

Cabinet – 16 March 2016

Local Strategy for Flood Risk Management in the Black Country

Portfolio: Councillor Louise Harrison, Clean and Green

Related portfolios: Councillor Andrew, Economy, Infrastructure and Development

Service: Planning, Engineering and Transportation

Wards: All

Key decision Yes

Forward plan Yes

1. Summary

- 1.1 This report seeks approval of the Black Country Local Strategy for Flood Risk Management (BCLFRMS) on behalf of Walsall Council.
- 1.2 The Flood and Water Management Act 2010 (FWMA 2010) places a duty on the Council, as the Lead Local Flood Authority, to develop, maintain, apply and monitor the implementation of a Local Flood Risk Management Strategy. In April 2014 the Association of Black Country Authorities (ABCA) agreed the principle of joint working arrangements between Dudley, Walsall, and Sandwell Metropolitan Borough Councils and Wolverhampton City Council in respect of flood risk management functions. Work has therefore proceeded to produce a Black Country wide Strategy.
- 1.3 LFRMSs are public documents which explain the local flood risk, clarify who is responsible for managing that risk and sets out an action plan for how the Lead Local Flood Authority will manage flood risk associated with surface water, groundwater and ordinary water courses. The Local Strategy complements a number of other planning policies, legislative requirements and flood risk strategies including the National Planning Framework, The Flood & Water Management Act 2010, the Black Country Core Strategy, the Black Country Strategic Flood Risk Assessment and the Preliminary Flood Risk Assessments for each authority.
- 1.4 A draft BCLFRMS was approved by Cabinet for consultation at its meeting of the 29 October 2015. The consultation period ran from 9 November to 18 December 2015 and included a report to Corporate and Public Services Overview and Scrutiny Committee on 26 November. A summary of the feedback received and the subsequent response is included as **Appendix B**.

- 1.5 The final BCLFRMS is attached as **Appendix A**. Council's are required to publish their Strategies by 1 April 2016.

2. Recommendations

- 2.1 That Cabinet approve the Black Country Local Strategy for Flood Risk Management.

3. Report detail

- 3.1 Following the severe flooding during the summer of 2007, the government commissioned an independent review (the 'Pitt Review') which in 2008 recommended that local authorities should lead on the management of local flood risk, working in partnership with other organisations.
- 3.2 Two key pieces of legislation have brought this forward, the Flood Risk Regulations (2009) which transpose the EU Floods Directive into UK Law and the Flood and Water Management Act (2010).
- 3.3 The Council is now a Lead Local Flood Authority (LLFA) and has relatively new powers and statutory duties to manage and co-ordinate local flood risk management activities. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses). The Council does this by working together with other organisations including the Environment Agency, which manages flooding from generally larger rivers (known as Main Rivers, such as the River Tame) and infrastructure/utility providers, such as Severn Trent Water and Highways England.
- 3.4 The first task of the LLFA was to prepare a Preliminary Flood Risk Assessment (PFRA) which is an assessment of the local flood risk across the Borough of Walsall. In April 2011 Cabinet considered and approved the PFRA and it is published on the Council's website.
- 3.5 There are both strategic and operational elements to the role of the LLFA. Strategically, the Council needs to develop, maintain, apply and monitor a LFRMS. The BCLFRMS is included as **Appendix A** of this Report.
- 3.6 The Strategy is a very high level document in accordance with government guidance. Whilst it does make reference to some specific previous flooding the Action Plan does not detail specific projects.
- 3.7 Operationally, the Council investigates flooding incidents, holds a flood risk management asset database and has powers to designate third party assets where they have an impact on flood risk. Additionally the Council undertakes various land drainage activities, including consenting to works and enforcement on Ordinary Watercourses.

4. Council priorities

4.1 Minimising the risk of flooding supports the Council's priorities as follows:

- Protecting business from adverse disruption and the risk of flooding will: support business to thrive and support local people into work.
- Ensuring property and transportation are not affected by flooding will: improve health and well being, including independence for older people and the protection of vulnerable people.
- Protecting communities from flooding events will help: create safe, sustainable and inclusive communities.
- Protecting schools and supporting infrastructure from flooding risks will help – improve, Safeguard the Learning and the Life Chances for Children and Young People, raising aspirations.

5. Risk management

5.1 The intention of the BCLFRMS is to set out how risks will be identified and controlled. This process will ultimately reduce the potential for flooding across the Black Country.

6. Financial implications

6.1 The Council's contribution towards the cost of preparing the LFRMS in the Black Country is £7,000 and is funded from an existing revenue budget managed by Planning, Engineering and Transportation Service.

7. Legal implications

7.1 Section 9 of the Flood and Water Management Act 2010 (FWMA 2010) places a duty on the council, as Lead Local Flood Authority, to develop, maintain, apply and monitor the implementation of a LFRMS.

7.2 The FWMA 2010 states that the strategy must include:

- The risk management authorities in the authority's area;
- The risk management functions that may be exercised by those authorities;
- The objectives for managing local flood risk;
- The measures proposed to meet those objectives;
- How and when the measures are expected to be implemented (action plan);
- The costs and benefits of those measures, and how they are to be paid for;
- The assessment of local flood risk;

- How and when the strategy is to be reviewed; and
- How the strategy contributes to wider environmental objectives.

7.3 The FWMA 2010 places a duty on the Council to consult both the public and other risk management authorities about its local flood risk management strategy and this has been completed.

8. Property implications

8.1 None as a direct result of this Report.

9. Health and wellbeing implications

9.1 Minimising flood risk will improve the health and wellbeing of those potentially affected.

10. Staffing implications

10.1 None

11. Equality implications

11.1 An equality impact assessment has not been undertaken as the implementation of the BCLFRMS will not adversely impact on any people with protected characteristics. However the documentation itself will be made as accessible as possible.

12. Consultation

12.1 Full consultation has been completed in accordance with the statutory requirements. A summary of responses received during consultation and the subsequent response is attached as **Appendix B**.

Background papers

Flood and Water Management Act 2010

Black Country Local Flood Risk Management Strategy

Preliminary Flood Risk Assessment

Author

John Roseblade
Group Manager (Highways & Environment)
Planning, Engineering and Transportation Service

Economy & Environment Directorate

☎ 01922 654391

✉ John.Roseblade@walsall.gov.uk

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Simon Neilson
Executive Director

26 February 2016

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Councillor Louise Harrison
Portfolio Holder

1 March 2016