

# REPORT FOR DECISION



<b>DECISION MAKER:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>18 December 2013</b>
<b>SUBJECT:</b>	<b>Local Flood Risk Management Strategy</b>
<b>REPORT FROM:</b>	<b>Cllr T Isherwood, Cabinet Member for Environment</b>
<b>CONTACT OFFICER:</b>	<b>Paul Allen – Head of Planning Policy &amp; Projects</b>
<b>TYPE OF DECISION:</b>	<b>(KEY DECISION)</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	<b>FOR PUBLICATION - This paper is within the public domain</b>
<b>SUMMARY:</b>	<p>Following consultation on a draft of the Local Flood Risk Management Strategy between September and October 2013. The Strategy has now been revised in light of comments received and a Sustainability Appraisal produced.</p> <p>Members are being asked to approve the final Strategy and Sustainability Appraisal for a further six week period of consultation in order to establish final stakeholder views on the revised Strategy and any comments on the Sustainability Appraisal. Following on from this consultation any necessary revisions will be incorporated in to the documents prior to issuing a final 'adopted' version of the Strategy.</p> <p>As a Lead Local Flood Authority (LLFA) under the Flood and Water Management Act 2010 (the Act), Bury Council has a <b>new</b> statutory duty to "develop, maintain, apply and monitor" a <b>Local Flood Risk Management Strategy</b> for the Borough. The Strategy creates a framework for managing flood risk and is the means by which the Council, as LLFA, will discharge its duty to co-ordinate flood risk management on a day to day basis.</p> <p>The Strategy has been produced in consultation with local partners and the designated "Risk Management Authorities" under the Act within the Borough. Its focus is on flooding from surface water runoff, groundwater and smaller 'ordinary' watercourses.</p> <p>The adopted Flood Risk Management Strategy will provide a framework to deliver a prioritised programme of works and initiatives to manage flood risk across the</p>

	<p>Borough.</p> <p><b>The Local Flood Risk Management Strategy, Sustainability Appraisal and Habitats Assessment are attached as Appendices to this report.</b></p>
<p><b>OPTIONS &amp; RECOMMENDED OPTION</b></p>	<p><b>Option 1 (Recommended option)</b>  That Members approve the Local Flood Risk Management Strategy (LFRMS), Sustainability Appraisal and supporting documents, as included with this report, and authorise the proposed measures for them to be subject to a period of public consultation, prior to adoption.</p> <p>That Members authorise the Executive Director in consultation with the Cabinet Member for the Environment to make any further changes to the LFRMS and associated documents following consultation, and prior to adoption, providing such changes are of a minor nature only, otherwise the documents and any proposed major changes will be brought back to Cabinet.</p> <p><b>Option 2</b>  That Members seek revisions to the proposed contents of the LFRMS prior to public consultation. Members to specify the nature of any revisions to be sought.</p> <p><b>Reasons</b>  To enable the Council, as a Lead Local Flood Authority, to comply with its statutory duties and responsibilities required under the Flood and Water Management Act 2010.</p>
<p><b>IMPLICATIONS:</b></p>	
<p><b>Corporate Aims/Policy Framework:</b></p>	<p>Do the proposals accord with the Policy Framework?      Yes</p> <p>Preparation and production of a Local Flood Risk Management Strategy is a new responsibility for the Bury Council as a Lead Local Flood Authority under the Flood and Water Management Act 2010.</p>
<p><b>Statement by the S151 Officer:</b></p> <p><b>Financial Implications and Risk Considerations:</b></p>	<p>Capacity to meet the new requirements of the Flood and Water Management Act will need to be found within existing staff resources.</p> <p>The draft Local Flood Risk Management Strategy has been developed using existing revenue budgets supported by ongoing grant funding for lead local flood authorities. Future responsibilities and maintenance of the required records will be undertaken using existing staff resources in planning and</p>

	<p>engineering, working with other partners as appropriate.</p> <p>Funding for any works required as a result of the strategy will need to be found within the current capital and revenue budgets available for other work programmes.</p>
<b>Statement by Executive Director of Resources:</b>	<p>Consultation on and publication of the Local Flood Risk Management Strategy will ensure that the Council meets its duty under the Flood and Water Management Act 2010. Implementation of the strategy may potentially require re-prioritisation of existing resources in order to address essential flood risk measures.</p>
<b>Equality/Diversity implications:</b>	<p>No (see paragraph below)</p> <p>An initial screening has been undertaken and, as there were no negative impacts identified for affected groups, there is no requirement to proceed to a Full Impact Assessment.</p>
<b>Considered by Monitoring Officer:</b>	<p>Yes</p> <p>The Council as the lead local flood authority for the Borough must, by law, develop, maintain, apply and monitor a strategy for local flood risk management.</p>
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Management Scrutiny

## TRACKING/PROCESS

**DIRECTOR: K G Atkinson - DCN**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
	13.11.13		
Scrutiny Committee	Committee	Council	
	28.08.13 18.12.13		

## 1.0 BACKGROUND

- 1.1 The Flood and Water Management Act 2010 aimed to address the main concerns of Sir Michael Pitt's review of the 2007 floods. The review identified an important role for unitary local authorities in co-ordinating the management of 'local flood risk', as well as other roles such as maintaining an Asset Register of structures affecting flood risk (e.g. culverts, bridges, etc) and the promotion of SuDS (Sustainable Drainage Systems), together with the establishment of a SuDS Approval Body (SAB) to make decisions on SuDS proposals.

- 1.2 The act established unitary authorities as Lead Local Flood Authorities (LLFAs). LLFAs are responsible for 'local flood risk' i.e. flooding from surface runoff, groundwater and ordinary watercourses<sup>1</sup>. Interactions between different types of flooding are also considered in conjunction with the Environment Agency, which has an overview role and is primarily responsible for flood risk from main rivers, reservoirs and the sea.
- 1.3 In addition to the requirement to prepare a Local Flood Risk Management Strategy (LFRMS), the Act prescribes the contents of the LFRMS and requires it to be consistent with the national strategy for flood risk management, which took effect in 2011. The LFRMS focuses on the management of ongoing flood risk rather than responses to flood incidents.
- 1.4 A level of subjectivity has been used in assessing relative flood risk and the results will be used to prioritise future, more robust investigations and assessments which will, hopefully, lead to reliable measures of risk. Consequently, it is not appropriate to apply the information and recommendations in this report at a local property level.

## **2.0 ISSUES**

- 2.1 The Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 set out a range of new duties and responsibilities for local authorities in planning for, and delivering local flood risk management.
- 2.2 Section 9 (4) of the Act sets out what a LFRMS should contain. Bury's LFRMS is attached at **Appendix 1** to this report. The Strategy's principal aim is to set the objectives for local flood risk management in the Borough and demonstrate how these are to be delivered. Whilst the focus of the Strategy should be local flood risk (as its name suggests), the Flood Risk Management Team decided that the Strategy should aim to integrate all flood risk within the Borough (local and main river) to give a more comprehensive picture of flood risk across the Borough as a whole. However, the Strategy makes it clear that plans and strategies governing main rivers are the responsibility of the Environment Agency.
- 2.3 The LFRMS should be based on the most up to date information available to the LLFA. A series of technical studies (e.g. the Greater Manchester Strategic Flood Risk Assessment and the Greater Manchester Surface Water Management Plan), assessments of historic flood incidents and inspection records of flood management assets have all been used in the production of Bury's LFRMS.
- 2.4 Through the Strategy work, stronger links, understanding and cross-agency working has been established with key partners such as the Environment Agency, United Utilities, neighbouring authorities and local communities whose actions could impact on Bury's flooding risk. As well as external stakeholders, stronger cross-working links within the Council have been enhanced with roles and responsibilities clearly defined. These range from Planning, Highways & Engineering and Emergency Planning through to ensuring our housing stock and social care providers are well informed to ensure the impacts of flooding on residents are reduced as far as possible for future generations.

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<sup>1</sup> Ordinary watercourse includes every river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) which the Environment Agency has not identified as a Main River.

- 2.5 Before commencing work on the draft Strategy, very little formal consultation work had been undertaken on flooding within the Borough. Although some local community engagement in targeted areas has been undertaken by the Environment Agency, the wider views of Bury residents had not been captured.
- 2.6 In developing the Strategy a series of presentations were given at each of the Borough's Township Forums, to help establish what the residents and key stakeholders of the Borough understand to be the flooding risks, along with their views and expectations of the Council's role, and this also helped to explore the local communities' appetite for self-help and local solutions.
- 2.7 A total of 11 representations were received, four of these were submitted in connection with local flooding issues and this information has been passed onto the Council's Engineering Section as well as feeding into the Strategy. The remaining comments related to improving the clarity of the document and these have all been taken on board in the final Strategy. A responses report outlining the comments received on the draft Strategy and the Council's response can be found in **Appendix 4** of this report.
- 2.8 If approved, the Final Strategy will be subject to a six week period of public consultation (10<sup>th</sup> January – 21<sup>st</sup> February 2014), before any final revisions and adoption. A press release will advise residents of the public consultation period and copies of the Strategy will be made available to view at the Planning Reception in Knowsley Place and the Town Hall. The Strategy will be available to view and download from the Council's website. In addition, social media will be utilised and direct emails will be sent to:
- Residents Associations and Tennant Associations;
  - Key Land Owners;
  - Business Groups;
  - Key Stakeholders;
  - Risk Management Authorities; and
  - AGMA and adjoining districts
- 2.9 Although the LLFRA role is supported by a Department for Environment, Food and Rural Affairs (DEFRA) grant, this will not cover all that we would want to do. Consequently, the Strategy promotes partnership working as a means to identify issues, develop solutions and fund implementation.
- 2.10 Central government funding is allocated strictly on a risk based priority to deliver long term investment plans. The development of a local holistic flooding strategy for Bury that links with neighbouring flood authorities may help strengthen any future bids that may be required.
- 2.11 The revised Strategy has been subject to a Strategic Environmental Assessment which is attached at **Appendix 2** to this report and has determined that there are no significant adverse environmental effects arising from it.
- 2.12 Given that there has been extensive consultation on the draft Flood Risk Management Strategy, it is not anticipated at this stage that the documents will require fundamental amendments following the close of the second period of public consultation. However, final views and any necessary changes will be made before issuing a final 'adopted' version of the Strategy in early 2014.

### **3.0 CONCLUSION**

- 3.1 The Lead Local Flood Authority role is still a new responsibility for the Council and we have started from a position of a limited skill base and possessing little data. The Final Strategy aims to set a programme for the Council's Flood Risk Management team and its external partners over the coming years.
- 3.2 It looks towards better integration of the various flood risk responsibilities and aims to develop capacity, build partnerships and promote a heightened awareness of flood risk and the responsibilities of all involved in risk management within the wider community. It also places a priority on delivery of local flood alleviation schemes, undertaking local detailed assessment and drawing in the other Risk Management Authorities to assist in delivery.
- 3.3 The document sets out significant challenges for the Borough in managing flood risk and it is recommended that the Final Strategy and supporting documents are published for further public consultation prior to adoption.

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#### **List of Background Papers:-**

Local Flood Risk Management Strategy (November 2013) – see Appendix 1.  
Sustainability Appraisal of Local Flood Risk Management Strategy (November 2013) – see Appendix 2.  
Habitats Regulations Assessment of the Impact on European Protect Sites of Bury's Local Flood Risk Management Strategy (November 2013) – see Appendix 3  
LFRMS Responses Report – see Appendix 4  
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