

CABINET

5 AUGUST 2014

LOCAL FLOOD RISK MANAGEMENT STRATEGY – OUTCOME OF CONSULTION

Portfolio Holder: Councillor Phil Filmer, Front Line Services
Report from: Robin Cooper, Director of Regeneration, Community and Culture
Author: Priscilla Mumby, Flood Risk Management Officer

Summary

The report explains the need for a Local Flood Risk Management Strategy consultation, required under the Flood and Water Management Act 2010. It reports on the results of the consultation exercise relating to the strategy and seeks Cabinet approval to adopt the strategy.

1. Budget and policy framework

- 1.1 The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 (FRR 2009) established Medway Council as a Lead Local Flood Authority (LLFA). The FRR 2009 and the Flood and Water Management Act (FWMA) 2010 sets out a number of roles and responsibilities for LLFA's with respect to the management of local flood risk (i.e. from surface water, groundwater and 'ordinary watercourses').
- 1.2 Section 9(1) of the FWMA 2010 states that a Lead Local Flood Authority must develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy). This paper seeks Cabinet approval to adopt the strategy.
- 1.3 Whilst the imposed duties are statutory, the new roles and responsibilities directly contribute towards three of the five council priority areas included within the Council Plan 2013/2015 outlined below, as well as several ambitions and principles included within the Sustainable Community Strategy 2010-2026.

- Safe, clean and green Medway.
- Everybody travelling easily around Medway.
- Everyone benefiting from the area's regeneration.

2. Medway Local Flood Risk Management Strategy

- 2.1 A strategic approach reduces the likelihood and detrimental consequences of flooding in a way that does not compromise the interconnected needs of the economy, society and environment in the future. The strategy is a document against which local flood risk management activities should be assessed and measured.
- 2.2 The primary aim of the strategy is to outline the approach Medway Council, as LLFA will take to local flood risk management, record how this approach has been developed and agreed and to deliver the legislative requirements of the FWMA 2010.
- 2.3 The overall objectives of the strategy are informed by section 9(4) of the Flood Water Management Act which states that a 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.
 - d) The measures proposed to achieve those objectives.
 - e) How and when the measures will 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 will be reviewed.
 - i) How the strategy contributes to the achievement of wider environmental objectives.
- 2.4 The strategy complements and supports the National Strategy published by the Environment Agency, which outlines a national framework for flood and coastal risk management and aims to balance the needs for communities, the economy and the environment. The strategy has been developed to be consistent with the EA's National Strategy in accordance with Section 7 of the FWMA 2010.
- 2.5 The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy aimed at delivering the legislative requirements of the FWMA and adopting a more coordinated approach to local flood risk management.
- 2.6 The measures and objectives were borne out of significant consultation with functions within the Council, and with Risk Management Authorities.

- Through the strategy, stronger links, understanding, and partnership working have been established with Risk Management Authorities.
- 2.7 The delivery of the strategy rests primarily within the Flood Risk Management Officer; however, the support of other relevant services within the Council, including Highways, Development Management and Emergency Planning will be required. An additional annual implementation plan will be produced to implement the objectives of the strategy.
 - 2.8 The final document and accompanying Technical Appendices is attached as Appendix 1 – this is set out in Supplementary Agenda No.1.
 - 2.9 A Diversity Impact Assessment screening report has been completed and accompanies this report as Appendix 2. It has concluded that a full Diversity Impact Assessment (DIA) will not be required at this stage but that additional DIA's will be undertaken when implementing those measures that have been identified as having a direct impact on the public.
- 3. Consultation and engagement**
- 3.1 Section 9 (6) of the FWMA states that *'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 and (b) the public'*.
 - 3.2 Following approval by Cabinet on 8 April 2014, the draft strategy was subject to a six-week period of public consultation (14 April – 16 May 2014). This time frame is in line with similar consultations undertaken by other Lead Local Flood Authorities.
 - 3.3 In accordance with the proposals reported to Cabinet in April 2014, consultation consisted of provision of the strategy on the council's website, hard copy availability at the planning reception, and direct emails to likely interested parties including Risk Management Authorities and Parish Councils.
 - 3.4 All of the consultation responses are included in Appendix 3 and includes responses from Natural England and Cooling Parish Council. Further engagement is due to be undertaken with Stoke Parish Council with regards to ongoing local flooding issues in the area.
 - 3.5 Changes have included minor corrections and general editing to improve the readability of the document. Pertinent changes associated specifically with the approach to delivery of the strategy and are included within Table 1 below following discussions with other Risk Management Authorities.

Table 1: Local Flood Risk Management Strategy proposed amendments.

Location	Reason for amendment
Table 6, National Objective 2	<p>This objective needs to include the ability to develop local standards as well as local guidance.</p> <p>In some instances this may be necessary to ensure that sustainable drainage design responds to local conditions and priorities, informed by evidence. (Such as outputs from the forthcoming Surface Water Management Plan).</p>
Paragraph 3.7 Flood Incident Reporting	<p>The criterion has been simplified to allow the flexibility to concentrate on those incidents where the LLFA can undertake direct action to reduce the risk of flooding.</p> <p>This is reflected in Section 19 of the Flood and Water Management Act 2010, which states that investigations should be carried out, by a Lead Local Flood Authority must, to the extent that it considers it necessary or appropriate.</p>

3.6 The Regeneration, Community and Culture Overview and Scrutiny Committee considered a report on the Flood and Water Management Act 2010 and the Local Flood Risk Management Strategy on 26 June 2014.

3.7 The Committee discussed the report and Priscilla Mumby, the Flood Risk Management Officer responded with the following additional information:

- Confirmation that consideration will be given to a future SPD, as referenced within the strategy, which will look at wider flood risk and planning issues to inform a strategic approach to the provision of flood defences.
- Whilst she was not an expert on the chemical quality of ground water, this was an issue that could be investigated.
- The local authority worked closely with the Water Companies and held quarterly meetings with Southern Water and the Environment Agency and both companies would advise of any potential flood risk arising from reduced abstractions.
- Larger scale maps could be provided and, if any Member considered that items such as historic landfill sites were missing from the maps, they were requested to advise officers.

- Whilst the Guide to Developer Contributions proposed for adoption to Cabinet on 15 July 2014 and, forming part of this Committee's agenda did not include reference to flooding, it was intended that flooding would be included within the Guide at a future date.
- It was noted that reference to the Community Infrastructure Levy (CIL) required removal from paragraph 7.3.8 of the Strategy

3.8 The Committee discussed the flood risk emergency that had taken place in December 2013 and expressed appreciation to those staff who had worked through the night. It was noted that these staff had recently been awarded a Make a Difference Award in recognition of their work. The Flood Risk Management Officer confirmed that although the response to the emergency had been considered a success, Officers would still be reviewing the emergency procedures put in place for that incident to assess whether any improvements could be made.

3.9 The Committee thanked the Flood Risk Management Officer for her report and agreed the following:

- a) The new responsibilities added to the Employee Delegation Scheme be noted;
- b) The progress of the Local Flood Risk Management Strategy be noted
- c) The Committee's appreciation be extended to those staff involved in the recent flood risk which involved work beyond the call of duty.
- d) It be noted that flood risk will form part of the Guide to Developer Contributions at a future date.

4. Risk Management

4.1 The risks exposed by a failure to comply with parts of the legislation are great. Whilst the FWMA 2010 enables LLFA's to delegate *some* flood or coastal erosion risk management functions to other risk management authorities, there is an expectation that LLFA's will gradually increase expertise and capacity in this field.

5. Financial and legal implications

5.1 Funding to carry out the day-to-day flood risk management functions in Medway is included in existing revenue budgets.

5.2 The legal implications are set out throughout the report.

6. Recommendation

6.1 That Cabinet adopt the Local Flood Risk Management Strategy, as attached at Appendix 1.

7. Suggested reasons for decision

- 7.1 As the LLFA, Medway Council has a statutory responsibility to produce a local strategy under the FWMA 2010.
- 7.2 There is no option to delegate this function of the Act to another Risk Management Authority.
- 7.3 A decision not to adopt and publish the local strategy may result in intervention by the Minister in accordance with section 20 of the FWMA 2010.

Lead Officer Contact:

Priscilla Mumby
Flood Risk Management Officer
Gun Wharf
01634 331 420
priscilla.mumby@medway.gov.uk

Appendices:

Appendix 1: Medway Local Flood Risk Management Strategy Main Report and Technical Appendices (Supplementary Agenda No.1)
Appendix 2: Diversity Impact Assessment Screening Report
Appendix 3: Consultation responses

Background Papers:

Report to Regeneration, Community and Culture Overview and Scrutiny Committee - *Flood and Water Management Act 2010 – Roles and responsibilities and the Local Flood Risk Management Strategy* 26 June 2014:

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=132&MId=3056&Ver=4>

Report to Cabinet: *Flood and Water Management Act 2010 – Roles and responsibilities and the Local Flood Risk Management Strategy* 8 April 2014:

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=23428>

Report to Council *Report on Overview and Scrutiny Activities* 3 March 2011:

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=7118>

Report to Regeneration, Community and Culture Overview and Scrutiny Committee *Flood and Water Management Act 2010 and Flood Risk Regulations 2009* 10 February 2011:

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=6975>

Diversity impact assessment

Appendix 2

TITLE <i>Name/description of the issue being assessed</i>	Local Flood Risk Management Strategy
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DATE <i>Date the DIA is completed</i>	14 July 2014
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LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Priscilla Mumby
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1 Summary description of the proposed change

- What is the change to policy/service/new project that is being proposed?*
- How does it compare with the current situation?*

Medway Council have a duty to develop, maintain, apply and monitor a strategy for local flood risk management in Medway under the Flood and Water Management Act 2010.

The strategy is intended to set out a framework for managing the risks of local flooding. This consists of a number of objectives and measures to undertake further investigate work and implement internal procedures and processes to improve our understanding of flood risk in the area.

A consultative approach to delivering flood risk management is promoted throughout the strategy to ensure that the needs of local communities are taken into account.

A draft strategy is currently in place. Cabinet approval is now being sought to adopt the strategy, taking it from draft to approve, and to carry out the objectives and measures within it.

This DIA will be updated or separate DIA's will be undertaken as required as the objectives and measures within the strategy are carried out.

2 Summary of evidence used to support this assessment

- Eg: Feedback from consultation, performance information, service user records etc.*
- Eg: Comparison of service user profile with Medway Community Profile*

Local Flood Risk Management Strategy document

The draft strategy has been available on the internet since April 2014. Consultation on the draft strategy was open between 14.04.14 and 23.05.14. Views were sought from stakeholders, community groups and members of the public during this time.

Diversity impact assessment

Direct emails were also sent to Parish Councils, Risk Management Authorities and key Stakeholders including the Environment Agency, Internal Drainage Boards, Southern Water, Natural England, and RSPB. Further consultation will be undertaken as the objectives are implemented.

Consultation responses were low and therefore minimal changes are proposed. Changes have included general editing to improve the readability of the document and make minor corrections. Pertinent changes associated specifically with the approach to delivery of the strategy and the measures that will be employed to meet the objectives.

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age	✓		✓
Disability	✓		✓
Gender reassignment			✓
Marriage/civil partnership			✓
Pregnancy/maternity	✓		✓
Race	✓		✓
Religion/belief			✓
Sex			✓
Sexual orientation			✓
Other (eg low income groups)	✓		✓

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

Diversity impact assessment

Three measures within the strategy will have a direct impact on the public. These are;

- Web development to improve accessibility.
- Engagement with local communities regarding 'riparian responsibilities' which are set out within the Land Drainage Act 1991.
- Engagement with the public to raise awareness of flood risk and local flooding issues.

There is the potential for adverse impact if:

- Communities or individuals are unable to read or understand information and publications due to disability or race)
- Communities or individuals are unable to fulfil their responsibilities due to age, disability, pregnancy/maternity or low income.

There is the potential to foster good relations between protected characteristics by engaging with local communities and encouraging mutual support across protected characteristics

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

Publications and information will be available in multiple formats

Community engagement will emphasize the importance of helping those with a protected characteristic.

Impact will be reassessed as each objective is carried out. Further consultation will take place if a requirement is identified as part of impact assessment.

Diversity impact assessment

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
Review DIA when appropriate when implementing the measures which have a direct impact on the public.	PM	Before implementation.
Ensure publications and information is available in multiple formats.	PM	In line with objective timescale
Community engagement plan	PM	In line with objective timescale

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- *to proceed with the change implementing action plan if appropriate*
- *consider alternatives*
- *gather further evidence*

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

It is recommended that the local strategy is adopted and a DIA review undertaken for each of those impacting actions identified (i.e. engagement with local community).

8 Authorisation

The authorising officer is consenting that:

- *the recommendation can be implemented*
- *sufficient evidence has been obtained and appropriate mitigation is planned*
- *the Action Plan will be incorporated into service plan and monitored*

Assistant Director

Date

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: annamarie.lawrence@medway.gov.uk
 C&A: phone 1031 email: paul.clarke@medway.gov.uk
 BSD: phone 2472 or 1490 email: corppi@medway.gov.uk
 PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication

From: on behalf of floodrisk
To: Cooling Parish Council
Subject: RE: Medway Local Flood Risk Management Strategy
Dear Allen,

Many thanks for your response.

Best regards,

Priscilla

Priscilla Mumby
Flood Risk Management Officer

Tel: 01634 331420
Fax: 01634 332862

E-mail: priscilla.mumby@medway.gov.uk

From: Cooling Parish Council [mailto:cooling.parish.council@gmail.com]
Sent: 18 May 2014 19:09
To: floodrisk
Subject: Re: Medway Local Flood Risk Management Strategy

To whom it may concern,

COOLING PARISH COUNCIL COMMENT ON FLOOD RISK MANAGEMENT STRATEGY

Cooling Parish Council considers that with sea levels rising, the main threat to the Parish is from coastal flooding via the River Thames and the Estuary. The area though often flooded in low areas from surface water, appears to cope provided ditches and waterways through the marshes remain clear.

Yours faithfully,

Allen Hughes
Chair Cooling Parish Council

On Fri, May 16, 2014 at 2:28 PM, floodrisk <floodrisk@medway.gov.uk> wrote:
Dear Sir or Madam,

A reminder that the consultation for the Medway Local Flood Risk Management Strategy closes next Friday 23 May.

Some of you have requested a short presentation/overview at your Parish Council's meeting, we are able to provide that if required.

The strategy outlines the responsibilities of the Risk Management Authorities in Medway and how they are working in partnership to coordinate local flood risk management. This includes engagement with communities, preparing for floods, responding to flood events and collaborating on flood risk studies.

Medway Council is a Lead Local Flood Authority and has produced this strategy in accordance with the Flood and Water Management Act 2010. The focus of the strategy is on local flooding which refers to flooding from surface water, groundwater, streams and ditches.

The strategy consists of a collection of documents including a main report, supporting technical appendices and a Strategic Environmental Assessment Screening Report.

Stakeholders, community groups and members of the public can submit their views and feedback on the strategy, to help shape how the council manages local flood risk.

The strategy, together with the accompanying appendices and Strategic Environmental Assessment Screening Report can be accessed here:

<http://www.medway.gov.uk/planningandregeneration/floodriskmanagement/localfloodriskstrategy.aspx>

Please send your comments by email by Friday 23 May to:

floodrisk@medway.gov.uk

Or by post to:

Flood Risk Management
Development Management, Policy and Design
Regeneration, Community and Culture Directorate
Gun Wharf
Dock Road, Chatham
Kent, ME4 4TR

Best regards,

Priscilla

Priscilla Mumby
Flood Risk Management Officer

Tel: 01634 331420
Fax: 01634 332862

E-mail: priscilla.mumby@medway.gov.uk



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Date: 12 May 2014
Our ref: 118688



Ms Priscilla Mumby
Flood Risk management Officer
Medway Council
Development Management, Policy and Design
Regeneration, Community and Culture Directorate
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Mumby,

**Medway Local Flood Risk Management Strategy and Strategic Environmental Assessment –
Flood and Water Management Act 2010**

Thank you for your consultation on the above dated 14/04/2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Local Flood Risk Management Strategy

Section 2 – Legislation and Policy

There are clear links to appropriate relevant legislation including the Habitats Directive and the National Planning Policy Framework, together with the Medway Estuary and Swale Shoreline Management Plan. These links are welcomed.

Section 5 – Local Flood Risk Management Objectives

Table 5.1 lists Medway's objectives which can be broadly supported. Objective 2 (b) which promotes Sustainable Urban Drainage systems (SUDs) is welcomed and to be encouraged as part of a sustainable development approach.

Section 8 – Wider Environmental Objectives

Table 8.1 sets out the wider environmental objectives and cover the issues and areas that Natural England would wish to see considered by such a document. Again references to the Medway Estuary and Swale Shoreline Management Plan are welcomed and to be encouraged.

Overall the Objectives identified can be broadly supported, especially objectives 36, 37 and 38.

Natural England is pleased to see the consideration of the Hydrology and Hydrogeology of the area being assessed.

Strategic Environmental Assessment:

The approach and methodology used are appropriate and in line with advice that would be offered by Natural England, covering the topics and issues we would like to see considered in such a document. Relevant legislation has been identified and sourced together with appropriate designated sites being identified and referenced.

For clarification of any points in this letter, please contact David Hammond on 0300 060 1373, or alternatively please contact consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

David Hammond
Lead Advisor
Sustainable Development & Regulation
Sussex and Kent Team