

From: David Brazier, Cabinet Member – Transport & Environment
Paul Crick, Director Planning & Environment

To: Cabinet – 17 June 2013

Decision No: 12/01945

Subject: Local Flood Risk Management Strategy

Classification: Unrestricted

Past Pathway of Paper: Environment, Highways & Waste Cabinet Committee,
Flood Risk Management Committee, Public Consultation

Electoral Division: All electoral divisions

Summary:

The Local Flood Risk Management Strategy is a requirement for Kent County Council in its new capacity as Lead Local Flood Authority. It sets out a strategy for managing local flood risk (defined as flooding from surface water, groundwater and ordinary watercourses) in the county. The Local Strategy sets objectives for the management of local flooding and an action plan for KCC and other agencies in Kent to deliver these objectives.

Recommendation:

That Cabinet agree to adopt the Local Flood Risk Management Strategy.

1. Introduction

The Local Flood Risk Management Strategy (the Local Strategy) is a requirement of the Flood and Water Management Act 2010 (the Act) for Kent County Council. It is part of our new role as Lead Local Flood Authority (LLFA) to oversee local flooding, which is flooding from surface water, ordinary watercourses and groundwater.

As part of our LLFA role, KCC has already undertaken the Preliminary Flood Risk Assessment (PFRA), reported to Cabinet in July 2011. The PFRA for Kent was published in August 2011 and identified Kent as the most at risk LLFA, with approximately 76,000 properties at risk of surface water flooding.

The Local Strategy that sets out how these local flood risks will be managed in the county, how this will be delivered and how it will be funded. We have prepared the Local Strategy in partnership with other Risk Management Authorities in the county; consultation on the draft concluded in February 2013.

This paper provides an overview of the Local Strategy, drawing attention to specific sections of interest to the Authority. A copy of the final draft Local Strategy is attached. On 23 April 2013, EHW Cabinet Committee Members were invited to comment on the Local Strategy prior to formal adoption in May 2013. They were very supportive of the Local Strategy and asked for an action plan to be reported annually to the committee.

2. Financial Implications

As a LLFA, we receive an annual area based grant of £750,000 from Defra to undertake the new duties set out by the Act. This grant is in place for the next two financial years and will be used to fund KCC's actions identified in the Local Strategy.

The Local Strategy sets out how flood risk management issues will be investigated and how KCC will fund these, limiting our commitment to the initial investigation (within the available budget). Any further work identified beyond this will need to be at least part funded through the government's flood defence grant in aid scheme, which may require other local contributions.

The current action plan for 2013/14 is achievable within the annual Defra grant.

3. Bold Steps for Kent and Policy Framework

The Local Strategy is a requirement for Lead Local Flood Authorities under the Flood and Water Management Act. Managing flood risk helps to deliver the objectives of Bold Steps for Kent (as outlined in Section 4.2 of the Local Strategy).

The Local Strategy is an objective of the Kent Environment Strategy.

4. The Local Strategy

4.1 Background

The Flood and Water Management Act 2010 makes County and Unitary authorities Lead Local Flood Authorities, with a role to work alongside the Environment Agency and other risk management authorities to manage the risks of flooding.

The role of the Environment Agency is to provide a national strategic overview of all flood risk in England, which includes:

- Providing a National Strategy for all forms of flood risk management;
- Overseeing the distribution of grant funds for flood defence works; and
- Reporting on the progress and delivery of flood risk management in England.

The Environment Agency also has a local role to manage the flood risks from main rivers and the sea.

The new role of the Lead Local Flood Authority gives KCC a strategic overview role for local flooding (flooding from surface water, ordinary watercourses and groundwater). As Lead Local Flood Authority, KCC has flood risk management powers and duties, which include:

- Providing a Local Strategy for managing local flood risk;
- A duty to investigate flooding;
- Powers to regulate ordinary watercourses;
- A duty to maintain a register of structures and features, and
- A role to promote sustainable drainage.

The Local Strategy sets out how we will work in partnership with other risk management authorities to manage local flooding in Kent.

4.2 Requirements of the Local Strategy

The Local Flood Risk Management Strategy must be consistent with the Environment Agency's National Strategy. The National Strategy sets out how all flood risks and coastal erosion will be managed in England.

The Act sets out the minimum that a local strategy must contain and, in accordance with this, the Kent Local Flood Risk Management Strategy details:

- The risk management authorities in the relevant area.
- The flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area.
- The objectives for managing local flood risk and the measures proposed to achieve those objectives.
- How and when the measures are expected to be implemented.
- The costs and benefits of those measures, and how they are to be paid for.
- The assessment of local flood risk for the purpose of the strategy.
- How and when the strategy is to be reviewed.
- How the strategy contributes to the achievement of wider environmental objectives.

4.3 Objectives

The Local Strategy sets out the following objectives for flood risk management in Kent (see Section 4 of the Local Strategy), which all Risk Management Authorities in the county must act consistently with:

1. Improving the understanding of the risks of flooding from surface runoff, groundwater and ordinary watercourses in Kent.
2. Reducing the impact of flooding on people and businesses in Kent.
3. Ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts.
4. Providing clear information and guidance on the role of the public sector, private sector and individuals in flood risk management in Kent and how those roles will be delivered and how authorities will work together to manage flood risk.
5. Ensuring that emergency plans and responses to flood incidents in Kent are effective and that communities understand the risks and their role in an emergency.

The local strategy aims to coordinate the work of KCC with the Environment Agency, local authorities, water companies, internal drainage boards and other partners to better understand flood risk in the county and provide effective solutions to protect the people and economy of Kent from flooding.

4.4 Summary

The Local Strategy gives an overview of the flood risk in Kent, with signposts to more information, it outlines who else in the county has flood risk management functions and it sets out how KCC will exercise the new duties and powers given to us by the Act (see section 5 of the Local Strategy).

The Local Strategy also applies a local flood risk policy to areas of the county to enable us as LLFA to prioritise action. These policies are determined according to the complexity of local flood risk. These policies are described below:

Policy 1 Areas with complex local flood problems	The local flood risks in these areas will be investigated as a priority. An action plan of feasible options to manage the identified risks will be developed.
Policy 2 Areas with moderate local flood problems	The local flood risks in these areas will be dealt with by ensuring the relevant risk management authorities work together to investigate the problems.
Policy 3 Areas with low local flood risk	Flooding in these areas will be monitored and problems will be dealt with reactively by the appropriate authority.

Where further investigations are required they will be undertaken through Surface Water Management Plans. Surface Water Management Plans will also be used to collect data in areas where there is insufficient to apply these policies. These policies will be kept under review.

Given the size and complexity of the local flood risks in Kent we have proposed that specific local actions and policies are identified and delivered through the aforementioned Surface Water Management Plans, not the Local Strategy.

4.5 Action plan

The Local Strategy includes a 12 month action plan (see section 9 of Strategy) to deliver the objectives, which is split into three parts:

1. The actions KCC will deliver countywide to meet the objectives of the Flood and Water Management Act.
2. The local actions that KCC will undertake to better understand flood risks, including Surface Water Management Plans.
3. The actions KCC will deliver in partnership with other risk management authorities.

The action plan will be reviewed annually. The annual action plan and other measures to deliver the Local Strategy will be submitted to the EHW Cabinet Committee, as requested at their meeting on 23 April 2013.

4.6 Consultation

The draft Local Strategy was developed with the overview of KCC's Flood Risk Management Committee, which includes representatives from the district

authorities in Kent, and the Kent Flood Partnership, which is a committee of officers from the Risk Management Authorities in Kent.

The Local Strategy has completed its statutory public consultation. The comments received were generally supportive with a few welcome suggestions for improvement. The current draft Local Strategy is appended to this paper.

This Local Strategy will be in place for three years and reviewed in 2016.

4.7 Delegation

The responsibility to deliver and monitor the Local Strategy will be delegated through Mike Austerberry, Corporate Director Enterprise and Environment, to Paul Crick, Director Planning & Environment, to Max Tant, Flood Risk Manager.

5. Conclusions

The Local Flood Risk Management Strategy is a requirement for Kent County Council which will help to improve the way flood risk management is coordinated in the county and improve the understanding of flood risk and who performs flood risk management roles for the public of Kent.

The Local Strategy sets objectives for the management of local flooding and an action plan for KCC and other agencies in Kent to deliver these objectives. Government funding for this new role will be used to deliver the action plan.

6. Recommendation

Recommendation:

That Cabinet agree to adopt the Local Flood Risk Management Strategy.

7. Background Documents

- **The Flood and Water Management Act:**
http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf
- **National Strategy for Flooding and Coastal Erosion Risk Management, Environment Agency:**
www.environmentagency.gov.uk/research/policy/130073.aspx
- **Draft Local Flood Risk Management Strategy for Kent; KCC, 2013**
- **Preliminary Flood Risk Assessment for Kent, KCC, 2011**

www.kent.gov.uk/flooding_pfra

8. Contact details

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