

Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	Local Flood Risk Management Strategy
Report by:	Cabinet member infrastructure

Classification

Open

Decision type

Key

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To approve the Herefordshire local flood risk management strategy. The Flood and Water Management Act 2010 ('the Act') requires Herefordshire Council to produce a Local flood risk management strategy ('strategy') setting out how it is managing flood risk. Approval of these documents will ensure that the council meets its statutory responsibilities whilst also providing a policy framework for the management of flood risk.

Recommendation(s)

That:

- (a) the high level strategic document and non-technical summary at appendices 1 and 2 to this report are approved.**

Alternative options

1. That the local flood risk management strategy is amended to reflect different issues not highlighted through the consultation – public consultation was undertaken from 7

November 2016 until 30 January 2017. The responses were reviewed and addressed as appropriate and were taken into account in the preparation of the strategy.

2. That the local flood risk management strategy is not approved – with no strategy in place it is difficult to target investment effectively, to coordinate the activities of other Risk Management Authorities, to ensure value for money, and to demonstrate to the public that flood risk is being taken seriously.

Key considerations

3. The nature of flood risk within Herefordshire is varied and widespread. The county has an extensive network of rivers and watercourses, combined with a large number of villages, towns and extremely rural surroundings. Local flood risk management and land drainage forms part of the public realm services contract. As such, these services are carried out by Balfour Beatty Living Places (BBLP).
4. The most notable flood event of recent times was during July 2007 when over 300 residential properties were affected. Since then, there have been a number of incidents of 'flash flooding'. As well as the direct impact of flooding, other issues relate to issues of isolation as a result of minor roads, lanes and driveways becoming impassable, as well as problems with loss of water and sewerage amenities. Such extreme rainfall also causes significant damage to the highway network. In 2014, we were required to respond to the immediate emergency and also deliver a significant increase in maintenance work to repair the damage making maximum use of additional government funding through the Bellwin and Severe Weather funding streams.
5. The Act places a number of statutory duties on Herefordshire Council in its role as a lead local flood authority for leading and co-ordinating the management of local flood risk derived from surface runoff, groundwater and ordinary watercourses. One of these duties is to produce a strategy.
6. Section 9(4) of the Act stipulates what the strategy must specify and this includes the risk management authorities in the authority's area and their functions, objectives for managing local flood risk, measures proposed, costs and benefits, assessment, the review periods for the strategy and how it contributes in the wider context with environmental objectives.
7. The attached high level strategic document contains a comprehensive overview of the council's approach to local flood risk management and is the county's overarching document on flood risk. The draft outlines the responsibilities of the risk management authorities in Herefordshire and how they are working in partnership to coordinate local flood risk management. It sets out what the council intends to do, working with organisations, businesses and communities, to manage the risk of flooding in Herefordshire. As well of being of interest to organisations that have specific responsibilities for managing flood risk within Herefordshire, it is also relevant to members of the public, residents, workers, business owners and landowners within the county. It outlines Herefordshire Council's priorities for local flood risk management and is supported by an action plan to manage the risk.
8. This draft has not been developed solely by Herefordshire Council but has been produced in collaboration with other partner authorities and key stakeholders in Herefordshire – the Environment Agency (EA), River Lugg Internal Drainage Board, Lower Severn Internal Drainage Board, Welsh Water and Severn Trent Water.

9. It sets out five key objectives for the management of local flood risk in Herefordshire:
 - Understand flood risks throughout Herefordshire;
 - Manage the likelihood and impacts of flooding;
 - Help the community help themselves;
 - Manage flood warning, response and recovery; and
 - Promote sustainable and appropriate development.
10. These objectives also contribute towards the achievement of the priority 'Support the growth of our economy' within the Herefordshire Council Corporate Plan (2016-20). The council must take a lead in Herefordshire on local flood risk management and this document, which has been produced in line with the requirements of the Flood and Water Management Act 2010 and the guiding principles of the EA's National Flood and Coastal Erosion Risk Management Strategy, identifies how this will be done.
11. The strategy will be reviewed and updated, as necessary, every six years to ensure that the strategy continues to reflect the way in which flood risk is managed within the county.
12. The strategy is accompanied by an action plan that identifies a programme of work for reducing local flood risk within Herefordshire and which sets out how the strategy will be delivered over the next six years. It outlines the actions identified through this strategy and details how the outcomes of each action are linked to the objectives of the strategy. As local flood risk management and land drainage forms part of the public realm services contract, these actions will be carried out by BBLP. Once the strategy has been approved, the action plan will need to be updated frequently to reflect progress being made within Herefordshire, along with information from any flooding events and the latest technical guidance. As such it will have the status of a 'living document'.

Community impact

13. Herefordshire Council's strategic objectives are described in our Corporate Plan (2016-20). This sets out how we will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Specifically, this work contributes towards the 'Support the growth of our economy' priority which includes: ensuring that infrastructure is in place to prevent and improve community resilience to flooding.
14. The council appreciates the distress that flooding and the risk of flooding can cause within communities. Once the strategy has been adopted, further work will be undertaken to increase public awareness of the risk that remains and to engage with people at risk to encourage them to take action to manage the risks that they face and to make their property more resilient.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. We do not believe that it will have an impact on our equality duty.

Resource implications

17. There are no specific resource implications contained within this report and implementation of the action plan will be delivered from within existing budgets. Local flood risk management and land drainage forms part of the Herefordshire Council and BBLP annual plan.
18. BBLP's work programme for 2017/18 includes undertaking studies to enable funding grants to be accessed for flood alleviation. However, government grants will not fully fund all schemes and so local contributions will have to be found for many schemes to proceed. Our risk-based approach targets resources and funding at those parts of the county that are most susceptible to flooding.

Legal implications

19. Councils can only act where specifically permitted by legislation or to facilitate the discharge of statutory obligations under Section 111 Local Government Act 1972.
20. Under Section 9 of the Act, Herefordshire Council, as Lead Local Flood Authority for the county has a statutory duty to develop, maintain, apply and monitor a Strategy for local flood risk management in its area. Section 9 (6) (b) more specifically requires us to consult 'the public' on this.
21. Under Part 3 Section 3 of the Constitution the Cabinet has delegated powers to make decisions as the risk management authority on flood risk management functions or coastal erosion risk management functions which may affect the local authority's area, which are of sufficient public interest that a decision at a public meeting is required.

Risk management

22. The deadline for finalising the strategy is 31 October 2017 and if this is not achieved, there is a risk that government will instruct another risk management authority to carry out our role in relation to the strategy and to recover the costs for this work from us. If the strategy is published following the meeting of Cabinet, this will ensure that the council meets its duty under the Act.
23. The council does acknowledge the risk of flooding and this is reflected in a service level risk. The action plan identifies a programme of work for reducing local flood risk within Herefordshire.

Consultees

24. Through our public consultation, we sought feedback on:
- Our proposed objectives for the management of local flood risk across Herefordshire;
 - The actions we have proposed to deliver our objectives; and
 - Any other comments in relation to the Local flood risk management strategy or local flooding in general.
25. The consultation resulted in 18 responses by the deadline of 30 January 2017. This included comments from the EA, National Farmers' Union (NFU) and Woodland Trust, as well responses from Parish and Town Councils and members of the public.
26. Following this consultation, the responses were reviewed and addressed as appropriate and were taken into account in the preparation of the finalised Strategy document.
27. The strategy has been subject to review by the council's general scrutiny committee and its recommendations and the executive's response is as follows:
- The strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties: *Accepted – there is already a section on communication (7.2) which addresses this point.*
 - The executive be advised of the importance of preparing a joined up implementation plan: *Accepted – this will form part of the action plan.*
 - Careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures: *Accepted – this is already covered under section 10, particularly these summary actions: Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and Work with landowners, communities, Town and Parish Councils, NFU, the Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide opportunities to incorporate wider benefits.*
 - A public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected: *Accepted – this will form part of the – non-technical summary (easy reference guide summary document).*
 - BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course: *Accepted – this will be captured within the 'Water on the Network' Annex of the Annual Plan.*

Appendices

- Appendix 1 – Draft local flood risk management strategy
- Appendix 2 – Non-technical summary (easy reference guide summary document)

Background papers

None identified