



SPECIAL CABINET 20TH MARCH 2024

SUBJECT: LOCAL FLOOD RISK MANAGEMENT STRATEGY AND ACTION PLAN

REPORT BY: CORPORATE DIRECTOR ECONOMY AND ENVIRONMENT

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1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the proposed update to the Local Flood Risk Management Strategy and Action Plan (LFRMaAP) following on from public consultation.
- 1.2 To seek approval of the draft LFRMSaAP for publication and implementation.
- 1.3 To advise Cabinet of the financial implications associated with delivery of the strategy.

2. SUMMARY

- 2.1 The first Local Flood Risk Management Strategy (LFRMS) was published in April 2013 as a statutory requirement under the Flood and Water Management Act 2010.
- 2.2 This followed on from a Preliminary Flood Risk Assessment (PFRA) that was published in May 2011, which was a requirement under the Flood Risk Regulations 2009 in force at that time.
- 2.3 A Flood Risk Management Plan (FRMP) was also published in December 2015 as a further requirement under the Flood Risk Regulations 2009 in force at that time.
- 2.4 Under the Flood and Water Management Act, a Lead Local Flood Authority (LLFA) must develop, maintain, apply and monitor a strategy for local flood risk management in their area.
- 2.5 The National Strategy for Flood and Coastal Erosion Risk Management in Wales was published by Welsh Government in October 2020 and initially included a requirement for LLFAs to update their LFRMS within 2 years of the National Strategy. This deadline was subsequently extended to April 2024 because of Brexit and Covid-19.
- 2.6 The Flood Risk Regulations have been revoked as part of the Retained EU Law (Revocation and Reform) Act 2023. As such, there is no legislative requirement on an LLFA to produce an updated PFRA or a FRMP.
- 2.7 The PFRA has been replaced by a consolidated risk assessment for all sources of

flooding using Flood Risk Assessment Wales (FRAW) and Flood Map for Planning (FMfP), which are updated every 6 months by Natural Resources Wales (NRW).

- 2.8 Whilst there is no longer a legislative requirement for any LLFA to produce a FRMP, Welsh Government, through the National Strategy, have requested that all LLFAs produce a Flood Risk Action Plan.
- 2.9 Our updated Local Flood Risk Management Strategy incorporates a local flood risk assessment based on FRAW and FMfP as well as an action plan for the 4 highest risk areas into the overall Strategy.
- 2.10 Our FRMSaAP outlines 9 Strategic Objectives, which are underpinned by 34 Measures and 76 Actions to manage local flood risk over the next 6-year period.
- 2.11 An Integrated Impact Assessment (IIA) and Strategic Environmental Assessment (SEA) have outlined neutral or positive impacts. The inclusion of the Social Flood Risk Index (SFRl) within the FRMSaAP ensures that social vulnerability to flooding is embedded within decision making and funding prioritisation.
- 2.12 A Habitats Regulations Assessment (HRA) has identified the potential for negative impacts associated with 2 of the proposed Strategic Measures and recommends that lower level, activity or project specific HRAs are carried out for any maintenance works or capital projects proposed within a 2km radius of Aberbargoed Grasslands SAC or within identified spatial pathways to the Severn Estuary SAC SPA Ramsar.
- 2.13 The updated FRMSaAP is considered affordable under current CCBC capital and revenue budget allocations, on the assumption that Welsh Government Grant in Aid funding also continues to be made available for capital projects and on the assumption that the current level of the previously hypothecated Welsh Government Flood Revenue Grant (£225k) funding continues to be parachuted to the service area after the Flood Revenue Grant is subsumed into the general Revenue Support Grant.

3. RECOMMENDATIONS

- 3.1 Cabinet is asked to approve the updated Local Flood Risk Management Strategy and Action Plan (LFRMSaAP) for publication.
- 3.2 Cabinet is asked to note the financial and personnel implications associated with implementation of the LFRMSaAP and that further reports will be presented as required to approve match funding for specific capital projects.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The Authority has a statutory duty to develop, maintain, apply and monitor a strategy for local flood risk management in our area.
- 4.2 The local flood risk management strategy must be consistent with the national strategy and guidance.
- 4.3 Following the update to the National Strategy for Flood and Coastal Erosion Risk Management in Wales, it is necessary for the Authority to update our Local Flood Risk Management Strategy to incorporate changes to national strategy and guidance and to bring up to date with changes made to the flood risk assessment frameworks.

- 4.4 The LFRMSaAP was developed based on a previously stated commitment from Welsh Government for flood revenue grant funding to continue at a baseline level of £225k per annum, with a view to this being increased where possible.
- 4.5 The LFRMSaAP is affordable based on a continuation of the flood revenue grant funding (£225k) and CCBC core capital and revenue funding for flood risk management and drainage activities at current levels.
- 4.6 A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) have been undertaken. The SEA anticipates neutral or positive impacts. The HRA identifies potential for negative impacts associated with 2 of the Strategic Measures where these are carried out within a 2km radius of the Aberbargoed Grasslands SAC or within identified spatial pathways to the Severn Estuary SAC SPA Ramsar. The HRA recommends lower level HRAs at a project specific scale to identify any actual negative impacts and provide appropriate mitigation as required.

5. THE REPORT

- 5.1 Flooding is amongst the most frequent and most damaging of all risks identified on the UK National Risk Register. Our updated Local Flood Risk Management Strategy and Action Plan (LFRMSaAP) includes updated guidance and links to other sources of information to help people to prepare for flooding, stay safe during flooding, become resilient to flooding and recover quickly and safely from flooding.
- 5.2 Under the Flood and Water Management Act 2010, Caerphilly County Borough Council, in our capacity as Lead Local Flood Authority (LLFA), have a statutory duty to develop, maintain, apply and monitor a strategy for local flood risk management in its area.
- 5.3 Under the Act, the local flood risk management strategy must specify:
 - 5.3.1 The risk management authorities in our area.
 - 5.3.2 The flood and coastal erosion risk management functions that may be exercised by those authorities.
 - 5.3.3. Our Objectives for managing local flood risk.
 - 5.3.4 Our Measures proposed to achieve those Objectives.
 - 5.3.5 How and when the Measures are expected to be implemented.
 - 5.3.6 The costs and benefits of those Measures and how they are to be paid for.
 - 5.3.7 The assessment of local flood risk for the purpose of the strategy.
 - 5.3.8 How and when the strategy is to be reviewed.
 - 5.3.9 How the strategy contributes to the achievement of wider environmental objectives.

- 5.3.10 The local flood risk management strategy must also be consistent with the national strategy and guidance.
- 5.4 Local flood risk is defined as flooding from:
- 5.4.1 Surface Water
- 5.4.2 Groundwater, and
- 5.4.3 Ordinary Watercourses (small rivers and streams, included those culverted in underground pipes).
- 5.5 In addition to the above sources, Caerphilly is responsible for flooding of and from adopted Highways in our capacity as Highways Authority and for flooding of and from land where we are the landowner. This includes reservoirs under our ownership and control, canals, disused coal tips.
- 5.6 Caerphilly is not responsible for flood risk arising from other sources, including:
- 5.6.1 Main River Flooding, which includes the Rhymney River, Sirhowy River and Ebbw River as well as some of their larger tributaries. The Risk Management Authority (RMA) for this type of flooding is Natural Resources Wales (NRW).
- 5.6.2 Flooding from Reservoirs (except where we are the owner / operator of the reservoir). NRW have overall responsibility for the management of flood risk from reservoirs.
- 5.6.3 Sewer Flooding. Dŵr Cymru Welsh Water (DCWW) is responsible for sewer flooding.
- 5.6.4 Flooding from Trunk Roads. This only includes the A465 as it passes through Caerphilly, but does also include the A472, A4060 and M4 in close proximity to Caerphilly borders. These are the responsibility of the South Wales Trunk Road Agency (SWTRA) on behalf of the Welsh Government.
- 5.6.5 Disused Coal Tips (except where these are under our ownership or control or where identified for Local Authority safety inspections). The Coal Authority have overall responsibility for the safety of disused coal tips including flooding or the impacts of flooding, such as landslips. Private tip owners have responsibility for managing their own tips, although new legislation currently being introduced is likely to mean that the Coal Authority will carry out safety checks on high risk private tips.
- 5.6.6 Railways. Network Rail and Transport for Wales (TfW) are responsible for flooding of and from railways. This includes culverts under railway lines and subways.
- 5.6.7 Flooding from Development or Construction Sites. The developers / contractors have responsibility to manage flood risk on and from their sites.
- 5.6.8 Private land. Landowners are responsible for flooding of or from their land. This is especially the case where a watercourse, land drainage system or ditch runs across their land or along the boundary of their land. In these cases, the landowner is a riparian owner of the watercourse and is responsible for maintaining clear unobstructed flow.
- 5.7 Our updated LFRMSaAP contains updated guidance and information relating to the different sources of flooding and highlights key contact information where other bodies

or organisations are responsible for flooding. This fulfils our obligation under 5.3.1 and 5.3.2 above.

- 5.8 Whilst the Flood Risk Regulations 2009 were revoked under the Retained EU Law (Revocation and Reform) Act 2023, which removed the statutory obligation for local authorities to produce a preliminary flood risk assessment (PFRA), the duty under the Flood and Water Management Act continues to include an assessment of local flood risk for the purpose of the strategy (5.3.7).
- 5.9 The national strategy encourages the use of national flood risk mapping from all sources through the Flood Risk Assessment for Wales (FRAW) and Flood Map for Planning (FMfP). Whilst the FRAW contains more detailed information relating to flood depths and velocities, FMfP includes climate change predictions.
- 5.10 In responding to the climate emergency, we have embedded climate change into our updated LFRMSaAP through the use of the FMfP that incorporates mid-range climate change predictions into our initial assessment of local flood risk across the Borough.
- 5.11 A comparison of local flood risk in the whole of Caerphilly as evaluated in our 2011 Preliminary Flood Risk Assessment (PFRA), Flood Risk Assessment Wales (FRAW) and Flood Map for Planning (FMfP) is shown in Table 1

Table 1: Comparison of 2011 Preliminary Flood Risk Assessment with Flood Risk Assessment Wales and Flood Map for Planning

	2011 Preliminary Flood Risk Assessment (PFRA)	Flood Risk Assessment Wales (FRAW)	Flood Map for Planning (FMfP)
Risk Receptors	2011 Present Day Flood Risk, not including climate change	2024 Present Day Flood Risk, not including climate change	Future Flood Risk, accounting for the impacts of climate change
Residential	7,017	6,812	9,091
Non-Residential	1,955	1,289	1,611
Critical	69	58	75

- 5.12 Whilst this indicates a reduction in flood risk to 205 residential, 666 non-residential and 11 critical services, it should be noted that some of the change is likely to be attributable to improvements in flood risk mapping over the intervening period.
- 5.13 On a comparative basis, four areas of the Borough with the highest local flood risk have been identified. The highest risk areas and impact on receptors is shown in Table 2.

Table 2: Highest risk areas and impact on key risk receptors based on FMfP Zone 3 (areas with 1% risk of flooding)

Risk Receptor	Total	Zone 002	Zone 077	Zone 082	Zone 099
Electoral Districts in Zone		Tywn Carno and Moriah and Pontlottyn	Cross Keys and parts of Risca West and Risca East	Risca East and Risca West	Van
Residential	9091	1266	587	544	452

Non-Residential	1611	176	69	158	79
Critical	75	6	3	6	5

- 5.14 As the Flood Risk Regulations 2009 were revoked under the Retained EU Law (Revocation and Reform) Act 2023 and there are no national flood risk areas identified within Caerphilly Borough, there is no statutory requirement on Caerphilly to produce Flood Risk Management Plans (FRMPs).
- 5.15 However, the National Strategy includes a commitment that Wales will continue to work to the Flood Risk Regulations and the deadlines within the EU Floods Directive. The National Strategy also considers FRMPs as a key mechanism for delivering improvements in flood risk management. As such, we have developed flood risk action plans for the four highest risk zones as identified in Table 2.
- 5.16 We have further identified 3 Critical Drainage Areas (CDAs), which are areas that are known to have particularly significant drainage and / or surface water flood risk areas. In recognition of their flood history, CDAs are proposed for:
- 5.16.1 The Nant Twyn Harris catchment.
- 5.16.2 The Scouring Brook and Porset Brook catchments.
- 5.16.3 The Rhydney River Upper Reach (Tirphil) catchment.
- 5.17 Within the CDAs, any new development proposals must always be accompanied by a Flood Consequences Assessment (FCA) even if the development itself is not shown to be within a flood risk zone.
- 5.18 In accordance with the requirements of the Act, we have developed the following 9 Strategic Objectives that align with the 5 National Objectives outlined in the National Strategy (5.3.3) and contribute to the overall national aim to **reduce the risks to people and communities from flooding and coastal erosion**.
- 5.18.1 Reduce the risk to and impact on people and communities from flooding.
- 5.18.2 Ensure that local communities are aware of and understand local flood risk and are suitably equipped, empowered and enabled to take timely actions to prepare for, be resilient against and recover from flooding.
- 5.18.3 Reduce disruption to critical infrastructure or prepare plans to allow operations to be maintained.
- 5.18.4 Enable national, regional and local designated sites to be protected against or resilient to flooding and enhance these areas where possible.
- 5.18.5 Ensure that investment is targeted towards those areas most at risk with due consideration of socio-economic factors.

- 5.18.6 Ensuring that interventions are designed, constructed and maintained sustainably, with due consideration of whole life costs, embedded carbon (energy) and scarce resources and are compliant with and complementary to the Water Framework Directive (WFD).
- 5.18.7 Support the delivery of Objectives under other environmental and well-being legislation such as The Environment (Wales) Act and the Well-Being of Future Generations Act.
- 5.18.8 Work collaboratively to ensure that the Local Flood Risk Management Strategy and Plan complements other Regional and Local strategies and plans, i.e. River Rhydney Restoration Plan (NRW), Local Development Plan, Well-being Plan, etc.
- 5.18.9 Continue to develop and enhance Caerphilly County Borough Council's knowledge and understanding of local flood risk taking into consideration surface water (pluvial), groundwater and ordinary watercourses (fluvial) and of flood risk management and mitigation measures.
- 5.19 These Objectives are underpinned by 34 Strategic Measures as required under the Act (5.3.4, 5.3.5 and 5.3.6) and 76 Strategic Actions. The Measures are covered in detail in Appendix B of the Strategy. The Actions are covered in detail in Appendix C of the Strategy.
- 5.20 Objective 7 supports the delivery of other environmental legislation as required by the Act (5.3.9). We have consulted with CCBC Ecology to ensure that we also have specific Measures and Actions to support the delivery of the Biodiversity and Resilience of Ecosystems Duty under Section 6 of The Environment Act (Wales).
- 5.21 For Capital Schemes delivering flood risk mitigation, we have largely adopted a consistent approach to the Welsh Government prioritisation methodology, with due consideration of our local flood risk assessment. We have further embedded the Social Flood Risk Index (SRFI) in our prioritisation. The SRFI is a measure of geographic flood disadvantage and identifies those communities with the greatest social vulnerability to flooding. By factoring the SRFI into our prioritisation scoring, we will target interventions towards those communities least able to take actions to reduce their flood risk. This also supports a more equal Wales of cohesive communities in accordance with the Well-Being of Future Generations Act.
- 5.22 The Action Plans will be reviewed every 3 years, and the Local Flood Risk Management Strategy will be reviewed every 6 years in line with the National Strategy (5.3.8).

5.23 CONCLUSION

- 5.23.1 The Council develops, maintains, applies, and monitors a strategy for local flood risk as the Lead Local Flood Authority (LLFA) and has a statutory duty to do so.
- 5.23.2 The Council's local flood risk management strategy is consistent with the national strategy and guidance.
- 5.23.3 The updated Local Flood Risk Management Strategy and Action Plan fulfils the statutory requirements and the additional requirement for local flood risk management plans as outlined within the National Strategy.

6. ASSUMPTIONS

- 6.1 That, subject to the application of the five-business case model (where applicable), Welsh Government Grant in Aid funding continues to be made available for Capital and Revenue activities in relation to flood risk management and that the Authority continues to be successful in applications for funding.
- 6.2 That the previously hypothecated Flood Revenue Grant, which for 2023/24 and 2024/25 is £225k continues at the current level and continues to be parachuted into the service area budget following being subsumed into the general Revenue Support Grant once ringfencing of the grant for flood risk activities is removed from 2025/26 onwards.
- 6.3 That CCBC core revenue and capital budgets remain at current or higher levels with annual inflationary growth.
- 6.4 That, subject to the application of the five-business case model, CCBC capital funding is made available to support capital projects. Where capital projects are co-funded by Welsh Government, the Welsh Government funding is typically 85% of the total project costs. As such, provision of CCBC capital funding at 15% of project costs, releases additional funding.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 Link to the IIA

- 7.2 The IIA outlines neutral or positive impacts on all protected characteristics.
- 7.3 The IIA recognises the use of the Social Flood Risk Index (SFRI) within the Local Flood Risk Management Strategy to embed social vulnerability into decision making and funding prioritisation.

7.4 Strategic Environmental Assessment and Habitats Regulations Assessment

- 7.4.1 A Strategic Environmental Assessment (SEA) has been carried out and is incorporated into the Local Flood Risk Management Strategy as Appendix E.

Link to Strategic Environmental Assessment

- 7.4.2 The SEA identifies neutral or positive impacts of the Strategic Objectives and Measures across all assessment areas.
- 7.4.3 A Habitats Regulations Assessment (HRA) has been carried out and is incorporated into the Local Flood Risk Management Strategy as Appendix F.

Link Habitats Regulations Assessment

- 7.4.4 The HRA identifies potential for negative impacts as a result of 2 of the Strategic Measures. The HRA recommends lower level, project specific HRAs are carried out in relation to any maintenance activities or capital projects within a 2km radius of Aberbargoed Grasslands SAC or within any identified pathways to the Severn Estuary SAC SPA Ramsar.

8. FINANCIAL IMPLICATIONS

- 8.1 The updated flood risk management strategy has been developed through application of the Welsh Government Flood Revenue Grant, which was hypothecated up to the 2023/24 financial year.
- 8.2 Welsh Government have previously committed to the current level of the Flood Revenue Grant (£225k) being the new benchmark (see Appendices 4, 5 and 6). However, from 2024/25 financial year onwards, the Flood Revenue Grant is being subsumed into the general Revenue Support Grant (RSG). For 2024/25, this grant will be ringfenced for use on flood risk management activities only. From 2025/26 onwards, the grant will no longer be ringfenced within the RSG.
- 8.3 The total cost of delivering the Strategy has been estimated at £16.2M over the 6-year Strategy period, equating to an annual spend of £2.7M.
- 8.4 The funding split is anticipated to be 77% Welsh Government Grant in Aid, 14% CCBC contributions and 9% Developer or beneficiary contributions.
- 8.5 Welsh Government Grant in Aid contributions are anticipated to be a combination of continued availability of revenue funding as parachuted into the service area from the RSG (£225k per year) and capital grant funding for individual schemes. Welsh Government Grant in Aid contributions have been assumed to continue at a 100% funding level for initial scheme investigations, feasibility studies and design works and at 85% funding level for construction activities.
- 8.6 Welsh Government Grant in Aid will be sought for a combination of annual projects under the Flood and Coastal Erosion Risk Management (FCERM) Small-Scale Grant programme and for larger multi-year projects under the FCERM Capital Grant programme. Small-Scale Grants are currently capped at £200k per scheme. Capital Grants have no upper limit per scheme.
- 8.7 CCBC contributions are estimated at an average of £389,308 per year and is considered affordable under the current budget apportionment. Business as Usual type activities, such as gully cleansing and routine maintenance activities are not included within these figures and are anticipated to continue with inflationary increases annually.
- 8.8 Individual capital schemes may require additional CCBC capital funding within individual years, with the majority of these also being eligible for Welsh Government Grant in Aid funding. Where this is the case, funding approval will be sought on a project-by-project basis. An annual funding allocation of £1M, consisting of £850k Welsh Government Grant in Aid and £150k CCBC Match Funding would allow the Council to develop and deliver an accelerated flood alleviation programme.
- 8.9 Developer contributions are anticipated to be primarily in the form of application fees relating to Sustainable Drainage and Ordinary Watercourse Consents.
- 8.10 The financial implications are indicative and represent the best estimate at 2024 prices.

9. PERSONNEL IMPLICATIONS

- 9.1 The Lead Local Flood Authority (LLFA, also known as “Drainage” or “Land Drainage”) team will be responsible for the delivery of the Local Flood Risk Management Strategy and Action Plan.

- 9.2 The LLFA has undergone a restructuring over the past 2 years as part of a departmental growth plan that was previously approved by Cabinet. This has seen the creation of a dedicated Drainage Strategy and Policy Unit for update, monitoring and implementation of the Strategy. This team consists of 2 FTE staff and 33% of the Principal Engineer (LLFA) time. Staff salaries for this team are partially capitalised through Welsh Government Grant in Aid funded projects and partially funded through the continuation of the Welsh Government Flood Revenue Grant via the RSG.
- 9.3 This team is supported by the Engineering Projects Group (EPG), Network Contracting Services (NCS) and external engineers and contractors for programme and project delivery.
- 9.4 This team is further supported by Corporate Services, including Welsh Translation Services, IT, Communications, Customer Services, HR, Transformation, Emergency Planning, as well as individual service areas or land holding departments.

10. CONSULTATIONS AND ENGAGEMENT STRATEGY

- 10.1 An initial Phase 1 Consultation (Draft Local Flood Risk Management Strategy Stage 1 Consultation | The Caerphilly Conversation) was held between 27th June and 28th July 2023, which asked for observations on the 2013 Strategy and proposed revised Objectives. Key findings from the consultation and how these influenced the draft strategy are shown below.
- 10.1.1 Respondents emphasised the need for a more proactive and anticipatory approach to flood risk management. The Strategy includes a Measure to review our programme of planned and proactive maintenance of flood risk management assets (M10) and to provide systems for early warning of potential flooding (M08).
- 10.1.2 Respondents called for the consideration of flood risk in planning applications. Since the implementation of Schedule 3 to the Flood and Water Management Act in January 2019, most new development and re-development now has to obtain Sustainable Drainage Approval as well as Planning Permission. The Strategy includes a Measure to ensure that sustainable drainage practices are implemented on new developments and redevelopments (M17). The Strategy also includes a Measure to ensure climate resilient development (M25) and for the Lead Local Flood Authority to contribute to the delivery or use of Strategic Flood Consequence Assessments to inform Local Development Plans and help steer development away from flood risk areas (M26).
- 10.1.3 The physical integrity of riverside properties was identified as a major concern, with respondents calling for measures to prevent erosion along riverbanks. The Strategy identifies the different responsible bodies, with Natural Resources Wales (NRW) responsible for flooding from Main Rivers, CCBC responsible for flooding from Ordinary Watercourses (smaller rivers and streams) and Riparian Owners (landowners) responsible for the condition of the banks of the watercourse in their ownership. The Strategy shows how the CCBC Land Drainage Byelaws can continue to be used to regulate works or activities close to an ordinary watercourse and proposes to use Natural Flood Management (NFM) options wherever possible (M20).
- 10.1.4 Some respondents raised concerns about the quality of surface water entering rivers, especially from highway networks. The Strategy commits to Actions to review and update of gully cleansing schedules (A27), to embed a commitment to a “no gully” approach to drainage solutions (A31) and to retrofit water quality measures to highway drainage systems (A35).

- 10.1.5 Respondents called for a need for clearer communication and engagement. The Strategy includes Measures to initiate and / or support Local Flood Forums (M07) and to engage with local communities in relation to local initiatives and schemes (M05).
- 10.2 A Phase 2 public consultation on the draft Strategy ran from 22nd January to 4th March 2024 ([Draft Local Flood Risk Management Strategy Stage 2 Public Consultation | The Caerphilly Conversation](#)). The responses received were largely favourable, with respondents indicating that the Strategy generally presented roles and responsibilities clearly, presented flood risk clearly and that the proposed Objectives, Measures and Actions were relevant and achievable.
- 10.3 Recommendations for improvement of the document were to consider improved internet content to reflect the Strategy with an “easy read” version available to the general public. This will form part of the publication strategy that will involve an overhaul of the relevant areas of the CCBC corporate website and a fully accessible HTML document.
- 10.4 Natural Resources Wales (NRW) provided comprehensive feedback on the draft Strategy and outlined that they are pleased to see the alignment with the National Flood Risk Management Strategy and with NRW’s own Flood Risk Management Plans. NRW welcomes our commitment to work collaboratively with other risk management authorities, including through the South East Valleys River Partnership. NRW also welcomes that our objectives and measures support the delivery of the Well-being of Future Generations (Wales) Act and the Environment (Wales) Act, especially the Section 6 Biodiversity Duty.
- 10.5 NRW made some suggestions for clarifications, corrections and amendments to the Strategy prior to publication. These can be accommodated without changing the fundamental messaging of the Strategy. NRW offered some further comments in relation to delivery of the Strategy once approved, which are acknowledged and welcomed.
- 10.6 Network Rail responded to confirm their role as a statutory undertaker and to offer some standing advice in relation to developments close to any railway. These comments will be passed to relevant Planning and Sustainable Drainage Approving Body teams.
- 10.7 CADW offered no adverse comments to the overall Strategy but recommended consultation with archaeological advisers and Conservation Officers at a project specific level when any flood alleviation works are proposed that could have an impact on historic assets. This will be incorporated into delivery of the Strategy.
- 10.8 The Strategy itself contains a Strategic Objective to improve community understanding of local flood risk and enable and empower communities to take actions to prepare for, be resilient against and recover from flooding. An important part of this ongoing engagement will be to expand our Local Flood Forums to include areas with known flooding issues and the highest risk of flooding. This will ensure that engagement continues through the delivery of the Strategy.

11. STATUTORY POWERS AND LEGAL OBLIGATIONS

- 11.1 CCBC are the Lead Local Flood Authority (LLFA) under the Flood and Water Management Act (2010).

- 11.2 Under the Flood and Water Management Act (2010), each LLFA has a statutory duty to develop, maintain, apply and monitor a strategy for local flood risk management in its area.
- 11.3 The local flood risk management strategy must be consistent with the Welsh Government National Strategy and guidance.
- 11.4 Whilst the Flood Risk Regulations (2009) has been revoked under the Retained EU Law (Revocation and Reform) Act 2023, the WG National Strategy commits Wales to continuing to follow the 6-year cycle and reporting schedules within the Flood Risk Regulations and EU Floods Directive. The National Strategy further recommends that a Flood Action Plan is developed by all LLFAs, irrespective of the status of the Flood Risk Regulations or whether a national flood risk area is identified within the LLFA's administrative area. As such, development of a Flood Action Plan is still considered to be a requirement.
- 11.5 Under Section 10(9) of the Flood and Water Management Act, an LLFA must submit a draft of the Local Flood Risk Management Strategy to the Welsh Ministers for review prior to final publication.

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Background Papers:

Draft Local Flood Risk Management Strategy Stage 2 Public Consultation | The Caerphilly Conversation
The above Link provides PDF's from the Consultation Hub. A fully accessible HTML version will be published alongside the designed PDF versions and updated Website pages.
[Link to Engagement Strategy](#)