



CABINET

13 NOVEMBER 2018

ACTING EXECUTIVE DIRECTOR OF PLACE AND COMMERCIAL: IAN BOLL

**CABINET MEMBER WITH RESPONSIBILITY FOR TRANSPORT, HIGHWAYS,
ENVIRONMENT AND PUBLIC PROTECTION: COUNCILLOR IAN MORRIS**

Subject:	Northamptonshire Local Flood Risk Management Strategy Action Plan 2018 update
Recommendations:	<p>Cabinet are asked to:</p> <ol style="list-style-type: none"> 1. Approve the suggested updates to the Action Plan associated with the 2016-2019 Northamptonshire Local Flood Risk Management Strategy and 2. Welcome support from the Environment Agency for seconding two externally funded temporary flood and water posts to the County Council.

1. Purpose of report

1.1 In line with the monitoring and review requirements, the annual update to the Action Plan for 2018 is being submitted to Cabinet for approval.

1.2 The Local Flood Risk Management Strategy (LFRMS) and associated Action Plan were first approved by Cabinet on 8th October 2013. In line with monitoring and review requirements, the LFRMS is formally reviewed every three years, however it is considered a living document and is reviewed when required and in light of any changes in legislation. The Action Plan is updated annually in November, and approved by Cabinet. Further details on the LFRMS and Action Plan are provided in Section 3 of this report.

1.3 Interim updates to the LFRMS and associated Action Plan were most recently approved by Cabinet on 14th November 2017.

2. How this decision contributes to the Council plan

The Council’s vision is to make Northamptonshire a great place to live and work. This is achieved through increasing the wellbeing of your county’s communities and/or safeguarding the county’s communities.

This initiative helps the Council to deliver this vision through the following strategic priorities outlined in the Council Plan:

- Northamptonshire communities and individuals are safe.
- Improving infrastructure and place-shaping to enable communities and businesses to thrive and grow sustainably, and generating prosperity.
- Maximising the use and value of our assets to support safe and efficient service delivery.

3. Background

- 3.1 The Flood and Water Management Act (the Act) 2010 requires Northamptonshire County Council as a Lead Local Flood Authority (LLFA) to produce a LFRMS to provide the framework for managing local flood risk within the county.
- 3.2 To ensure compliance with the requirements of the Act, the LFRMS must cover local sources of flood risk (surface water flooding, ground water flooding and non-main river watercourse flooding). It must also identify flood risk objectives and give details of plans for implementation. There are seven key objectives within the LFRMS as follows:
- 1) **Collaborative Approach** – Adopt a collaborative approach to managing local flood risk by working with local partners and stakeholders to identify, secure and optimise resources, expertise and opportunities for reducing flood risk and increasing resilience to flooding;
 - 2) **Understanding of Local Flood Risk** – Develop a greater understanding of local flood risk by improving the scope of local knowledge and understanding of current and future local flood risks;
 - 3) **Enhance the Natural and Historic Environment** – Adopt a sustainable approach to reducing local flood risk, seeking to lessen the risk of localised flooding using mechanisms that are economically viable, deliver wider environmental benefits, conserve and enhance heritage assets and their settings, and promote the wellbeing of local people;
 - 4) **Preparedness and Resilience** – Reduce the harmful consequences of local flooding to communities and human health through proactive actions, activities and education programmes that enhance preparedness and resilience to local flood risk, and contribute to minimising community disruption;
 - 5) **Flood Risk and Development** – Minimise the increase in local flood risk that may arise from new development by producing guidance, setting standards, promoting the sustainable use of water and supporting the development of local policies and guidance, reducing wherever possible surface water runoff in new and future developments; and influencing or supporting developments that seek to reduce existing flood risk;
 - 6) **Economically Sustainable Approach** – Ensure the financial viability of flood related schemes through the development of appropriate policies and assessment tools to ensure that flood risk management measures provide value for money whilst minimising the long-term revenue costs. Seeking to use natural processes where possible or source the costs of any maintenance from the financial beneficiaries of the development;
 - 7) **Riparian Responsibilities** – Encourage flood management activities by private owners of ordinary watercourses and flood defence structures as well as limit the development of constrictions on ordinary watercourses.
- 3.3 The annual Action Plan includes key activities, which will ensure these objectives are met. The actions include physical on-the-ground improvements, collaborative working arrangements, investigations and studies to obtain information that is

more detailed and collective actions to ensure that all legislative requirements are met.

- 3.4 The LFRMS and Action Plan is the means through which the LLFA discharges its role to provide leadership and to co-ordinate flood risk management on a day-to-day basis. It acts as the focal point for integrating all flood risk management functions in the county. It also has regard to all relevant strategies produced by other Flood Risk Management Authorities working across Northamptonshire.
- 3.5 To ensure that the LFRMS and Action Plan complies with European legislation, a Strategic Environmental Assessment (SEA) was produced alongside the Strategy. As part of the preparation of the SEA, the County Council was required to consult with the statutory consultees, namely Natural England, Historic England and the Environment Agency.
- 3.6 The County Council is also required to undertake a Habitat Regulations Assessment (HRA) of the LFRMS. This is used to assess the potential impact of the LFRMS on protected natural areas that are of European significance. As part of the preparation of the HRA, the County Council was required to consult with Natural England.

4. Main changes made to the Action Plan

- 4.1 Since the first Action Plan was adopted in October 2013, a total of 28 projects have been completed.
- 4.2 It should be noted that 28 actions identified in the plan are continuous and as such will remain ongoing. The flood alleviation schemes detailed in Objective 4: Preparedness and Resilience – Reduce the harmful consequences of local flooding to communities, are dependant on external grant funding (as set out in Section 8.3 of this report) and so can only be delivered once funding is allocated from these sources.
- 4.3 It is proposed that three new projects are added to the Action Plan from November 2018. These have been identified following consultation with risk management authorities (as detailed in Section 5.2 of this report), and include:
 - The Pathfinder 3 community flood resilience project, which seeks to expand on the Pathfinder 2 project (due to finish April 2019) to engage with a further 30 communities over two years. The project's approach will be to help communities to understand their flood risk and enable them to generate local resilience solutions. This is fully grant funded by Flood and Coastal Erosion Risk Management Local Levy.
 - A review and update of the Multi Agency Flood Plan. Following the recent publication of 'Major Tim Cross' review of Multi Agency Flood Plans, NCC will work with the Local Resilience Forum to assess the Plan based on the recommendations from the review, and update this where required.

- Working towards the key aims of the Nene Valley Catchment Partnership. This is a partner led initiative with a number of benefits including enhancements to water quality, green infrastructure, access and amenity, and will enable co-ordinated delivery of river improvement projects.

4.4 This would mean that there will be 97 projects within the updated 2018 Action Plan that is attached in Appendix 1.

5. Consultation and Scrutiny

5.1 The updated LFRMS and Action Plan were subject to a full public consultation before they were formally adopted in November 2016. The LFRMS and all associated documents can be viewed online at <http://www.floodtoolkit.com/pdf-library/>.

5.2 The Action Plan 2018 was subject to consultation with Risk Management Authorities (RMAs) over a four week period from 2nd August 2018 to 31st August 2018. This consultation included: the Environment Agency, the seven borough and district councils, two Joint Planning / Development Units, the Internal Drainage Board, the Highways Authority, Highways England and the Water and Sewerage Companies (Anglian Water Services, Thames Water and Severn Trent Water).

5.3 The Action Plan 2018 has now been updated in line with the comments received, and in partnership and agreement from all RMAs.

6. Equality Screening

6.1 An Equality Impact Assessment (EqIA) was undertaken as part of the updated LFRMS and Action Plan review in 2016.

6.2 No negative equality implications were identified in the EqIA. One positive implication was identified as a result of the implementation of the Action Plan, this would help better protect those individuals at greatest risk of flooding in the county through a prioritisation methodology.

6.3 The EqIA can be viewed online at <http://www.floodtoolkit.com/pdf-library/>.

7. Alternative Options Considered

7.1 The development of the LFRMS, Action Plan and other activities covered by this report are a statutory requirement.

8. Financial Implications

8.1 The County Council as LLFA receives grant funding from Government to undertake part of the requirements under the Flood and Water Management Act 2010 and the Flood Risk Regulation 2009. This revenue grant supports much of the ongoing operational and statutory work of the LLFA. The grant funding allocations are £310k for 2018/19 and £317k for 2019/20. These allocations are

not ring-fenced but are essential for the delivery of the statutory flood and water management services as no additional NCC funding is allocated.

- 8.2 Capital funding and funding for non-statutory work is bid for from a variety of sources (e.g. Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid, Local Levy, private organisations and risk management authority contributions) to deliver flood alleviation schemes and proactive flood risk reduction projects as set out in the Action Plan (see the “Potential Funding Source” column).
- 8.3 In 2018/19 the total ring-fenced grant funding the County Council and partners have secured through these sources, for flood alleviation schemes and proactive flood risk projects, equates to £757k.
- 8.4 Any NCC delivered projects with an associated cost to them will still be subject to the required financial approvals process.
- 8.5 The FCERM Grant in Aid process for capital projects runs on a six-yearly cycle, with the current period running until April 2021. Funding is allocated and prioritised based on a number of criteria, such as number of properties better protected from flooding.
- 8.6 With support from the Environment Agency, the County Council has been successful in securing two externally grant funded temporary flood and water posts to the value of £170k from April 2019 to April 2021. The posts, one Senior Flood and Water Officer and one Flood and Water Technician, are fully funded by FCERM Local Levy and will be seconded to the County Council hosted from the Environment Agency. They will help support the work of the LLFA in developing a pipeline of flood alleviation schemes and seek to leverage in further grant funding.

9. Risk and Business Continuity Management

9.1 In order to fulfil the LLFA role and to implement the requirements of the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009, a management framework has been put in place, including amendments to the Council’s Constitution. The required work is being resourced as appropriate to meet statutory requirements.

a) Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
Loss of key staff	Expertise being developed across Northamptonshire Highways and the Environment, Planning and Transport Directorate. Seeking external funding to secure new staff.	Amber
Changes to Environment Agency staff directly	Environment Agency still retains the strategic responsibility for all	Green

Risk	Mitigation	Residual Risk
involved in the flood and water management work in Northamptonshire	flood risk management and the statutory consultee to the planning process.	
Obtaining approval/agreement from all partners authorities	The County Council to use its role as LLFA to ensure co-operation of all partners.	Amber

b) Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Failure to comply with the requirements of the Flood and Water Management Act (2010) and Flood Risk Regulations 2009 could result in infraction proceedings and large fines levied against the UK government which can be passed onto Local Authorities.	Low

10. List of Appendices

Appendix 1. Northamptonshire Local Flood Risk Management Strategy Action Plan (November 2018)

Note: The current Northamptonshire Local Flood Risk Management Strategy, approved by Cabinet in November 2017, and associated documents approved by Cabinet in November 2016 including the Northamptonshire Local Flood Risk Management Strategy Public Summary, Strategic Environmental Assessment, Habitats Regulations Assessment, Equalities Impact Assessment, Frequently Asked Questions, GIS Prioritisation Report and the Communication, Engagement and Consultation Strategy can be viewed online at <https://www.floodtoolkit.com/pdf-library/>.

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Background Papers:	Cabinet Paper: 14 th November 2017
Does the report propose a key decision is taken?	Yes
If yes, is the decision in the Forward Plan?	Yes
Will further decisions be required? If so please outline the timetable here	Yes, the LFRMS is updated every three years and Action Plan annually
Does the report include delegated decisions? If so, please outline the timetable here	No
Is this report proposing an amendment to the budget and/or policy framework?	No

<p>Have the financial implications been cleared by the Strategic Finance Manager (SFM)?</p> <p>Have any capital spend implications been cleared by the Capital Investment Board (CIB)?</p>	<p>Yes</p> <p>Name of SFM: Rosemary Pallot</p> <p>N/A</p>
<p>Has the report been cleared by the relevant Director?</p>	<p>Yes</p> <p>Name of Director: Ian Boll</p>
<p>Has the relevant Cabinet Member been consulted?</p>	<p>Yes</p> <p>Cabinet Member: Cllr Ian Morris</p>
<p>Has the relevant scrutiny committee been consulted?</p>	<p>No</p> <p>Scrutiny Committee:</p>
<p>Has the report been cleared by Legal Services?</p>	<p>Yes</p> <p>Name of solicitor: Debbie Carter-Hughes</p>
<p>Have any communications issues been cleared by Communications and Marketing?</p>	<p>Yes</p> <p>Name of officer: Liam Beasley</p>
<p>Have any property Issues been cleared by Property and Asset Management?</p>	<p>Yes</p> <p>Name of officer: James Wheeler</p>
<p>Have the Procurement Implications below been referenced in the Paper:</p> <ul style="list-style-type: none"> • Have you evidenced compliance with the Council's Contract Procedures Rules? • Have you made clear in this paper where you are seeking Cabinet to approve an exemption from the Contract Procedure Rules and detailed the risks and mitigations? • Have you identified any EU or UK legislative risks such as non-compliance with the Public Contract Regulations Act 2015, transparency and open competition? • Have you identified the procurement risks associated with a contract? 	<p>N/A</p>
<p>Are there any community safety implications?</p>	<p>These were addressed throughout the LFRMS in 2017</p>
<p>Are there any environmental implications:</p>	<p>These were addressed throughout the LFRMS and as part of the associated SEA and HRA process in 2016 and can be found online at https://www.floodtoolkit.com/pdf-library/</p>

Are there any Health and Safety Implications:	No
Are there any Human Resources Implications:	Two externally grant funded flood and water posts hosted by the Environment Agency and seconded to the County Council
Are there any human rights implications:	No
Constituency Interest:	All constituencies