

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **LOCAL FLOOD RISK MANAGEMENT STRATEGY**

1.00 PURPOSE OF REPORT

1.01 To advise Members of the requirements of the Flood and Risk Management Act and seek Members approval to proceed with public consultation of the Strategic Environmental Assessment (SEA), related Environmental Report and Local Flood Risk Management Strategy.

2.00 BACKGROUND

2.01 The Welsh Government (WG) is responsible for developing, maintaining and applying a flood and coastal erosion risk management strategy for Wales, a National Strategy.

2.02 The national context is set within the framework of a global climate that is changing. In the coming years we will experience hotter drier summers and warmer wetter winters. Forecasts also suggest that we will see higher sea levels, increases in the intensity of rainfall and more frequent flooding. More people will experience flooding; the consequences of that flooding will be greater and the risk to life, the economy and environment will increase. In addition the rates of coastal erosion will increase, with more coastal communities facing the risk of loss of land and resources.

2.03 Current estimates show that one in six properties in Wales are at risk of flooding from rivers, the sea and surface water. The number of properties at risk from coastal erosion is less well defined than those at risk of flooding, but the draft Shoreline Management *Plans (refer to Executive Report , Adoption of Shoreline Management Plan 2, dated 16 November 2010)*, suggest that the numbers are significantly smaller, and that the majority of these would not be affected until the medium to long term, i.e. within the next 30-100 years

3.00 CONSIDERATIONS

3.01 Flintshire County Council is now the Lead Local Flood Authority (LLFA) with the role of overseeing the management of flood risk from

local sources. Local sources of flooding include surface water, ordinary watercourses (including lakes and ponds or other areas of water flowing into an ordinary watercourse) and groundwater and where there is interaction between these sources with main rivers and the sea. Within the Act a “local flood risk” is defined as a flood risk from:

- surface run off
- groundwater; and
- ordinary watercourses

3.02 Flintshire County Council has always had certain responsibilities in relation to ordinary watercourses, and in practice most Local Authorities took the lead in dealing with surface water flooding incidents prior to the changes contained within the Flood and Water Management Act 2010. This is, however, the first time responsibility for managing the risks of flooding from surface water runoff have been allocated to any body in law.

3.03 The Flood and Water Management Act 2010 places a number of statutory duties on Local Authorities in their new role as LLFA including:

- the preparation of Local Flood Risk Management strategies;
- a duty to comply with the National Strategy;
- to co-operate with other authorities, including sharing data;
- a duty to investigate all flooding within its area, insofar as a LLFA consider it necessary or appropriate;
- a duty to maintain a register of structures and features likely to affect flood risk; and
- a duty to contribute to sustainable development.

3.04 In addition to these each LLFA has a number of what are called permissive powers. These are powers that allow them to do something, but do not compel them to and include:

- powers to request information;
- powers to designate certain structures or features that affect flood or coastal erosion risk;
- the expansion of powers to undertake works to include broader risk management actions; and
- the ability to cause flooding or coastal erosion under certain conditions.

3.05 Flintshire County Council will also take on the role of the Sustainable Urban Drainage, SuDS Adopting and Approving Body in relation to sustainable drainage systems. In this role Flintshire County Council will be responsible for both approving the original design of the SuDS and adopting and maintaining the finished system.

3.06 To fully enable Flintshire County Council to implement its new roles and responsibilities in respect of local flood risk, certain functions

previously held by the Environment Agency have been transferred. This includes taking responsibility for the consenting of works on ordinary watercourses.

- 3.07 The allocation of responsibility for local flood risks is replicated in the Flood Risk Regulations 2009. These Regulations allocate specific responsibility for conducting assessments in relation to and mapping and planning (for flood risk areas identified in the assessment) for the risks of flooding from everything other than main rivers, the sea and reservoirs to LLFA's.
- 3.08 Section 10(4) of the Act, specifies what must be included within the Local Flood Risk Management Strategy
- the Risk Management Authorities within the Local Authority's area;
 - the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area;
 - the objectives for managing the local flood risk (including, when available, any objectives included in the LLFA flood risk management plan prepared in accordance with the Flood Risk Regulations 2009);
 - the measures proposed to achieve those objectives;
 - how and when the measures are expected to be implemented;
 - the costs and benefits of those measures, and how they are to be paid for;
 - the assessment of local flood risk for the purposes of the strategy;
 - how and when the strategy is to be reviewed;
 - how the strategy contributes to the achievement of wider environmental objectives.
- 3.09 In developing the strategy Welsh Government has made funding available to LLFA to develop and implement the strategy. Flintshire is working with Conwy County Borough Council, who are also working with a number of other North Wales Local Authorities, to develop Local Flood Risk Management Strategies.
- 3.10 As noted in para 3.03 above the Flood and Water Management Act requires that each LLFA produce a Local Strategy for Flood Risk Management. It should be noted that the Local Strategy is a strategy for how the whole LLFA manages its flood risk and as such it is not exclusively the responsibility of an individual Directorate. In this respect therefore there needs to be ownership at a corporate level, someone from the senior management team needs to sponsor and or chair the production of the Local Strategy, In Flintshire County Council's case, it is the Director of Environment supported by the Head of Assets and Transportation that will lead the process.

3.11 The timescale for the production of the Local Flood Risk Management Strategy is very tight, this is set out below:

What	By whom	By When
Local Strategy for Flood Risk Management	LLFA	March 31 st 2013
Ministerial sign off	Minister	Dec 2012 – March 2013
Draft Local Strategy For Flood Risk Management for Ministerial sign off	LLFA	Dec 2012
Draft Local Strategy for Flood Risk Management sign off	LLFA Cabinet/committee	Nov 2012
Public consultation on Environmental Report (SEA) and Local Strategy	Statutory consultation with CADW, Countryside Council for Wales, EA Wales; and with public	Mid-August to end October
Environmental Report to be agreed by Cabinet prior to public consultation	LLFA Cabinet/committee	July
Strategic Environmental Assessment (SEA) and production of Environmental Report	Co-ordinated by in-house team.	June /July
Establish scope for SEA	Statutory consultation with CADW, Countryside Council for Wales, EA Wales;	June 2012
Outline Local Strategy	LLFA Project Team	June 2012
Establish Project Team	Senior Management Team	April 2012

3.12 The Strategy and Environmental Assessment will continue to be developed until they are ready for public consultation, which is likely to commence in mid August. A copy of the template being used to develop the Strategy is available in the Members' Library.

4.00 RECOMMENDATIONS

4.01 That delegated authority is granted to the Director of Environment, following consultation with the Cabinet Member for Environment, to finalise the draft Environmental Assessment and Flood Risk

Management Strategy and issue out for Public Consultation (August to October) 2012.

- 4.02 That a further report is brought to Cabinet following the Public Consultation

5.00 FINANCIAL IMPLICATIONS

- 5.01 Welsh Government have provided funding to support development of Local Flood Risk Management Strategies (£180k) and associated work.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a direct result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 Positive in that it will seek to identify and address areas of flooding within Flintshire's communities.

8.00 EQUALITIES IMPACT

- 8.01 An equalities impact assessment will be undertaken on the strategy.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a direct result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 Statutory consultation with CADW, Countryside Council for Wales, EA Wales; Town and Community Councils and with members of the public.

- 10.02 Internally with Members and Scrutiny

11.00 CONSULTATION UNDERTAKEN

- 11.01 Internally initially but please refer to 10.02 above.

12.00 APPENDICES

None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Local Flood Risk Management Strategies – November 2011 (Welsh

Government)

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