

## **REGENERATION, COMMUNITY AND CULTURE OVERVIEW & SCRUTINY COMMITTEE**

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### **ANNUAL ACTION PLAN ON THE LOCAL FLOOD RISK MANAGEMENT STRATEGY**

Report from: Stephen Gaimster, Assistant Director, Housing and Regeneration.

Author: Priscilla Mumby, Flood, Drainage and Special Projects Officer

#### **Summary**

This report sets out progress on the Local Flood Risk Management Strategy, adopted and published in Autumn 2014 and includes an Annual Action plan for the forthcoming year for its continued implementation.

#### **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 The Environment Agency responsibilities include the strategic overview for sea and coastal flooding and erosion. However, Medway Council is also a coastal protection authority under the Coast Protection Act 1949. Coastal protection authorities have two functions; regulating the protection works of others (such as landowners), and promoting their own schemes.
- 1.3 The costs of implementing the roles and responsibilities are covered by the approved budget from the Department of Food and Rural Affairs (DEFRA).
- 1.4 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. Background**

- 2.1 As a Lead Local Flood Authority, Medway Council is responsible for local flood risk management (defined as flood risk associated with surface water, ground water and ditches/streams).
- 2.2 Part 1, Article 2, Section 9 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).
- 2.3 The Medway Local Flood Risk Management Strategy was adopted by Cabinet on 5 August 2014. 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.
- 2.4 The primary aim of the strategy is to set out 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.
- 2.5 The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy. The objectives have been created around the following themes:
- Understanding the risks.
  - Preventing inappropriate development.
  - Managing the likelihood of flooding.
  - Improving flood prediction, warning, and post recovery.
- 2.6 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.

## **3. Annual Action Plan.**

- 3.1 The strategy should be viewed as a living document and the approach taken is that more specific actions would be identified as more information is gathered concerning local flood risk issues whether by reporting, or via further study.
- 3.2 Regeneration Community and Culture Overview and Scrutiny Committee considered a report on 26 June 2014 concerning the Flood and Water Management Act 2010 and associated requirements and responsibilities. The report referenced Annual Action Plans that would be produced to review

progress of the strategy and to provide update as required as a result of new information, further studies or legislation.

- 3.3 Whilst river and coastal risk is separate from local flood risk which is the main topic of the strategy, the two issues cannot be considered in isolation. During the consultation stage of the strategy in 2014, Cabinet Members referred to wider planning and flood risk issues in the context of the construction of flood defences and there was some discussion regarding a future Supplementary Planning Document.
- 3.4 This remains under consideration and a scoping exercise will be undertaken concurrent to the progress of the Local Plan. Specific actions related to coastal flood risk, which are applicable to Medway Council in its remit as Coastal Protection Authority, have also been included with this report (Appendix 3).
- 3.5 Objectives and measures from the Local Flood Risk Management Strategy and information related to the progress of those objectives is included within Appendix 1.

#### **4 Development of actions.**

- 4.1 Due to uncertainties over future resource and availability for ongoing maintenance of Sustainable Drainage, Defra and DCLG launched a consultation in September 2014 which proposed an alternative approach to the one envisaged in the FWMA 2010, via making changes to the current planning regime in order to deliver effective sustainable drainage systems.
- 4.2 Recognising the expertise built up by LLFA's whilst delivering responsibilities under Flood and Water Management Act 2010, the Government made Lead Local Flood Authorities a Statutory Consultee for major development in relation to surface water drainage.
- 4.3 Some of the actions included within the original strategy are therefore no longer valid, and alternative actions, specific to the new responsibilities have been included within the Annual Action Plan 2015-16 which is included within Appendix 2.

#### **5 Risk management**

- 5.1 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.
- 5.2 Further, failure to undertake statutory functions can result in an increase in flood risk to people, properties and infrastructure and reputational damage to the Council.

## **6 Financial implications**

- 6.1 Funding to carry out the day-to-day flood risk management functions and delivery of identified projects is included in existing revenue budgets.
- 6.2 The legal implications are set out throughout the report.

## **7 Legal implications**

- 7.1 The legal implications are set out throughout the report.

## **8 Recommendations**

- 8.1 That the Committee notes the progress of the Local Flood Risk Management Strategy and the 2015-16 Annual Action Plan.

## **Appendices**

Appendix 1 – LFRMS Objectives and Measures 2015 Progress

Appendix 2 – LFRMS Annual Action Plan 2015 – 2016

Appendix 3 Coastal Action Plan 2015 – 2016

## **Background Papers:**

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>

## **Lead Officer Contact:**

Priscilla Mumby  
Flood, Drainage & Special Projects Officer  
Gun Wharf  
01634 331 420  
[priscilla.mumby@medway.gov.uk](mailto:priscilla.mumby@medway.gov.uk)