

**GROWTH, INFRASTRUCTURE, PLANNING AND THE
ECONOMY CABINET PANEL
WEDNESDAY 6 FEBRUARY AT 2:00PM**

**REVIEW OF HERTFORDSHIRE'S LOCAL FLOOD RISK MANAGEMENT
STRATEGY – FINAL STRATEGY**

Report of the Director of Environment and Infrastructure

Authors: John Rumble, Head of Environmental Resource Planning
Tel: 01992 556296 (x26296)
Andy Hardstaff, Flood Risk Management Team Leader,
Tel 01992 556470 (x26470)

Executive Member: Derrick Ashley, Growth, Infrastructure, Planning and the
Economy.

1. Purpose of report

1.1. To advise the Cabinet Panel of the results of the consultation on the draft revised Local Flood Risk Management Strategy (LFRMS) for Hertfordshire and seek the Panel's endorsement of the final LFRMS for Hertfordshire prior to it being passed to Cabinet for final adoption.

2. Summary

2.1. As Lead Local Flood Authority (LLFA), the 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 statutory duty to provide leadership in managing local flood risk (from surface water, groundwater and ordinary watercourses¹) 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.

¹ 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. An initial consultation with key stakeholders on the issues and options to be considered in the second LFRMS was undertaken in 2016 with the findings from the analysis presented to this Panel on 7 December 2016. The latest consultation on the draft strategy was undertaken in Summer/Autumn 2018 with the draft document for consultation considered and endorsed by this panel on 11 May 2018.
- 2.4. This report presents the proposed final version of the second LFRMS to cover the period 2018 to 2028 (the executive summary of which is included as Appendix A of this report). It also lists the accompanying documents that form the evidence base for the final strategy and are required for the process of adoption of the strategy to be finalised. The intention is for the finalised strategy to be presented to Cabinet and adopted in March 2019.

3. Recommendation

- 3.1 That the Panel recommend to Cabinet that Cabinet adopts the revised Local Flood Risk Management Strategy.

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 final LFRMS for Hertfordshire 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)
 - The consultation on the draft of the second LFRMS for Hertfordshire undertaken in Summer/Autumn 2018, for which a summary of the responses is included at appendix B of this report.
- 4.3. The final version of the LFRMS draws upon the findings from the consultation as well as the existing evidence base which includes:
- The technical papers put together to inform the LFRMS.
 - The 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.
 - 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. An SEA of the draft second LFRMS was completed and made available to accompany the consultation document. An update of the SEA will need to be carried out and published alongside the LFRMS together with the outcome of the Habitat Regulations Assessment which accompanies the strategy.
- 4.5. The PFRA, flood investigations, SWMPs, SEA, HRA and the EQiA form part of the evidence base and rationale for the second LFRMS. These will all be published on the County Council's website alongside the final LFRMS document should it be adopted following consideration at Cabinet.

5. Results from the consultation draft of LFRMS2

- 5.1. The consultation period for the draft second LFRMS for Hertfordshire was undertaken in Summer/Autumn 2018. During this time the County Council consulted with key stakeholders and residents to obtain their views on the document.
- 5.2. The consultation process was divided into three distinct strands:
1. Consultation with stakeholders. This was based on the draft second LFRMS and the consultation document supported by a series of workshops and one to one meetings. Stakeholders included: 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 the County Council. This included Highways, and the Resilience service.
 3. Consultation with residents. This was through the County Council website and was promoted with support from the Council's communication team.
- 5.3. A summary of the consultation responses received, and the actions taken to address any concerns or issues raised are included in appendix B. In general, it is not proposed to make any significant changes to the draft LFRMS2 as a result of these consultation responses. The only major change from the consultation draft to the final version is the inclusion of a work programme identifying the actions set out within the strategy and indicating

both timeframe and resources required to undertake these actions. A copy of this work programme is included at appendix C.

Strategic Environmental Assessment and Habitats Regulatory Assessment

- 5.4. 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 have been fed into the final version of the LFRMS.
- 5.5. The final SEA and HRA is published alongside the LFRMS2 for Hertfordshire for consideration by this Panel prior to recommendation to the Cabinet for the strategy to be adopted.

6. Final LFRMS2 for Hertfordshire

- 6.1. A full version of the final version of LFRMS 2 is attached and can also be found at:

(external link to go live when panel papers are published)

www.hertfordshire.gov.uk/LFRMS2

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.

- 6.2. 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

- 6.3. The main aspects of the revisions to the 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. This is proposed to be up to £50K per year from current operational budgets, reviewed after a pilot period of 3 years.
- 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.

7. Financial Implications

- 7.1. The principles and actions identified for inclusion in LFRMS2 can be met from the budget already allocated for flood risk management in Hertfordshire.
- 7.2. Should any specific initiatives be identified during the implementation of the strategy, 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 and may in addition require future bids for County Council capital. National funding for flood risk management projects is termed "partnership" funding and there is recognition that it may not cover all the costs of a scheme. The shortfall may be met with regional levy raised by the relevant RFCCs and where this is insufficient local contributions may be required. This is set out in section 4.5.6 of the strategy.

8. Equalities Implications

- 8.1. 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.

- 8.2. The majority of the activity in the 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.
- 8.3. The Equalities Impact Assessment (EqIA) carried out for the strategy concluded that for much of the activity guided by the strategy there would be positive outcomes for all those at flood risk. This covers activities such as the investigation of flooding, assessing the potential to reduce flood risk and advising on new development.
- 8.4. Some of the proposed actions to support individuals and communities to understand and manage their flood risk will rely on access to information, which because of its nature will be best presented online. The potential for an impact on some people with a protected characteristic is recognised when contacting people and providing information. This does not require any changes to the strategy but when actions linked to it are implemented county council good practice will be followed to guide provision of information.
- 8.5. The EqIA that has been produced following the consultation is provided to this Panel as part of this report at appendix E.

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)
- Consultation draft of LFRMS2 (June 2018)
- Strategic Environmental Assessment (SEA) of LFRMS 2 (Land Use Consultants, LUC) July 2018
- Habitats Regulations Assessment HRA of LFRMS 2 Fleming Ecology December 2018)

Appendices

Appendix A Local Flood Risk Management Strategy for Hertfordshire LFRMS 2
External; link to go live when Panel papers published
www.hertfordshire.gov.uk/LFRMS2

Appendix B: Executive Summary of the final version of LFRMS 2

Appendix C: Summary of consultation responses

Appendix D: LFRMS 2 proposed work programme

Appendix E Equalities Impact Assessment