

HERTFORDSHIRE COUNTY COUNCIL

ENVIRONMENT, PLANNING AND TRANSPORT CABINET PANEL

THURSDAY, 7 SEPTEMBER 2017 AT 10:00 AM

PRELIMINARY FLOOD RISK ASSESSMENT REVIEW

Report of the Chief Executive and Director of Environment

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Executive Member: Derrick Ashley, Executive Member for Environment,
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1. Purpose of report

- 1.1. To advise the Panel of the statutory Preliminary Flood Risk Assessment review undertaken by the County Council in its capacity as the Lead Local Flood Authority for Hertfordshire.
- 1.2. To seek the Panel's endorsement of the findings in the Preliminary Flood Risk Assessment review prior to its final submission to the Environment Agency.

2. Summary

- 2.1. The County Council is required under the Flood Risk Regulations 2009 to produce a Preliminary Flood Risk Assessment and to review it every six years. The purpose of this assessment is to identify areas of significant flood risk. If areas are identified, known as Flood Risk Areas, a Flood Risk Management Plan must be produced, detailing measures and actions to reduce this risk. The County Council submitted its first Preliminary Flood Risk Assessment in 2011 and is now required to review it.
- 2.2. At the start of the review process, the Environment Agency provided national indicative Flood Risk Areas and issued guidance to all lead local flood authorities to help with the review process. The timetable for the 2017 review was issued to the County Council in late January 2017 with further Question and Answer documents provided in March, April and May 2017. The Environment Agency stated how each lead local flood authority should decide its own internal approval process for the review. It was agreed that it was important to get the Preliminary Flood Risk Assessment endorsed by the relevant Panel and the Environment

Agency agreed that each lead local flood authority could submit the final, approved assessment review in due course, prior to the deadline for the Environment Agency to report to the European Commission.

- 2.3. A Preliminary Flood Risk Assessment assesses flood risk using the best available information at the time it is produced. The review undertaken by the County Council covers surface water flooding, groundwater flooding and flooding from ordinary watercourses. The Environment Agency does not produce a Preliminary Flood Risk Assessment as they continue to use their existing processes to map and plan for flooding from main rivers, the sea and reservoirs across England. These processes ensure the Environment Agency meet the requirements of the Floods Directive, which they are able to do under the transitional arrangements.¹
- 2.4. Based on information provided nationally and data the County Council has gathered since the first assessment in 2011, there is no evidence to suggest that any Flood Risk Areas needed to be identified in Hertfordshire.
- 2.5. The Environment Agency will collate all the submissions from the current review and report the national position to the European Commission by the required deadline of 22 December 2017. Where possible, all reported material will be made publically available.

3. Recommendation

- 3.1. That the Panel endorse the Preliminary Flood Risk Assessment review, included as Appendix 1 to this report, to be submitted to the Environment Agency.

4. Background

- 4.1. The EU Floods Directive 2007 was adopted into domestic legislation in 2009 through the Flood Risk Regulations. The production and review of Preliminary Flood Risk Assessments are a requirement of the Regulations.
- 4.2. The Regulations state that each element of a Preliminary Flood Risk Assessment must be reviewed every 6 years; the 2017 review is the second cycle and the first overall review in England and Wales. The Regulations and EU Floods Directive provide a framework for managing flood risk, and it is the following elements that must be reviewed:
 - Preliminary Flood Risk Assessment;

¹ The Environment Agency, source: <http://webarchive.nationalarchives.gov.uk/20140328094434/http://www.environment-agency.gov.uk/research/planning/135491.aspx> (accessed 14/08/2017)

- Identification of areas of potential significant risk, referred to as Flood Risk Areas;
 - Mapping of flood hazards and risk and;
 - Flood Risk Management Plans, setting out measures and actions to reduce the risk.²
- 4.3. For both the first (2011) and this (2017) cycle, the Environment Agency started the review process by undertaking a national review of the potential flood risk. This provided indicative Flood Risk Areas which, together with local records and data, were used by lead local flood authorities to identify areas to be designated as Flood Risk Areas. Since 2011, the county council has had a dedicated flood risk management team, whose job it is to fulfil the County Council's statutory role under the Flood and Water Management Act 2010. The work undertaken by the team since 2011 has meant that there is now a much better understanding of flood risk in the county than when the first assessment was submitted; this work has ensured that a full and robust review has been completed.
- 4.4. Where a lead local flood authority wants to amend or propose additional Flood Risk Areas, the Environment Agency's national guidance dictates that they should be comparable in terms of magnitude of flood risk to those already identified by the national assessment. Lead local flood authorities were tasked in the review to use their local knowledge to ensure the appropriateness of the indicative Flood Risk Areas identified.
- 4.5. In the first assessment cycle (2011), 10 Flood Risk Areas were identified as having strategic and significant flood risk across England. In this second cycle, the focus has been widened, leading to more Flood Risk Areas for the second cycle than the first.³ This is because Defra's ministerial guidance on significant risk has changed, in order to reflect improved national information on surface water risk. The Environment Agency has applied this updated guidance on significant risk for the production of the indicative Flood Risk Areas.
- 4.6. The methods, definitions, indicators and criteria used by the Environment Agency for identifying Flood Risk Areas are provided in the table in Appendix 2.

5. The Preliminary Flood Risk Assessment review process in Hertfordshire

- 5.1. The Environment Agency guidance documents included an invitation for lead local flood authorities to make the case for the identification of additional Flood Risk Areas, subject to their alignment with Defra's

² Review of preliminary flood risk assessments (Flood Risk Regulations 2009): guidance for lead local flood authorities in England, 25 January 2017.

³ Review of preliminary flood risk assessment (Flood Risk Regulations 2009): guidance for lead local flood authorities in England, 25 January 2017.

guidance on significant risk. The County Council's review has confirmed that there is a level of flood risk across the whole of Hertfordshire, but has concluded that there is no one area of significant risk that would justify designation as a Flood Risk Area. This decision is based on evidence, including the county council's experience of:

- 10 published and 6 unpublished Section 19 Flood Investigations. Flood Investigations are a statutory obligation under Section 19 of the Flood and Water Management Act. A Flood Investigation requires that on becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate which risk management authorities have relevant flood risk management functions, and whether each of those authorities has exercised, or is proposing to exercise, those functions in response to the flood.
- 6 Surface Water Management Plans.
- 12 Hydraulic Modelling / Options and Feasibility Studies. These studies are undertaken for known flooding sites in Hertfordshire, often following a Section 19 Flood Investigation. The studies aim to better understand the flood mechanisms and where possible, find a feasible option to mitigate flood risk.
- Approximately 800 new records in the authority's flood incident record since 2011.

This review has also confirmed the findings of the national analysis undertaken by the Environment Agency for the Hertfordshire area.

- 5.2. The approach taken by the County Council to date has been framed around the dispersed nature of flood risk in the county with strategic level studies, surface water management plans, being undertaken at the district scale. This scale is appropriate due to the district's role in local planning and because of their status as local risk management authorities. These plans are a formal policy within the current Local Flood Risk Management Strategy. They have been completed (or are nearing completion) for six districts/boroughs in Hertfordshire (St Albans, Watford, Dacorum, North Herts, Broxbourne and East Herts), with the remaining four now underway, due to be completed by Autumn 2019. The plans, which all relevant risk management authorities and stakeholders have been involved in producing, identify areas where flood risk is greatest and where the County Council with its partners will seek to develop a programme to manage flood risk in those areas. The surface water management plans for Dacorum, North Herts, Broxbourne and East Herts will shortly be sent out for stakeholder comment.
- 5.3. The work currently undertaken by the County Council within the surface water management plans already covers the requirements of the Preliminary Flood Risk Assessment process. Surface water management plans provide strategic assessments of flood risk, identifying flooding hotspot sites across the county and providing a

plan for future work. The designation of Flood Risk Areas, with their associated Flood Risk Management Plans, would require the production of an additional set of plans, which would duplicate what the County Council is already working on. Designation of such areas is therefore not thought to be beneficial, either to known flooding sites or to Hertfordshire as a whole.

- 5.4. The Flood and Coastal Erosion Risk Management Grant in Aid appraisal process is the method by which risk management authorities can apply for national funding to address flood risk management issues. It is focussed around people and property; schemes protecting a larger number of properties are more likely to achieve grant in aid funding. The County Council bids to fund projects via this means, and it is appraised by the Environment Agency. The county has benefitted from funding through this mechanism, a recent example being the Environment Agency contribution to the A120 bypass and flood alleviation scheme at Little Hadham. The Environment Agency have stated in their guidance that funding will not be linked to the designation of Flood Risk Areas in the future: "Funding will not be limited to Flood Risk Areas identified under the Regulations".⁴

6. Outcomes of the Preliminary Flood Risk Assessment review

- 6.1. The 2017 review report consists of two elements, a contextual report and a technical spreadsheet, which contains the background information to the contextual report. The approach taken for the review is consistent with what was done previously. The content of the submission is factual; involving reporting data that the County Council has collected, whether historical or predicted since the first assessment in 2011. The technical spreadsheet is not provided with the Self-Assessment Report in Appendix 1, but is available for Members to view if requested. The 2011 version has been updated for the 2017 review and includes the following:

- 38 additional records of past floods⁵ (since 2011).
 - These records encompassed the major surface water flood events affecting Hertfordshire: December 2013, February 2014, July 2014, September 2014, July 2015, June 2016 and September 2016.
- 19 additional records referring to all studies undertaken by the County Council since 2011 to understand predicted flood risk (as well as the national Risk of Flooding from Surface Water map).

⁴ Review of preliminary flood risk assessment (Flood Risk Regulations 2009): guidance for lead local flood authorities in England, 25 January 2017.

⁵ The Environment Agency's guidance states: When reporting past floods, information is only required on floods which have occurred since December 2011 and which had significant harmful consequences. Our advice is that lead local flood authorities report those floods for which there was a subsequent investigation under Section 19 of the Flood and Water Management Act, or those floods which have shown a need to address risks not previously anticipated in the Local Flood Risk Management Strategy.

- Such studies include the surface water management plans, options and feasibility studies and hydraulic modelling studies.
- 7 amendments to bordering local authority indicative Flood Risk Areas.
 - The amendments ensure the Flood Risk Areas are within their corresponding local authority boundaries, ensuring a better fit to the future flood risk management processes of the respective lead local flood authorities.

6.2. The 2011 assessment had no Flood Risk Areas designated in Hertfordshire. The first Preliminary Flood Risk Assessment did not go to Panel as it was a technical assessment and there was nothing of significance to report. This assessment is being presented to panel for review as the better understanding of flood risk in the county, and the opportunity to define additional Flood Risk Areas, has meant that it is appropriate for members to review the response before it is submitted to the Environment Agency. The 2017 review has led to no Flood Risk Areas being proposed in Hertfordshire and some minor Flood Risk Area boundary changes, for those areas bordering the county. These minor changes amend the Flood Risk Area boundaries to ensure that they are changed to follow the town/local authority boundary, examples include: Harlow, Luton, Harrow etc. These anomalies are a result of the resolution used by the Environment Agency in their national assessment.

6.3. The Environment Agency's Partnership and Strategic Overview Team have been consulted on the 2017 draft review and have indicated that they do not have any comment on the draft submission; accepting the county council's submission in its current format, subject to member endorsement.

7. Financial Implications

7.1. There are no financial implications arising from this report.

8. Equalities Implications

8.1. When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equality implications of the decision that they are making.

8.2. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EQiA) produced by officers.

8.3. The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

8.4. No equality implications have been identified in relation to this report.

Appendices

Appendix 1: Preliminary Flood Risk Assessment review Self-Assessment Report.

Appendix 2: Table 1 – Indicators and criteria for assessing whether the risk of local flooding is significant for the purposes of identifying flood risk areas.

Background Information

2011 PFRA Report

Environment Agency Guidance: Review of preliminary flood risk assessments (Flood Risk Regulations 2009): guidance for lead local flood authorities in England.