicate that the groups may be affected by:
- **Age** – Flooding may have a greater effect on older people, because they may be less mobile, which may be problematic if there is a notification to evacuate and area or under an emergency rescue scenario. Controlling / reducing and mitigating flood risk, to vulnerable groups is likely to reduce the likelihood and severity of such an occurrence.
 - **Disability** – Flooding may have a greater impact of disabled people due to mobility Issues, which may be problematic under an emergency evacuation scenario. Residents may become trapped during flood events, leading to increased risk to the resident and emergency services who may need to implement rescue procedures. Controlling / reducing and mitigating flood risk, to vulnerable groups is likely to reduce the likelihood and severity of such an occurrence.
 - **Gender reassignment** - No known Implications.
 - **Marriage and civil partnership** - No known Implications.
 - **Pregnancy and maternity** - No known Implications.
 - **Race** - No known Implications.
 - **Religion and belief** - No known Implications.
 - **Sex and Sexual Orientation** - No known Implications.

- 5.3 **Deprived communities:** Deprived communities are more likely to contain vulnerable people and residents less able to help themselves. Economically and socially disadvantaged people are less likely to be able to afford to take certain steps to reduce flood risk, such as installing property level flood protection. The negative impacts of a flood including physical and psychological health impacts are often greater in deprived communities. The Government recognises that a flood event might have a disproportionate impact on people from lower income groups. The strategy aims to implement measures to protect the most vulnerable community Groups

Health and Safety

- 6.1 The control / reduction and management of flooding incidents will provide tangible H&S benefits by:
- Reducing the threat to residents in the city
 - Reducing the risk to council staff, responding to flood events
 - Reducing the impacts of water borne contaminants through foul sewer exceedance.

Environmental Sustainability

- 7.1 Reducing, mitigating and effectively managing flood risk in the area will contribute significantly to our multi-agency approach to climate change adaptation, given the projections of increased severe weather events.
- 7.2 The strategy will endeavour to promote a sustainable approach to the management of flood risk in the city, one which will look to use natural processes which in turn enhance the watercourse corridors, provide betterment in relation to water quality, whilst encouraging improvements to local biodiversity.

Property and Asset Management

- 8.1 The draft strategy proposes a list of measures / schemes which will aim to reduce / alleviate the potential and severity of flooding incidents should they occur. These measures include the construction of new above hard above ground flood defences, and the replacement / improvement, of below ground drainage assets.
- 8.2 The programme of works will be developed further, subject to adoption of the draft strategy, drawing heavily on asset management principles of inspection / condition surveying. Works on existing assets, will be undertaken works using a prioritisation risk matrix, which will aim to improve the most critical assets first.
- 8.3 Maintenance of existing drainage assets is critical to preventing flooding from surface water overland flow. Taking this into consideration, the strategy will look to introduce systems of working that prioritises maintenance operations to those areas most at risk, and provide optimisation of the use of existing resources in an integrated holistic manner.

Risk Management and Safeguarding

- 9.1 Non adoption of an agreed LFRMS would leave the Council in contravention of its statutory duty to publish and maintain a strategy to control flooding from all sources other than Main River fluvial flooding.
- 9.2 **Climate Change** – Unpreparedness to the effects of climate change due to lack of appropriate management of surface water discharges, may lead to extensive property / critical infrastructure flooding.

Corporate objectives and priorities for change

- 10.1 Adoption of the measures outlined in the draft FRMS will contribute towards the council fulfilling its stated objectives, outlined in the Service Plan for the Strategic Partnerships, Planning and Streetpride's Service Plan to promote:
 - A safe and pleasant environment for people to work in.and the Corporate vision to provide a:
 - Safe, strong and ambitious city in which to live.