



CABINET – 19TH FEBRUARY 2013

SUBJECT: LOCAL FLOOD RISK MANAGEMENT STRATEGY

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To update Cabinet regarding the progress of the preparation of the Council's Local Flood Risk Management Strategy (LFRMS) and to gain Cabinet approval for the draft LFRMS.

2. SUMMARY

- 2.1 Under the Flood Risk Regulations 2009 Caerphilly County Borough Council (CCBC) has been designated as a Lead Local Flood Authority (LLFA). As such CCBC has responsibility to produce a LFRMS. The draft LFRMS together with all supporting documents have been submitted to Welsh Government (WG) at the end January 2013 to meet their stipulated timescale. WG may approve the draft strategy, with or without modification, or reject it. However, it must be noted that as part of the statutory consultation process in developing the strategy an informal draft was forwarded to WG during the consultation period and they responded back with positive feedback, which has been taken into account. If any significant further comments are received from WG a further report to Cabinet will be provided.

3. LINKS TO STRATEGY

- 3.1 The LFRMS consultation has ensured the citizens of CCBC understand why, when and how the LFRMS has been developed to assist us in improving services.
- 3.2 The report links directly to make Caerphilly a safer place to live and work.
- 3.3 The LFRMS aims at contributing to improving our sustainability by utilising appropriate sustainable options.

4. BACKGROUND

- 4.1 Following the significant flooding in England and Wales in 2007, the UK government appointed Sir Michael Pitt to undertake an independent and detailed review of flood risk management in England. Pitt's recommendations were wide ranging and recognised the public did not understand nor particularly care what type of flooding they were suffering and which organisation would take the lead in dealing with this issue. There needed to be a co-ordinated response and surface water flooding, in particular, needed a lead agency.
- 4.2 Following the report and the need to transpose the EU Floods Directive, the UK Government published two key pieces of legislation - the Flood Risk Regulations 2009 (transposing the EU directive) and the Flood and Water Management Act 2010 (taking forward the Pitt's key recommendations).

- 4.3 The purpose of the regulations is to transpose the European Commission (EC) Floods Directive (2007/60/EC), on the assessment and management of local flood risk, into domestic law in England and Wales and to implement its provisions.

In particular, it places duties on the LLFA to prepare a number of documents including: -

1. Preliminary Flood Risk Assessment Report – Approved 22nd June 2011.
2. Flood Hazard and Flood Risk Maps to be completed, approved by Welsh Government and forwarded to EU by 22nd June 2013.
3. Flood Risk Management Plans to be completed, approved by Welsh Government and forwarded to EU by 22nd June 2015.

- 4.4 In addition, CCBC must develop, maintain, apply and monitor a strategy for local flood risk management. This documents sets out to satisfy the requirements of the Act.

The Act identifies 9 issues that must be addressed within the LFRMS. They are listed below and a section of the LFRMS is given to each one:

1. The Risk Management Authorities in the Local Authority's area.
2. The Flood and Coastal erosion risk management functions that may be exercised by those authorities in relation to the area.
3. The objectives for managing local flood risk.
4. The measures proposed to achieve those objectives.
5. How and when the measures are expected to be implemented.
6. The cost and benefits of those measures, and how they are paid for.
7. The assessment of local flood risk for the purpose of the strategy.
8. How and when the strategy is to be reviewed.
9. How the strategy contributes to the achievement of wider environmental objectives.

- 4.5 CCBC has set a high level strategy as follows: -

“To Reduce Flood Risk in every area where significant flood risk has been identified”

The National Strategy, prepared by the Welsh Government, has set out four Overarching Objectives for the management of flood risk. In considering its strategy CCBC has identified 19 Detailed Objectives that will seek to realise the Overarching Objectives. Please refer to Appendix A for the full list of objectives.

5. THE REPORT

- 5.1 The following consultations have taken place in order to develop the LFRMS. A good practice approach was discussed with the South and East Wales Flood Risk Management Group and this is the method adopted by CCBC:

5.1.1 Initial Public Survey

On the 24th July 2012 prior to the development of the LFRMS an on-line survey was placed on the CCBC webpage, this was titled "Have your say on Flood Risk Management" and an article was also printed in the South Wales Echo on the 26th July 2012 with a heading "Residents' views wanted on flood management". It asked for people living in the county borough to get involved and have their say on how the local Flood Risk Management Strategy was to be developed. Paper copies of the questionnaire were also sent to individuals who requested them. Information about the survey was also circulated to all members of staff at CCBC and Caerphilly's View Point Panel were consulted. Staff members of CCBC also attended Flood Forums at Ynysddu on the 22nd May 2012 and the 11th October 2012, Risca on the 12th July 2012 and Ystrad Mynach on the 24th October. In total 139 responses were received and a summary of their analysis is given in Appendix B.

The purpose of this feedback was to inform the development of the LFRMS.

5.1.2 Statutory Consultees

As part of the process CCBC had to consult with three statutory consultees namely: The Environment Agency, Countryside Council for Wales and CADW and all three were consulted regarding the scoping report for the Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA) Screening. Their comments have been reviewed and the reports amended where appropriate. These statutory consultees have also been consulted regarding the draft LFRMS.

5.1.3 The Draft Strategy – Public Consultation

Following receipt of comments from the public survey and the Statutory Consultees the draft LRFMS was prepared.

On the 2nd November 2012 the draft LRFMS, SEA and HRA were all published on the CCBC webpage to allow members of the public and all Risk Partners e.g. Environment Agency Wales, Welsh Water, community and town councils, the emergency services, National House Builders and adjacent local authorities etc to be consulted and to give their comments on the Strategy. The closing date for consultation was 17th December 2012.

The Council's Flood Risk Management Team (comprising Highway Operations staff, Planning staff, Emergency Planners and Finance Support Group staff) is reviewing all comments received and where considered appropriate the LFRMS will be amended. A table has been prepared of all comments together with the response of the team in order to feedback to respondents. The table has recently been published on the Caerphilly County Borough Council's webpage.

6. EQUALITIES IMPLICATIONS

- 6.1 An EqIA screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 In order for the LFRMS to be successful it is essential that funding continues to be made available in addition to the current funding arrangements from Welsh Government. This funding will be required to cover the following operations:

- 7.1.1 The development of the Flood Risk Management Plans for each of the areas subject to significant levels of flood risk.
- 7.1.2 Within Section 6 of the LFRMS, a number of investigations have been identified which will be necessary to complete the Plans. These investigations will allow detailed measures to be identified and outline schemes to be prepared to implement the LFRMS, please refer to Appendix C for a provisional list of these investigations.
- 7.2 The current situation regarding Welsh Government Flood Risk Management funding is summarised below:
- £22,727 of WG funding has already been received and used to prepare the Preliminary Flood Risk Assessment (PRFA) in the year 2010-2011.
 - Further sums of £90,000 per annum have been made available by the WG for the years 2011-2012 and 2012-2013 to fund the preparation of the LFRMS and the provision of an Asset Register for items that have a significant effect on flood risk.
 - It is anticipated that the WG will provide further funding for the years 2013-2014 and 2014-2015 for the continued implementation of the requirements of the Act including the preparation of:
 - a) Surveys as listed in 7.1.2 above
 - b) Flood Hazard Maps
 - c) Flood Risk Maps
 - d) Flood Risk Management Plans.
- 7.3 Funding at a much more significant level will be required in order to implement the measures which will be identified as part of the Flood Risk Management Plans. Further discussion with WG will be required in the future to identify additional revenue/capital funding.

8. PERSONNEL IMPLICATIONS

- 8.1 There could be resource issues for further investigations (see clause 7 above and appendix C) and the preparation of the Flood Risk Management Plans.
- 8.2 An additional member of staff is currently being recruited on a fixed term contract from funding provided by WG to continue work on the Flood and Water Management Act.

9. CONSULTATIONS

- 9.1 As identified at end of report.
- 9.2 External consultations were also undertaken as identified in section 5.

10. RECOMMENDATIONS

- 10.1 It is recommended that the draft LFRMS be accepted as the mechanism for the reduction of flood risk within Caerphilly County Borough Council and that cabinet approve the draft LRFMS as the authority's approach.
- 10.2 Upon recommendation by Cabinet, officers will update WG on Caerphilly's approach to the LFRMS.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 Caerphilly County Borough Council as a Lead Local Flood Authority have to approve the LFRMS as a requirement of the Flood and Water Management Act 2010.

12. STATUTORY POWER

- 12.1 The Flood Risk Regulations 2009
- 12.2 Flood And Water Management Act 2010

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Appendices:

- Appendix A - The Objectives
Appendix B - The results of Initial Public Survey
Appendix C - Financial Implications

Documents:

1. The draft Strategy (A copy has been placed in the Members' Resource Centre)
2. [Strategic Environmental Assessment / Sustainability Appraisal Document 1 - Revised Scoping Report](#)
3. [Strategic Environmental Assessment / Sustainability Appraisal Document 1a - Scoping Report - Report of Consultation - Statutory Consultee Involvement](#)
4. [Strategic Environmental Assessment / Sustainability Appraisal Document 2 - Environmental Report](#)
5. [Strategic Environmental Assessment / Sustainability Appraisal Document 3 - Habitats Regulations Assessment](#)

All documents can be located on the below link or click on the above hyperlinks which will take you directly to each document.

<http://www.caerphilly.gov.uk/site.aspx?s=CE60Ho0WApqGJRgytPDThnCCwz1cF0uCHNbz717t2QYMdVUhe9kosbHZFcsFjhL1e9yhgakdoLYv7u6oxOIZdtzrWQ2kmwIU>