

**HERTFORDSHIRE COUNTY COUNCIL**

**ENVIRONMENT, PLANNING AND TRANSPORT CABINET PANEL  
FRIDAY, 11 MAY 2018 AT 10:00AM**

**REVIEW OF HERTFORDSHIRE'S LOCAL FLOOD RISK MANAGEMENT  
STRATEGY – CONSULTATION ON DRAFT STRATEGY**

Report of the Chief Executive

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**1. Purpose of report**

1.1. To seek the Panel's views on the arrangements for consultation on the draft revised Local Flood Risk Management Strategy (LFRMS) for Hertfordshire.

**2. Summary**

2.1. As Lead Local Flood Authority (LLFA), Hertfordshire County Council has a statutory duty to "develop, maintain, apply and monitor" a LFRMS for the county. The LFRMS is how the LLFA will aim to discharge its general duty to provide leadership in managing local flood risk (from surface water, groundwater and ordinary watercourses<sup>1</sup>) and helps to provide a focal point for identifying and promoting a range of flood risk related activity across Hertfordshire.

2.2. The first LFRMS for Hertfordshire was approved in February 2013 by Cabinet with an early review programmed for 2016. This was considered necessary as it was expected that many of the objectives in the first LFRMS relating to development of service delivery would be achieved in this timeframe and the overall context for the LFRMS would evolve as legislative changes in areas related to flood risk management became established.

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<sup>1</sup> An ordinary watercourse is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

- 2.3. A consultation with key stakeholders, (listed at 6.2), on the issues and options to be considered in the second LFRMS was undertaken in 2016 and the findings from the analysis were presented to this Panel on 7 December 2016.
- 2.4. The findings from the review of the first Preliminary Flood Risk Assessment (PFRA)<sup>2</sup> which were presented to this Panel on 7 September 2017 have also been incorporated as part of the LFRMS review.
- 2.5. This report introduces the draft of the second LFRMS for the period 2018 to 2028 (the executive summary of which is included as Appendix A of this report). It also sets out the draft consultation programme (at Appendix B of this report), which will run from May to July 2018 and the proposed consultation questions (at Appendix C of this report). The intention is for the finalised strategy to be formally adopted in November 2018.

### **3. Recommendation**

- 3.1 That the Environment, Planning and Transport Cabinet Panel supports:
  1. the draft LFRMS and consultation questions for consultation with stakeholders and residents, and
  2. the consultation proposals and indicative timetable as set out in section 6 and Appendix B of this report.

### **4. Background**

- 4.1. The Flood and Water Management Act 2010 (F&WMA) describes in outline what the LFRMS must contain and that it must be consistent with the national strategy for Flood and Coastal Erosion Risk Management in England, the current version of which was published by the Environment Agency in July 2011.
- 4.2. The draft second LFRMS has been guided by the analysis of the:
  - Issues and Options consultation (reported to this panel 6 December 2016)
  - Strategic Environmental Assessment (SEA) scoping document
  - Flood Risk Management Topic Group held in October 2016 (reported to this panel 6 December 2016)
  - Revised Preliminary Flood Risk Assessment for Hertfordshire (reported to this panel September 2017)

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<sup>2</sup> The Preliminary Flood Risk Assessment is strategic assessment of flood risk. It looked at historical flood events and identified the potential for future flood events which may have a significant adverse consequence on human health, the environment, cultural heritage and economic activity. Outcome of the Preliminary Flood Risk Assessment informed the flood risk management priorities and actions in the first LFRMS.

- 4.3. Following on from the analysis of the Issues and Options consultation a technical paper was written for each of the topic areas and the key points from these were then collated for inclusion in the second LFRMS. The technical papers also drew on additional sources of information including:
- Flood Incident Record; which includes all confirmed flooding incidents in Hertfordshire reported to the LLFA.
  - Surface Water Management Plans (SWMPs); district based assessments that to date have been produced for six of the ten districts in Hertfordshire. (Although they have not been completed for the whole county there is sufficient experience to date to inform policy development in the second LFRMS and any specific actions from the remaining four will be incorporated into annual work programmes as required).
  - Initial assessments and other studies of potential options to manage flood risk at several locations.
  - Flood investigations carried out to meet the requirements of s19 of the F&WMA.
  - Review of Ordinary Watercourse regulation performance.
  - Review of advice given as statutory consultee to local planning authorities.
- 4.4. The findings of the SEA scoping were considered in the drafting of the policies and actions. An SEA of the final second LFRMS will need to be carried out and published alongside the LFRMS together with the Habitat Regulations Assessment which is currently being reviewed.
- 4.5. A number of recommendations of the scrutiny held by the Flood Risk Management Topic Group were material in the development of the second LFRMS and have been incorporated in the draft. Detail on these recommendations was reported to this Panel on 7 December 2016 alongside the analysis of the Issues and Options consultation.
- 4.6. The County Council as LLFA was required under the Flood Risk Regulations 2009 to update the Preliminary Flood Risk Assessment (PFRA) which was first carried out in 2010. The information collected in the PFRA gives a good overview of the LLFA's understanding of the level of flood risk in Hertfordshire.
- 4.7. The PFRA, flood investigations and SWMPs form part of the evidence base and rationale for development of the second LFRMS. These will be published as part of the consultation or are already available on the county council's website in the case of the flood investigations.
5. **Outline of the consultation draft of LFRMS2**
- 5.1. A full version of the consultation draft of LFRMS2 can be found at:

[Local Flood Risk Management Strategy](#)

In addition a hard copy can be found in the Members room. In sections 1 to 3 and in Appendices 1 and 2, the document sets out the background and context for flood risk management in Hertfordshire. This covers the organisations and stakeholders involved in managing flood risk, the types of flood risk, their significance and the related issues.

5.2. Policies and proposed actions are contained in sections 4, 5 and 6 which are set out under the following six key principles:

- Taking a risk-based approach to local flood risk management
- Working in partnership to manage flood risk in the county
- Improving our understanding of flood risk to better inform decision making
- Supporting those at risk of flooding to manage that risk
- Working to reduce the likelihood of flooding where possible
- Ensuring that flood risk arising from new development is managed

5.3. The main aspects of the revisions to the first LFRMS are briefly outlined below:

- Updating of the background information to reflect changes since the first strategy was produced.
- Setting out proposals for strategic partnership working on flood risk through a sub group of the Hertfordshire Infrastructure and Planning Partnership (HIPP).
- Exploration of the potential to work with community based groups.
- A commitment to publish the best available surface water flood risk data.
- Highlighting and supporting the role of individuals in managing flood risk.
- Clarifying the circumstances under which the LLFA will investigate flooding and the extent of what will be examined and reported.
- Policies relating to the LLFA's regulatory role on ordinary watercourses outlining the available powers and a presumption against culverting and building over watercourses.
- Proposing that the register of structures and features that have an impact on flood risk management is used to actively manage these assets.
- The establishment of a small projects fund to be used where affordable and appropriate to the resolution of situations where ownership or responsibility for a flood risk asset in need of restoration or repair cannot be determined.
- Refining a methodology and criteria for guiding investment in flood risk management schemes.
- Incorporating the current LLFA policies relating to Sustainable Drainage which have been updated; these are relevant to the role of the LLFA as a statutory consultee in the planning system.
- Setting out that the LLFA should work with district councils to develop a consistent framework across the county for the regulation of activity relating to ordinary watercourses. This may include consideration of delegation of powers to the LLFA.

## **6. Consultation Proposals and Programme**

- 6.1. The consultation period for the draft second LFRMS for Hertfordshire is scheduled to run from mid-May to the end of July 2018. During this time the county council will be consulting with key stakeholders and residents to obtain their views on the document.
- 6.2. The consultation process is to be divided into three distinct strands:
  1. Consultation with stakeholders. This will be based on the draft second LFRMS and consultation document supported by a series of workshops and one to one meetings. Stakeholders will include: the Environment Agency; the District and Borough Councils; the Bedfordshire and Ivel Internal Drainage Board; Thames Water Utilities Limited; Anglian Water; the Highways England and the Canal and River Trust.
  2. Internal consultation with key service departments within Hertfordshire County Council. This will include Highways, Fire & Rescue and the Resilience service.
  3. Consultation with residents. This will be through the county council website and will be promoted with support from the county council's communication team.
- 6.3. After the close of the consultation all responses will be reviewed and the draft second LFRMS will be finalised. It will then be presented, together with a report compiling all of the responses received during the consultation exercise and the Strategic Environmental Assessment, to this Panel with a recommendation for it to be adopted by the county council.

### **Strategic Environmental Assessment and Habitats Regulatory Assessment**

- 6.4. As a statutory plan the LFRMS is subject to both Strategic Environmental Appraisal (SEA) and Habitats Regulatory Assessment (HRA). The results of both of these processes will be fed into the development of the plan.
- 6.5. The details of these processes were set out in the report to this Panel on 30 June 2016 and the stages of reporting are set out in the indicative timetable at Appendix B.
- 6.6. The SEA and the review of the current HRA will be published alongside the LFRMS for Hertfordshire when is presented this panel for endorsement prior to recommendation to the Cabinet for the strategy to be adopted.

## **7. Financial Implications**

- 7.1. The review of the LFRMS has been planned into existing budgets.

- 7.2. Implementation of the second LFRMS is likely to have limited financial implications for the County Council. The detail of this will emerge as the LFRMS is developed and will be reported to this Panel at the appropriate stage in the adoption process.
- 7.3. The development work to support the implementation of the strategy, including an anticipated £50k for the proposed small projects fund, will be funded through existing budgets, as the emphasis of work is starting to shift from research and investigation to identify flood risk to one of implementation and active management. Additional funding would need to be sought for specific initiatives and any capital projects.
- 7.4. Should any specific initiatives be identified, they will need to be progressed at the rate affordable within existing budgets unless additional funding can be identified. Any proposed capital projects would be dependent upon identifying external funding or future bids for the County Councils capital.

## **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 equalities implications of the decision that they are taking.
- 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 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 The majority of the activity in the draft second LFRMS is directed by how runoff and groundwater is influenced by physical features and in these instances topography rather than demography is the most significant factor. However the consultation process and the proposed actions to support individuals and communities to understand and manage their flood risk relies on access to information which will almost exclusively be online. Consideration will be given to any reasonable requests for provision of the consultation in accessible formats.

- 8.5 An Equality Impact Assessment (EqIA) will be updated following the consultation and provided to this Panel prior to adoption of the final second LFRMS.

### **Background Information**

- [Flood and Water Management Act 2010 \(Defra\)](#)
- [Local Flood Risk Management Strategy for Hertfordshire \(2013\)](#)
- Preliminary Flood Risk Assessment for Hertfordshire (2010) reviewed (2017)
- [Report](#) of the Review of Hertfordshire's Local Flood Risk Management Strategy – Issues and Options Consultation (HCC EPT Cabinet Panel 30 June 2016)
- [Report](#) of Consultation on the Issues and Options for the Review of the Local Flood Risk Management Strategy (LFRMS) for Hertfordshire and the Recommended Scope for The LFRMS Review (HCC EPT Cabinet Panel 7 December 2016)

### **Appendices**

- Appendix A: Executive Summary of the consultation draft of the second Hertfordshire Local Flood Risk Management Strategy
- Appendix B: Indicative Timetable for completing review of the Local Flood Risk Management Strategy for Hertfordshire (revised)
- Appendix C: Questions to structure consultation responses