

Subject:	Local Flood Risk Management Strategy		
Date of Meeting:	20th January 2015		
Report of:	Executive Director – Environment, Development and Housing		
Contact Officer:	Name:	Maggie Moran	Tel: 292239
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Brighton and Hove City Council (BHCC) is designated as a Lead Local Flood Authority (LLFA), under the Flood and Water Management Act 2010 (FWMA). As a result, BHCC is responsible for local flood risk management for all sources of flooding with the exception of the sea, main rivers and reservoirs. These are the responsibility of the Environment Agency.
- 1.2 Supported by funding from Defra and informed by the Surface Water Management Plan (2014), a Local Flood Risk Management Strategy (the Local Strategy) has been prepared.
- 1.3 The Local Strategy aims to;
 - raise awareness of existing flood risk issues;
 - provide an overview of the proposed flood risk mitigation work; and
 - set out the long-term strategy for flood risk management.

The Local Strategy will establish the priorities for managing local flood risk. Where possible, it will identify how BHCC will work together with other Risk Management Authorities (RMAs), stakeholders, and local communities to manage and mitigate local flood risk.

The Strategy will facilitate integrated flood risk management and assist the city council in meeting its statutory obligations set under the FWMA.

2. RECOMMENDATIONS:

- 2.1 That Committee approve the draft Local Strategy and associated documents for public consultation.
- 2.2 That Committee note the Objectives and associated Action Plan described in the Local Strategy setting out current local flood risk management priorities and proposed timetable for their implementation.

3. CONTEXT/ BACKGROUND INFORMATION

Background

- 3.1 Following several years of national flood events, most notably in summer 2007, the Pitt Review 2008 was published, which highlighted lessons learnt from these events. It noted that the consequences of flooding could have been reduced through more effective local co-ordination between relevant parties and recommended that Local Authorities take the lead on managing local flood risk, supported by relevant stakeholders.
- 3.2 The area of Brighton and Hove was designated nationally as being in the top 10 areas at risk of flooding due to the impact of flooding from rising groundwater in the underground chalk aquifers, combined with surface water flooding, having the potential to flood a significant number of properties. This resulted in funding being made available by Defra to support development initially of a Surface Water Management Plan and subsequently a Local Strategy. The Surface Water Management Plan was approved by this Committee in November 2013 and informs the Local Strategy.

Legislation

- 3.3 In 2009, an EU Floods Directive, introduced in response to cross border European flooding in 2000 and 2004, was transposed into English law through the Flood Risk Regulations 2009. This introduced the role of a LLFA, defined as either the unitary authority for the area or the County Council. Brighton and Hove City Council thus became a LLFA with a duty under the Flood Risk Regulations to prepare the following deliverables to the Environment Agency by specific dates:
- [Preliminary Flood Risk Assessment](#) – by 22nd June 2011
 - [Flood Hazard maps and Flood Risk Maps](#) – by 22nd June 2013 (for publication by the Environment Agency by 22nd December 2013)
 - [Flood Risk Management Plan](#) – by 22nd December 2015
- 3.4 The [Preliminary Flood Risk Assessment](#) was produced and published by the due date on the Environment Agency web site.
- 3.5 The [Flood Risk maps](#) were published in December 2013 by the Environment Agency. These are third generation flood risk maps, with enhanced flood modelling showing a more accurate representation of areas at risk of flood than earlier editions.
- 3.6 BHCC has been working with the Environment Agency to prepare a [Flood Risk Management Plan](#), the third duty under the Flood Risk Regulations, by June 2015. This is a consolidated Plan, in a defined Environment Agency river basin district, that will include flooding from river, coastal, reservoir as well as surface water and groundwater. The Flood Risk Management Plan is currently out for public consultation. Comment can be made via https://consult.environment-agency.gov.uk/portal/ho/flood/draft_frm/consult up to 31st January 2015.

- 3.7 The culmination of the government’s work on flood risk strategy and policy was the Flood and Water Management Act (FWMA). The Act places a requirement on LLFAs to *‘develop, maintain, apply and monitor a strategy for local flood risk management in its area (a “local flood risk management strategy” or “Local Strategy”)*.

Local Flood Risk Management Strategy

- 3.8 The FWMA requires Local Strategies to be consistent with the National Flood and Coastal Erosion Risk Management Strategy (NFCERMS) to ensure that flood and coastal erosion risk management activities are co-ordinated, facilitate sustainable risk management and make it easier to deliver multiple benefits. The NFCERMS identifies the need for careful planning to help ensure that appropriate, sustainable options are selected when considering flood risk management at a local level. This approach to managing flood risk recognises that at any given time resources are limited and it may be necessary to prioritise risk management solutions based on defined outcomes. To obtain real benefits it must be shown that the chosen risk management options and measures are in keeping with the NFCERMS through the setting of clear objectives.

Objectives

- 3.9 The BHCC Local Strategy objectives were developed through a workshop with internal council stakeholders and consultation with the RMAs, to better understand the local issues and how they might be addressed. The planned actions identified in this strategy will help realise the NFCERMS aims and the Government’s Vision for sustainable development.

Objective 1: ‘Work with Partners, Stakeholders and Local Community Groups to Understand and manage flood risk’.

- By sharing data between Risk Management Authorities and holding information in a single location – a flooding and drainage information service – this will provide a key point of reference for understanding each potential flood risk that exists in relation to a particular area.

Objective 2: ‘Continue to improve BHCC knowledge and evidence base of local flood risk’.

- Regular updating of the flood and drainage information service will enable trends or irregularities in instances of flooding to be established and where required incorporate future actions into the Strategy. It is intended that this data be used to ensure that development is provided in appropriate locations.

Objective 3: ‘Work with Partners and Funders to implement sustainable measures to reduce flood risk’

- By adopting an inclusive approach to understand flood risk and the mechanisms available to finance flood reduction measures, sustainable and achievable development plans can be created.

Objective 4: ‘Manage development impact on flood risk through land allocation and development control policy’.

- It is recognised that flood defences require maintenance and additional long term benefits can be gained by ensuring that the 'correct development' occurs 'in the correct place' at the 'right time. Using planning policy, development should be directed towards locations that derive the greatest benefit from the selected flood reduction measures. This will be reflected through policies steered by this Strategy.

Objective 5: 'Raise public awareness and resilience to flooding'.

- Where development in an area of flood risk is considered justified (for example household extensions) it will be necessary to ensure that existing and potentially future residents are apprised of flood risks they may be subjected to. This is considered an important aspect of the Strategy and establishing a working system that takes cognisance of these risks and who/what might be affected will ensure that resources can be directed towards resilient construction when appropriate, particularly for those that cannot afford the measure themselves.

Objective 6: 'Undertake annual inspection, maintenance and improvement, where necessary of flood defence assets'

- To ensure that flood defence assets continue to provide a level of performance it is important to establish a continual programme of maintenance. Allowing assets to deteriorate until such time that maintenance must be undertaken following failure can have a range of consequences not limited to the defence structure itself. Funding a programme will provide greater long-term benefits where it can be demonstrated that the flood asset protects a greater number of people.

Objective 7: 'Work with Partners and Funders to implement sustainable public health protection measures'

- The Strategy aims to manage the known consequences of flooding and provide an active system to monitor and report any effects of flooding. It may not be possible to derive benefits from sustainable development for all existing residents. Where engineered actions to reduce flood risk are considered financially unviable then it may be necessary to establish other measures to protect the public including educational and advisory information, support and / or property level protection. The reactive measures will require careful monitoring and planning if they are to succeed and Partners and Funders will provide an important role in shaping these strategies.

Objective 8: 'Ensure the likely environmental effects of the Local Strategy are considered and understood and any potentially adverse effects are avoided, reduced or minimised'

- A Strategic Environmental Assessment (SEA) will be required to determine the overall benefits that can be achieved from the Strategy. The outcomes of the SEA will be used to implement measures identified in the Strategy in a timely fashion to ensure that development pressure cannot

overtake the implementation of measures needed to prevent undue impact to the environment.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The purpose of the Strategy is to; raise awareness of existing flood risk issues; provide an overview of the proposed flood risk mitigation work; and set out the long-term strategy for flood risk management. It will establish the priorities for managing local flood risk and identify how BHCC will work together with other Risk Management Authorities, stakeholders, and local communities to manage and mitigate local flood risk, where possible
- 4.2 The FWMA places a requirement on LLFAs to 'develop, maintain, apply and monitor a strategy for local flood risk management in its area.
- 4.3 The alternative would be to not produce a Local Strategy. This would mean that the current high risk of flooding to properties and local transport infrastructure would continue and BHCC would not comply with the statutory requirements of the FWMA 2010.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 BHCC has a duty to consult on this Local Strategy. The draft strategy will be disseminated to our partner organisations, i.e. the Environment Agency and Southern Water. Subject to approval of the Local Strategy by Committee, public consultation will commence for a period of one month.

6. CONCLUSION

- 6.1 The Local Strategy provides a high-level strategic document describing the objectives for flood risk management in BHCC with an estimated timescale. Approval of this document will allow the city council to progress important work in this area as Brighton and Hove has been identified as one of ten high flood risk authorities in England.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Since 2010/11 the city council as a LLFA has allocated approximately £1.171m of revenue funding towards flood risk management, of which £0.273m was funded by Area Based Grant, £0.613m by the Local Services Support Grant and £0.285 as part of the councils core funding received from government. Allowing for staffing costs and consultant's charges for supporting the preparation of strategic documents, a sum of £0.619m unspent budget has accrued at the end of the 2013-14 financial year and transferred to an earmarked reserve. It is anticipated revenue funding of approximately £0.260m will be made available in the 2015-16 financial year and an additional £0.100m of DEFRA grant funding. Future grant contributions will be subject to government spending.

- 7.2 All costs associated to the production of the draft Local Strategy and associated documents as well as the anticipated costs of public consultation will be funded from the existing revenue budget. It is anticipated that any financial implications expected to arise from complying with and implementing elements of the Local Strategy will be funded from the existing revenue budget and earmarked reserve.
- 7.3 Unspent funding within the earmarked reserve will be used to fund minor flood alleviation schemes arising from the Surface Water Management Plan and Local Strategy, as well as contribute towards applications for grant funding to support the implementation of flood alleviation schemes. The ongoing revenue budget will be used to fund the cost of local consultation on the flood schemes, 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 the Local Levy fund or for inclusion in their Medium Term Financial Plan managed by the Southern Regional Flood and Coastal Defence Committee.
- 7.4 BHCC has also received £50,000 in this financial year (2014/2015), from the Local Levy, to complete a preliminary study for the Patcham Flood Alleviation Scheme. This study will form the Project Appraisal Report, which is required to obtain approval from the Environment Agency to enable BHCC to draw down funds from the FCERM GiA for the physical works for the Patcham Flood Alleviation Scheme.
- 7.5 The Surface Water Management Plan recommended schemes in Patcham and Bevendean. Funding has been allocated through the FCERM GiA in the year 2017- 2018, subject to approval of the detailed proposal by the Environment Agency

Finance Officer Consulted: Steven Bedford

Date: 17/12/14

Legal Implications:

- 7.6 The Flood Risk Regulations 2009 and the FMWA impose statutory duties and responsibilities upon the Council as a Leading Local Flood Authority. A number of specific legislative duties have been outlined in the body of this report.
- 7.7 The City Council has a duty under the FWMA to ‘develop, maintain, apply and monitor a strategy for local flood risk management in its area (a “local flood risk management strategy” or “Local Strategy”).
- 7.8 There is a legal requirement for the LLFA to consult with the public on the Local Strategy.
- 7.9 The Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.

7.10 There are no human rights implications to bring to Members attention.

Lawyer Consulted:

Name: Katie Matthews

Date: 09.01.2015

Equalities Implications:

7.11 The Local Strategy does not present any equality implications. Any equality issues, particularly with regard to accessibility, will be addressed when identifying options for flood mitigation measures at the locations of highest flood risk.

Sustainability Implications:

7.12 Flood attenuation measures will provide for sustainable use of water allowing infiltration of the water into the ground over a period of time and evaporation into the air. Property protection will ensure that buildings remain in use for longer than if they were impacted by floods leading to repair or rebuild using natural resources.

7.13 As part of the Local Strategy, a Strategic Environmental Assessment is prepared. The aim of this is to identify, describe and evaluate the likely significant effects on the environment of implementing the Local Strategy. This assessment is provided as an appendix of the Local Strategy.

Any Other Significant Implications:

7.14 Some locations identified as being at risk of flooding are also prone to discharge from sewers leading to raw sewage entering properties. Steps taken to reduce flooding will therefore have a beneficial impact on public health.

SUPPORTING DOCUMENTATION

Documents in Members' Rooms

1. Local Flood Risk Management Strategy

Background Documents

1. [Surface Water Management Plan – \(April 2014\)](#)
2. [Brighton and Hove Preliminary Flood Risk Assessment – June 2011](#)

