

Cabinet

9 July 2024

Adoption of the Updated Local Flood Risk Management Strategy (LFRMS)

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Mark Breathwick, Assistant Director, Culture and Community

Author: Gabrielle Bussley, Flood Risk, Drainage and Special Project Officer

Summary

This report presents the Local Flood Risk Management Strategy, required under the Flood and Water Management Act 2010, and seeks support for adoption following consultation of the Strategy.

The first Local Flood Risk Management Strategy was adopted in Autumn 2014. This update seeks to recognise areas which have increased in flood risk, policy changes at both the national and local level and takes account of new development within the borough.

1. Recommendation

1.1 The Cabinet is asked to agree the adoption of the Local Flood Risk Management Strategy (LFRMS).

2. Suggested reasons for decision

2.1 The LFRMS 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.

2.2 Following consultation, updates to the document have been made.

3. Budget and policy framework

3.1 Following the Pitt Review into the widespread flooding across the UK in 2007, the Government has enacted legislation and introduced regulations to improve the approach to flood risk management.

- 3.2 The Flood and Water Management Act 2010 (FWMA 2010) and the Flood Risk Regulations 2009 (FRR 2009) established Medway Council as a Lead Local Flood Authority (LLFA). The FRR 2009 and the FWMA 2010 set out a number of roles and responsibilities for LLFAs with respect to the management of local flood risk (i.e. from surface water, groundwater and 'ordinary watercourses').
- 3.3 The costs of implementing the roles and responsibilities are covered by the approved budget via an Area Based Grant from the Department of Food and Rural Affairs (DEFRA).
- 3.4 The roles and responsibilities contribute towards three of the five council priority areas included within the Council Plan outlined below, as well as several ambitions and principles included within the Sustainable Community Strategy.
- Safe, clean and green Medway.
 - Everybody travelling easily around Medway.
 - Funding to carry out the day-to-day flood risk management functions in Medway is primarily from a non-ring fenced grant from Defra. The majority of actions arising from the strategy will be resourced from this.
 - Benefiting from the area's regeneration

4. Background

- 4.1 Part 1, Article 2, Section 9 of the FWMA 2010 states that a LLFA must develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy -LFRMS).
- 4.2 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. It is the document against which local flood risk management activities should be assessed and measured.
- 4.3 The Environment Agency (EA) remains the responsible authority for the management of tidal and river flood risk and has produced a National Flood and Coastal Erosion Risk Management Strategy which outline their approach to managing those risks.
- 4.4 In 2011, the Council undertook a Preliminary Flood Risk Assessment (PFRA) to fulfil the statutory requirements of the FRR 2009. The purpose of the PRFA was to provide a high-level overview of local flood risk in Medway. The PFRA contributed towards an evidence base for the completion of the LFRMS.
- 4.5 The primary aim of this strategy is to set out the approach Medway Council, as LLFA, will take to local flood risk management and record how this approach has been developed and agree to deliver the legislative requirements of the FWMA 2010.

- 4.6 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.
- 4.7 The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy and 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.

5. Options

- A. Approve the request for adoption of the Local Flood Risk Management Strategy.
- B. Reject the request for adoption of the Local Flood Risk Management Strategy.

6. Advice and analysis

- 6.1 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. The objectives are included within the Executive Summary and are concerned with:
- Understanding the risks.
 - Preventing inappropriate development.
 - Managing the likelihood of flooding.
 - Improving flood prediction, warning, and post recovery.
- 6.2 The measures and objectives were borne out of significant consultation with services and 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.
- 6.3 The delivery of the LFRMS rests primarily within the Flood Risk Management Officer; however, the support of other relevant services within the Council, including Highways, Development Management (Planning) and Emergency Planning will be required.
- 6.4 Via consultation and implementation of the strategy, the role of the Council in respect of flood risk management can be clarified and local communities'

appetite for self-help and local solutions can be explored where there are known flooding issues.

- 6.5 European Directive 2001/42/EC requires that a Strategic Environmental Assessment (SEA) be carried out for all plans and programmes which are subject to preparation and/or adoption. In accordance with that, an SEA screening report has been undertaken to determine if the contents of the LFRMS require a SEA.
- 6.6 The screening exercise concludes that it is unlikely that there will be any significant environmental effects arising from the objectives and measures included within the LFRMS and as such does not require a full SEA to be undertaken.
- 6.7 Section 10(4) of the FWMA 2010 specifies what must be included within the LFRMS:

Table 1: Requirements of a LFRMS

Requirements of a LFRMS	Complete
The Risk Management Authorities within the Local Authorities area.	Y
The Flood and Coastal Erosion Risk Management functions that may be exercised by these Authorities in relation to the area.	Y
The objectives for managing local flood risk, consistent with the EA's National Flood and Coastal Erosion Risk Management Strategy.	Y
The measures proposed to achieve those objectives.	Y
How and when the measures are expected to be implemented.	Y
The costs and benefits of those measures, and how they will be paid for.	Y
The assessment of local flood risk for the purposes of the strategy.	Y
How and when the strategy is to be reviewed and updated.	Y
How the strategy contributes to the achievement of wider environmental objectives.	Y

- 6.8 The Medway LFRMS satisfies each of these elements. This is reflected in the Executive Summary within the draft main report of the strategy.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to comply with legislation.	The risks exposed by a failure to comply with parts of the legislation are great and there is an expectation that LLFA's will gradually increase expertise and capacity in this field.	Report updated after five years inline with updated guidance	DIV
Comply with Section 9 (6) of the FWMA.	Consultation with Risk Management Authorities and the public needs to be undertaken to satisfy Section 9 (6) of the FWMA.	To be carried out In November	DIV

For risk rating, please refer to the following table :

Likelihood	Impact:
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

8. Consultation

- 8.1 The public consultation ran from 15 January 2024 to Thursday 29 February 2024 and feedback was provided from members of the public, community groups, and other interested stakeholders.
- 8.2 Following the six-week consultation 24 responses were received and these are summarised in Appendix 2.

9. Climate change implications

- 9.1 [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.

10. Financial implications

- 10.1 The costs associated with the day-to-day flood risk management functions in Medway are met from within existing revenue budgets.

11. Legal implications

- 11.1 All legal aspects have been set out within this report.

Lead officer contact:

Gabrielle Bussley - Flood Risk, Drainage and Special Projects Officer
Gabrielle.bussley@medway.gov.uk

Appendices

Appendix 1 Flood Risk Strategy
Appendix 2 Consultation Responses

Background Papers

None