

Brighton & Hove City Council

Environment, Transport & Committee

Agenda Item 12

Subject: Flood Risk Management Plan (2021-2027) Local Approval

Date of meeting: 21 June 2022

Report of: Interim Executive Director Economy, Environment & Culture

Contact Officer: Name: Andy French
Tel: 01273 291919
Email: andy.french@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks approval for the Brighton & Hove City Council's (in its capacity as a Lead Local Flood Authority [LLFA]) input to the Environment Agency's South East River Basin District Flood Risk Management Plan [FRMP] covering the period 2021-2027.
- 1.2 Under the Flood Risk Regulations 2009 there is a duty on both the Environment Agency [EA] and on LLFAs to produce a Flood Risk Management Plan and for these plans to be reviewed at least every 6-years commencing in 2015 (2015, 2021, 2027 etc) and a new Plan produced.
- 1.3 There is agreement that the EA will produce this document on a River Basin District basis and compile input from each LLFA to combine with their own sections to cover all forms of flood risk. The review was carried out in 2021 as part of the process of updating the new Plans and in accordance with the regulations.

2. Recommendations

- 2.1 That Committee approve the local content to the Flood Risk Management Plan as detailed in Appendices 1 and 2 of this report for issue of the final version by the Environment Agency.

3. Context and background information

- 3.1 The Consultation Draft content was previously approved at ETS Committee on 21 September 2021.
- 3.2 A 3-month public consultation on the draft FRMPs for 2021 to 2027 ran from 22 October 2021 to 21 January 2022 which was hosted on the Environment Agency's Consultation Portal.

- 3.3 The Council ran a parallel consultation on our own portal which was advertised to provide information and linked to the Environment Agency consultation to encourage members of the public and stakeholders to take part.
- 3.4 Feedback collated by the Environment Agency has resulted in minor alteration to text and clarification of measures. There were very few specific references to the measures and text for Brighton and Hove.
- 3.5 Alterations have been made by the Environment Agency with agreement from Council Officers. The Brighton and Hove final version content is attached in Appendices 1 and 2 of this report.
- 3.6 The 'National Once Measures', which are included in the EA FRMP to cover day to day rather than specific measures and were presented to ETS Committee with the draft BHCC input for context in September 2021, are attached in Appendix 3 and are unchanged.
- 3.7 In addition to our process of democratic approval as a policy document and prior to publication of the final document, the Environment Agency requires confirmation by end of June 2022 of local approval of the input provided by each LLFA.

4. Analysis and consideration of alternative options

- 4.1 The alterations from feedback collated by the Environment Agency when applied to the Brighton and Hove information and measures were minor and do not alter any material aspect of the measures.
- 4.2 No alternative options needed to be considered as part of agreeing the minor alterations following the consultation.

5. Community engagement and consultation

- 5.1 The consultation exercise was successfully completed end January 2022 and responses have been collated by the Environment Agency. A summary of responses is published by the Environment Agency and a link is included in the Background Documents.
- 5.2 Our consultation obligation under the Flood Risk Regulations is fulfilled by hosting a joint consultation which we advertised by press release, social media posts and newsflash / links on our webpages.
- 5.3 All proposed measures which involve physical interventions will undergo consultation processes as part of the project management process and will receive democratic approval to spend public monies prior to commencement.

6. Conclusion

- 6.1 The consultation exercise conducted by the Environment Agency and advertised and signposted by the Council locally drew responses from major stakeholders and the public.
- 6.2 The recommended course of action is to approve the measures and reporting which make up the Council's input to the Flood Risk Management Plan (2021-2027) as appended to this report.

7. Financial implications

- 7.1 All costs associated with updating the Flood Risk Management Plan will be funded from existing Flood Risk Management revenue budgets. It is anticipated that any financial implications expected to arise from complying with and implementing elements of the updated Local Strategy will be funded from existing revenue budget and earmarked reserve.
- 7.2 The ongoing revenue budget will be used to fund the cost of local consultation on the flood schemes, studies, ongoing maintenance costs of flood defence structures, preparation of further statutory flood risk management plans and staff costs. Bids for more expensive capital projects will be submitted to the Environment Agency for funding from DEFRA Grant in Aid, which will involve partnership funding from a range of sources potentially including the Local Levy fund, private funding from Southern Water or CIL monies and a necessary proportion of local funding from the Council.

Name of finance officer consulted: John Lack Date consulted: 03/05/2022

8. Legal implications

- 8.1 As noted in the body of the report, the duty to produce a Flood Risk Management Plan (FRMP) is found in the Flood Risk Regulations 2009. Regulation 27 states that a FRMP is a "a plan for the management of a significant flood risk" and which must include details of objectives for the purpose of managing the flood risk and the proposed measures for achieving those objectives.
- 8.2 The Regulations provide that the Environment Agency's first review must be completed before 22 December 2021, and that a lead local flood authority's first review must be completed before 22 June 2021. A revised flood risk management plan must be prepared following the review, which must (inter alia) include an assessment of progress made towards implementing the measures in the previous plan and, if relevant, a statement of the reasons why any measures have not been implemented.
- 8.3 Relevant bodies listed under Regulation 36(3) of the Flood Risk Regulations 2009 and the public must be consulted on the proposed content of a FRMP. This occurred as part of the joint Environment Agency / Local Authority consultation process.

- 8.4 The Council in its role as Lead Local Flood Authority undertakes flood alleviation projects as part of strategic management of flood risk under the Flood and Water Management Act 2010.

Name of lawyer consulted: Hilary Woodward Date consulted: 28/4/22

9. Equalities implications

- 9.1 The measures within the FRMP benefit the whole City and any properties protected by proposed measures would be selected entirely on a risk and cost benefit basis targeting areas of highest risk and worst impact whilst maximising value. There is no equalities implication for the reporting element.
- 9.2 No specific Equalities Impact Assessment has been carried out for the local input from this Authority. For the same reasons no assessment was published by the Environment Agency.

10. Sustainability implications

- 10.1 Flood risk management and any measures to alleviate flooding help create a more sustainable city in terms of addressing adaption to climate change.
- 10.2 There are no negative sustainability impacts or implications associated with the proposed FRMP measures and reporting.

11. Other Implications

- 11.1 None.

Supporting Documentation

1. Appendices

1. BHCC Specific Flood Risk Management Plan (2021-2027) Measures
2. BHCC Flood Risk Management Plan (2021-2027) Reporting
3. Environment Agency Flood Risk Management Plan (2021-2027) National Once Measures.

2. Background documents

1. [21 September 2021 ETS Committee Report Agenda Item 39](#)
2. [Consultation Draft South East Flood Risk Management Plan: 2021 - 27 GOV.UK](#)
3. [Consultation Draft Strategy Environmental Assessment 2021 - GOV.UK](#)
4. [Environment Agency Summary of responses Document](#)