

Title of report: Herefordshire Natural Flood Management (NFM) Project

Decision maker: Cabinet member Infrastructure and transport

Decision date: 20 April 2022

Report by: Directorate services team leader

Classification

Open

Decision type

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

To accept and authorise the spend of the Flood defence grant in aid and Local Regional Flood Risk Management Committee funding offered by the Environment Agency up to **£1,273,600** in support of the proposed Natural Flood Management project ("NFM Project") and to approve the commencement of the procurement of Catchment Advisor services to support the project.

Recommendation(s)

- a) **To accept the funding of £1,273,600 offered by the Environment Agency and authorise expenditure of the funding in support of the proposed NFM Project across the 5 year period up until 31 March 2027;**
- b) **To delegate all operational decisions and spend of the £1,273,600 funding in accordance with the Business Case (Annex 1) to the Interim Service Director Environment,**

Highways and Waste, in consultation with the Cabinet member for Infrastructure and transport; and

- c) To approve the commencement of the procurement of Catchment Advisor services to support the project and delegate all operational decisions to the Interim Service Director Environment, Highways and Waste.**

Alternative options

1. Not to accept and approve the £1,273,600 funding in support of the proposed NFM Project and/or accept and approve part funding. This is not recommended as the council is a 'Lead Local Flood Authority' and this project would not enable the council to discharge its statutory responsibilities to coordinate the management of local flood risk. It will also assist with the achievement of the objectives that we have set out in our Local Flood Risk Management Strategy.

Key considerations

2. Herefordshire Council was previously awarded £661,000 by Defra to deliver the River Wye and Lugg NFM pilot project. This funding was secured until 31 March 2021 and aimed to use natural techniques to reduce flood risk in seven catchment areas in Herefordshire:
 - Bodenham Brooks (above Bodenham);
 - Brimfield Brook (above Brimfield and Orleton);
 - Cheaton / Cogwell / Ridgemoor Brook system (above Leominster and Frome);
 - Dulas Brook (above Ewyas Harold);
 - Pentaloe Brook (above Mordiford);
 - Red, Norton and Twyford Brook system (above Rotherwas, Hereford); and
 - Tedstone Brook (above Bromyard).
3. The council engaged with numerous landowners within the seven catchment areas and delivered a wide variety of NFM measures, demonstrating how successful NFM can be and the reduction in flooding that NFM can provide to downstream communities. It is felt that there is still huge potential to continue the good work and deliver more NFM in Herefordshire. Therefore, the continuation of our NFM pilot project will enable us to build on the contacts/relationships that have already been made with communities and partners. It will focus on the use of natural processes and land management measures to both slow the flow of water and store the water within upland areas.
4. The council's learning from its pilot project has highlighted the continued need to provide landowners within the catchments with support and advice in order to embed behavioural changes so that NFM techniques can become a standard practice. Also, there are numerous landowners and locations which would benefit from NFM engagement visits and NFM measures. Whilst other parts of the county outside of the pilot's areas are also keen to get involved in NFM, at this stage the project is intending to restart working within the pilot's seven catchments (set out in paragraph 2 above). Any further opportunities for NFM within other areas of Herefordshire will be identified and considered for future inclusions, subject to being able to secure additional funding.
5. As part of the government's six year flood and coastal erosion risk management investment programme, funding has been earmarked for a new NFM project in Herefordshire, based upon an extrapolation of and an extension of our successful pilot project. An Outline Business Case has

been approved by the Environment Agency for £1,273,600 of combined Flood Defence Grant in Aid (FDGiA) and Local Levy funding which will be drawn down over the next five years.

6. We envisage that delivery on the ground will largely be through the deployment of Catchment Advisors into the priority sub-catchments. Following on from the success of our pilot project, Catchment Advisors will be engaging with landowners and communities to help advise them on how they can implement NFM measures on their land. Management of this will be from within existing resources in Highways and Transportation. Given that Catchment Advisors are integral to the success of any new NFM project, an initial task will be to carry out a procurement, thus enabling us to continue delivering NFM.
7. The council identified in its pilot project that a grant scheme assisted the Catchment Advisors in convincing landowners to engage with the project by helping fund recommended measures. The continuation of such a scheme would need to be administered by the delegated grants team who have significant experience in managing and administering grant schemes of this nature.
8. The objectives of the proposed NFM project in Herefordshire are set out in further detail in the Business Case in annex 1 but include to:
 - Contribute towards further alleviating flood risk in seven distinct catchments, as well as identifying opportunities within other areas of Herefordshire;
 - Contribute towards improvements to the Water Framework Directive 2000/60/EC (WFD) Status in all the catchments;
 - Establish and sustain effective community partnerships and engagement, which enable communities to lead and manage ongoing NFM management and monitoring beyond the lifespan of project funding;
 - Enhance the evidence base of natural flood management schemes through effective monitoring and evaluation;
 - Continue to draw in investment where possible from external partners to maximise delivery potential. The authority or partners promoting the scheme can secure the measures for which they are requesting funding. (This is likely to involve gaining the agreement and cooperation of landowners and the consent of any relevant authorities); and
 - To collect and openly publish data, monitor and report on the impact of the work undertaken on reducing flood risk and any other benefits.

Community impact

9. The County Plan's Delivery Plan 2020-22 was agreed by cabinet in November 2020 and this included a specific reference to continuing to support the River Wye and Lugg pilot Natural Flood Management Project to reduce flood risk to communities within Herefordshire. Hence, the continuation of our proposed NFM pilot project as set out in this report will directly contribute to progressing the County Plan.
10. As with our previous pilot project, we consider it extremely important that communities are engaged with the project and that their local knowledge is incorporated into the delivery of NFM. We will look to run NFM community groups and an NFM volunteer scheme, as well as continue to publicise the project.

Environmental impact

11. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. It contributes towards the 'Environment' ambition of our County Plan (2020 – 2024) and increasing flood resilience
12. The project aligns with the National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England (July 2020) as follows:
 - i) Climate Resilient Places: working with partners to bolster resilience to flooding... both now and in the face of climate change.
 - ii) Measure 1.4.2: From 2021 risk management authorities will work with catchment partnerships, ... land managers and communities to mainstream the use of nature based solutions.
 - iii) Measure 1.5.1: From 2020 risk management authorities and Natural England will work with farmers and land managers to encourage land use and land management practices that help contribute to greater resilience to both floods and droughts.
13. It also aligns with the Environment Agency's priorities of Working with Natural Processes (WwNP) and making a better place through environmental improvements:
 - WwNP Position Statement (682-15, 16/11/2015): We will work with natural processes and use natural flood management measures wherever possible to slow, store and filter floodwater. This will achieve more sustainable flood risk management schemes, often with significant additional environmental and social benefits. We will use the approach in conjunction with traditionally constructed hard defences to increase the resilience of communities to extreme flooding.
14. FCERM Outcome Measure 4 (2021-27) – environmental improvements
 - Outcome Measure 4 has changed to incentivise FCERM projects that reduce the risk of flooding and coastal erosion in ways that provide additional environmental benefits. It is for projects that contribute to long-term community resilience to flooding and coastal change, and adapting to and mitigating the potential impacts of climate change.
 - Qualifying packages of measures under outcome measure (OM)4 support wider Defra policies including the 25 Year Environment Plan and the National FCERM Strategy. Environmental outcomes should be integrated into, or linked with, FCERM measures and create partnership opportunities to achieve wider environmental benefits.
 - The aim of OM4 is to enable flood risk projects that comprise a package of measures to deliver flood risk reduction and additional environmental benefits. The package of measures could include additional ecological benefits and/or enhancements to natural habitats that may also deliver NFM.
 - Outcome Measure 4A (OM4A): Hectares of habitats created or enhanced
 - Outcome Measure 4B (OM4B): Kilometres of river enhanced.

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. This decision will have a positive impact on communities which have been impacted by flooding.

Resource implications

17. Our Outline Business Case estimates a total project spend of £1,273,600 that will be funded through a grant from central government for managing flood risk in England, known as Flood Defence Grant in Aid or 'FDGiA'. Workload in terms of administration will be managed from within existing resources within Highways, Environment & Waste. Extra technical support for the project, along with costs for project management and delegated grants support will be factored into the HC Staff Costs line of the project budget. Based upon our experiences from the NFM pilot the installation of physical assets brought in an additional £538,307.93 of external funding and we would hope that the continuation and expansion of the NFM project will continue to bring in a similar amount of external funds to help deliver and maintain NFM measures.

18. Officers will progress the commission for contracts for Catchment Advisors that will enable us to deliver NFM until 31 March 2027. This will be conducted in line with the council's contract procedure rules which is likely to require open market tendering.

Capital cost of project	2022/23	2023/24	2024/25	2025/26	2026/27	Total
Project development costs	£1,500	£1,500				£3,000
HC Staff Costs	£59,400	£59,400	£59,400	£59,400	£59,400	£297,000
Advisory work	£140,000	£160,000	£160,000	£120,000	£60,000	£640,000
Public consultation	£2,050	£1,250	£1,250	£1,250	£800	£6,600
NFM Implementation	£80,000	£50,000	£50,000	£50,000	£20,000	£250,000
Research	£28,000	£3,000	£3,000	£3,000	£25,000	£62,000
River and rainfall monitoring			£5,000	£5,000	£5,000	£15,000
Subtotal	£310,950	£275,150	£278,650	£238,650	£170,200	£1,273,600
Estimated cost of Physical Assets	£68,982	£68,981	£68,981	£68,981	£68,971	£344,896
Total	£379,932	£344,131	£347,631	£307,631	£239,171	£1,618,496

Funding Streams	Total
Flood Defence Grant in Aid	£1,193,600
Local Levy	£80,000
Subtotal	£1,273,600
Contributions in kind	£344,896 ¹
Total	£1,618,496

Legal implications

Herefordshire Council is the Local Lead Flood Authority (“LLFA”) for the purposes of the Flood and Water Management Act 2010 (“2010 Act”). The council has the statutory responsibility for managing the risks of flooding from surface water, groundwater and ordinary watercourses (which excludes main rivers managed by the Environment Agency (EA) within their area.

Section 9 of 2010 Act - the Local flood risk management strategies: England

(1) A lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area (a “local flood risk management strategy”).

(2) In subsection (1) “*local flood risk*” means flood risk from—

(a) surface runoff,

(b) groundwater, and

(c) ordinary watercourses.

(3) In subsection (2)(c) the reference to an ordinary watercourse includes a reference to a lake, pond or other area of water which flows into an ordinary watercourse.

(4) The 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.

(5) The strategy must be consistent with the national flood and coastal erosion risk management strategy for England under [section 7](#).

(6) A lead local flood authority must consult the following about its local flood risk management strategy—

(a) risk management authorities that may be affected by the strategy (including risk management authorities in Wales), and

(b) the public.

(7) A lead local flood authority must publish a summary of its local flood risk management strategy (including guidance about the availability of relevant information).

(8) A lead local flood authority may issue guidance about the application of the local flood risk management strategy in its area.

(9) A lead local flood authority must have regard to any guidance issued by the Secretary of State about—

(a) the local flood risk management strategy, and

(b) guidance under subsection (8).

The utilisation by the council of the Flood defence grant in aid and Local Regional Flood Risk Management Committee funding offered by the Environment Agency in support of the proposed NFM Project and the commencement of the procurement of Catchment Advisor services to support the project is consistent with the Council's Local Flood Risk Management Strategy.

Risk management

19. The risks will be managed at a service level, within the Highways, Environment & Waste risk register and escalated accordingly, depending upon their score post-mitigation.

Risk / opportunity	Mitigation
Reluctance of landowners to support project activity	The Project Officer and Catchment Advisors have built up relationships with landowners through the pilot project. Many of whom are willing/wanting to do more NFM in the future.
Monitoring demonstrates that the anticipated benefits are not being achieved	National research shows the benefits different NFM measures can have. All projects are continuing to conduct research and gather evidence to help develop our knowledge gaps and demonstrate the benefits of NFM.
NFM features are incorrectly installed or lack of adequate maintenance	Within the pilot project grant scheme guide, we specified that: "Applicants are responsible for ensuring the NFM measures funded through this grants scheme are maintained and kept in good condition for at least 5 years after completion. The applicant is responsible for carrying out any required repairs in a timely manner. The applicant should keep a record of any maintenance activities which they have conducted and the costs associated with this." We also highlighted riparian responsibilities.
Capacity of staff to deliver the project	Workload will initially be managed from existing resources within the service and any ongoing resource requirements will be factored into the project budget.

Consultees

20. The business case for the NFM project was developed in conjunction with the Environment Agency.
21. The Cabinet Member for Infrastructure and transport has been briefed and is supportive of the NFM project.
22. Political group consultation has taken place and those that responded were supportive of the proposals.

Appendices

Annex 1: Business Case

Background papers

None identified

Report Reviewers Used for appraising this report:

Governance	Sarah Buffrey, Democratic Services Officer	Date 08/03/2022
Finance	Karen Morris, Strategic Capital Finance Manager	Date 04/03/2022
Legal	Sharon Bennett-Matthews	Date 18/03/2022
Communications	Luenne Featherstone	Date 01/03/2022
Equality Duty	Carol Trachonitis	Date 01/03/2022
Procurement	Lee Robertson	Date 01/03/2022
Risk	Kevin Lloyd	Date 07/03/2022

Approved by	Ross Cook	Date 08/04/2022
-------------	-----------	-----------------

Glossary of terms, abbreviations and acronyms used in this report.

AGOL	ArcGIS Online
Defra	Department for environment food and rural affairs
FCERM	Flood and Coastal Erosion Risk Management
FDGiA	Flood Defence Grant in Aid
NFM	Natural Flood Management
OBC	Outline Business Case
OM	Outcome Measure
PMO	Project Management Office
WFD	The Water Framework Directive 2000/60/EC
WwNP	Working with Natural Processes