

<b>Meeting:</b>	<b>Cabinet member infrastructure</b>
<b>Meeting date:</b>	<b>Wednesday, 18 October 2017</b>
<b>Title of report:</b>	<b>Local flood risk management strategy</b>
<b>Report by:</b>	<b>Directorate services team leader</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose and summary**

To make any amendments to the Herefordshire local flood risk management strategy deemed necessary in relation to the points raised during the meeting of cabinet on 28 September 2017.

## **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 not amended to reflect points raised during the meeting of cabinet on 28 September 2017. This is not recommended because these amendments will improve the clarity of the strategy.

## **Key considerations**

2. Cabinet considered Herefordshire's local flood risk management strategy on 28 September 2017 and supported its adoption, subject to the cabinet member infrastructure

making any amendments that he deems necessary once he had considered the points raised during the meeting.

3. During the cabinet meeting it was queried whether the statement on page 50 of the strategy that “Herefordshire Council do not allocate specific sites for development within the county, but propose broad strategic directions for growth...” was accurate.
4. Having considered this, it is recommended that the existing paragraph: “*Herefordshire Council do not allocate specific sites for development within the county, but propose broad strategic directions for growth that can be taken into account within the Hereford Area Plan (prepared by the council) and Neighbourhood Development Plans (prepared by Parish Councils).*” be replaced with: “***The Herefordshire Local Plan – Core Strategy identifies a set of strategic housing sites for Hereford and market towns, the general locations of which are shown on key diagrams within the plan. All other development plan documents (prepared by the council) as well as Neighbourhood Development Plans (prepared by Parish Councils) are able to include specific land use allocations for housing, employment and other land uses.***” This revised paragraph clarifies how strategic housing sites are identified, along with allocations for land use.
5. During the cabinet meeting, the use of the word notable in the sentence: “*For all new developments, the developer will be required to demonstrate that the development will not cause any notable increase in flood risk to people, property or infrastructure elsewhere.*” was questioned.
6. Having considered this, we intend to replace the sentence with the following: “***For all new developments, the developer will be required to demonstrate, in accordance with NPPF, that the development will not cause an increase in flood risk to people, property or infrastructure elsewhere.***” This revised sentence clarifies that planning applications are assessed in accordance with the National Planning Policy Framework (i.e. not causing an increase in flood risk).

## Community impact

7. 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.
8. 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

9. 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.
10. 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**

11. 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.
12. 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**

13. Under Section 9 of the Flood and Water Management Act 2010, 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.
14. Cabinet considered the approval of these documents and delegated the final approval to the cabinet member.

## **Risk management**

15. 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.
16. 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

17. 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.
18. 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.
19. Following this consultation, the responses were reviewed and addressed as appropriate and were taken into account in the preparation of the finalised Strategy document.
20. 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