

Croydon Council

For General Release

REPORT TO:	CABINET 16 November 2015
AGENDA ITEM:	9
SUBJECT:	Local Flood Risk Management Strategy 2015-20 Consultation Results
LEAD OFFICER:	Jo Negrini, Executive Director of Place
CABINET MEMBER:	Councillor Kathy Bee Cabinet Member for Transport & Environment
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT: The recommendations in this report are in accordance with the statutory responsibilities set out in the Flood and Water Management Act (FWMA) 2010, which gives local authorities the lead role for managing flood risk from surface water, groundwater and ordinary watercourses.	
FINANCIAL IMPACT: The cost of developing the Local Flood Risk Management Strategy and carrying out all tasks associated with the strategy was met from funding provided by the Department For Environment, Food and Rural Affairs (Defra) to the Council, to enable it deliver its duties under FWMA 2010.	
KEY DECISION REFERENCE NO.: not a key decision	

1. RECOMMENDATIONS

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

That Cabinet :

- 1.1 Consider the responses received to the consultation on the draft Local Flood Risk Management Strategy (LFRMS), officers responses to these and consequent amendments to the draft LFRMS and 'Action Plan' as a result of those responses, at appendix 3 (e-copy) to this report
- 1.2 Approve adoption of the revised LFRMS and 'Action Plan', at appendix 1 (e-copy) to this report, and publication of a summary of the LFRMS, at appendix 2 (e-copy) to this report
- 1.3 Note the timetable and steps detailed at para.3.7 to ensure the Strategy and

'Action Plan' are kept under review and updated as necessary

- 1.4 Agree for the Executive Director of Place, in consultation with the Cabinet Member for Transport & Environment to review and make changes to the LFRMS and 'Action Plan' subsequent to this report

2. EXECUTIVE SUMMARY

- 2.1 This report details the responses and outcomes of the public consultation carried out in relation to the Council's draft Local Flood Risk Management Strategy (LFRMS), at appendix 3. The report proposes consequent amendments to the draft LFRMS and 'Action Plan' and seeks Cabinet approval to adopt the revised LFRMS and 'Action Plan' at appendix 1, and publication of a summary of the Strategy, at appendix 2.

3. DETAIL

- 3.1 The Flood and Water Management Act (FWMA) which was enacted in 2010 set new statutory responsibilities for managing flood risk and gives local authorities the lead role for managing local flood risk through the creation of Lead Local Flood Authorities (LLFAs) while the Environment Agency (EA) was given a strategic overview role.

- 3.2 The FWMA under Section 9 places a responsibility on the Council, as a LLFA to develop, maintain, apply and monitor a Strategy for local flood risk management. The Act states that 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*
- i) *how the strategy contributes to the achievement of wider environmental objectives,*

and requires it to be consistent with the National Strategy which is being published by the Environment Agency (in December 2015) and outlines a National Framework for flood and coastal risk management. The Act also requires publication of a summary of the Strategy (including guidance about the availability of relevant information).

- 3.3 The adopted LFRMS will form the basis within which communities have a greater say in local risk management decisions. In combination with the

National Strategy, the LFRMS will encourage more effective risk management by enabling people, communities, businesses and the public sector to work together to:

- *ensure a clear understanding of the risks of flooding nationally and locally, so that investment in risk management can be prioritised more effectively*
- *set out clear and consistent plans for risk management so that communities and businesses can make informed decisions about the management of the residual risk*
- *encourage innovative management of flood risks, taking into account the needs of communities and the environment*
- *ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings*
- *help communities to recover more quickly and effectively after incidents*

3.4 In July 2015, the Cabinet Member for Transport and Environment approved, under delegated power ref: 30/14/LR the publication of the draft LFRMS and associated documents for the purposes of a public consultation. A summary of the consultation responses and proposed changes to the draft LFRMS and 'Action Plan' are set out in the document at appendix 3 to this report.

3.5 The LFRMS would allow stronger links, understanding and cross-agency working with key partners such as the Environment Agency, Thames Water, neighbouring boroughs, risk management authorities and local communities whose actions could impact on the Council's flood risk.

3.6 In addition to the key partners above, the LFRMS will ensure a partnership approach to flood risk management of the various service areas within the Council responsible for managing flood risk i.e. Highways, Green Space, Spatial Planning, Building Control, Emergency Planning & Resilience, Adult Services, Health & Housing and Development Management, collectively known as LBC Internal Flood Group.

3.7 The LFRMS and 'Action Plan' will remain a living document. The LFRMS will be reviewed and updated every 6 years while the 'Action Plan' will be reviewed and updated quarterly at the LBC Internal Flood Group meetings to ensure the actions are being delivered. The next review and update of the LFRMS would be 2020. However, the Strategy may be updated before this date if:

- *there are significant flood events in the borough that challenge the conclusions of the prioritisation process*
- *there are relevant policy changes that amend the roles and responsibilities of the risk management authorities*
- *the annual review of the 'Action Plan' identifies that it is not achieving its objectives*

3.8 The LFRMS and 'Action Plan' will feed into the Flood Risk Management Plan (FRMP) which the Environment Agency (EA) is required to develop under the Flood Risk Regulation (FRR) 2009 and is scheduled to be published in

December 2015.

- 3.9 In view of the above and the details outlined in the consultation summary document at appendix 3 to this report, it is recommended that Cabinet approve adoption of the revised LFRMS and publication of a summary of the Strategy (including guidance about the availability of relevant information).

4. CONSULTATION

- 4.1 Section 9, item (6) of the Flood and Water Management Act states that “A lead local 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*

- 4.2 The risk management authorities (Environment Agency, Thames Water, Transport for London and neighbouring boroughs) were consulted while the draft strategy was being developed and also, as part of the formal public consultation.

- 4.3 A formal public consultation was undertaken between 8 July and 12 August 2015 (6 weeks) in which the public and risk management authorities were invited to give their views / comments about the draft strategy and supporting documents by completing an online consultation questionnaire.

To raise public awareness about the online consultation, it was advertised through a variety of methods including:

- Adverts placed on plasma screens within the Council buildings
- Alerts released via twitter and Facebook
- A banner advert at the top of the Council website home page
- A direct link to the consultation questionnaire was emailed to risk management authority representatives
- A direct link to the consultation questionnaire was uploaded to the ‘get involved’ platform to engage with resident and community representatives

At the closing of the online consultation exercise, 77 responses were received and a summary of these is outlined in the document at appendix 3 to this report. Where respondents have raised points which were about specific incidents or locations and are not appropriate to be included in the revised Strategy and ‘Action Plan’, a summary document which addresses or clarifies these points will be produced subsequent to this report and publish on the Council website.

- 4.4 Although not a requirement of the Act, a public engagement exercise was undertaken prior to developing the draft Strategy between January and March 2014 where residents and businesses in the borough were invited to give their experiences of flooding in Croydon and views on how the Council should

manage and respond to flooding in the future, by completing an online questionnaire. A summary of the responses to the questionnaire is presented in appendix C, Page 50 of the LFRMS.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

The draft and revised LFRMS were developed using funding provided by the Department for Environment, Food and Rural Affairs (Defra) to local authorities to enable them carry out their duties as required under the Flood and Water Management Act.

2 The effect of the decision

There are no financial consequences to the Council by approving adoption of the Strategy. Any additional costs will be managed within existing budgets.

3 Risks

Failure to approve adoption of the Strategy may affect the Council's ability to attract funding for future flood alleviation measures from Central government and reduce its effectiveness in coordinating and commissioning flood alleviation measures in the borough.

Failure to approve adoption of the Strategy and publication of a summary of the Strategy may result in the Secretary of State for risk management authorities directing another risk management authority to carry out the function and may order costs against the Council.

Failure to approve adoption of the Strategy would result in it not feeding into the Flood Risk Management Plan (FRMP) which the EA is required to develop under the Flood Risk Regulation (FRR) 2009 and is scheduled to be published in December 2015. The Council will have to develop its own FRMP at a cost.

4 Options

There is no option in the Act to delegate this function to another risk management authority.

5 Future savings/efficiencies

Approving adoption of the Strategy would strengthen the Council's ability to attract funding for investigating and implementing flood risk alleviation measures. Any future savings would be made from the Council not having to spend a significant amount of money dealing with the aftermath of flooding, as was the case in February 2014.

6 Approved by Dianne Ellender, Finance Business Partner (Development & Environment) on behalf of Head of Finance and Deputy S151 Officer

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Council Solicitor comments that the consultation process as detailed in the report meets the requirements both of the 2010 Act and the public law

requirements relating to consultation.

6.2 Approved by Gabriel Macgregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer

7. HUMAN RESOURCES IMPACT

7.1 There are no human resources implications arising from this report.

Approved by Adrian Prescod, HR Business Partner, for and on behalf of Director of HR, Resources department

8. EQUALITIES IMPACT

8.1 An initial equality analysis was undertaken to assess the potential impact the Local Flood Risk Management Strategy 2015-20 would have on equality groups that share a “protected characteristic” compared to those who do not. The analysis concluded that whilst the risk of flooding is the same for all those who may be affected, the needs of those who are vulnerable would always be considered when dealing with flooding incidents such as young people, older people and people living with a disability and when identifying potentially affordable and viable solutions to alleviate flooding.

8.2 The final LFRMS has been developed to manage flood risk from surface water, groundwater and ordinary watercourses across the borough which when it occurs would affect all protected groups. However, people with disability, younger people and older people would be more affected by the impact of any flooding and the potential to recover. When completing flood risk assessments and applications to bid for funding to implement flood alleviation measures specific consideration will be given to those impacts and any mitigating actions that may be required.

8.3 The LFRMS supports the following priorities that are set out in the Council’s Equality and Inclusion Policy:

- Make Croydon a place of opportunity and fairness by tackling inequality, disadvantage and exclusion
- Make sure that the diverse views of local people are taken into account when decisions are made by the Council

9. ENVIRONMENTAL IMPACT

9.1 The LFRMS was subjected to scoping for a Strategic Environmental Assessment (SEA) and was determined that there are no significant adverse environmental effects arising from it. A summary of the Strategic Environmental Assessment is presented in Section 6.2, page 41 of the LFRMS. The full Strategic Environmental Assessment and Habitats Regulation Assessment Reports are available on request.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no crime and disorder issues arising from this report.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 The reasons for the recommendations in this report is to enable the Council to comply with the requirements of the Flood and Water Management Act 2010, which places a responsibility on the Council as a LLFA to develop, maintain, apply and monitor a Strategy for local flood risk management.

12. OPTIONS CONSIDERED AND REJECTED

12.1 There were no other options considered.

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BACKGROUND PAPERS: none

Appendices provided via e-copy only

<https://secure.croydon.gov.uk/akscroydon/users/public/admin/kabmenu.pl?cmte=CAB>

Appendix 1	Local Flood Risk Management Strategy 2015-20 with appendices
Appendix 2	Local Flood Risk Management Strategy 2015-20 summary
Appendix 3	Summary of Local Flood Risk Management Strategy consultation