

REPORT TO CABINET

REPORT OF: Healthy Environment Portfolio Holder

REPORT NO: AFM0144

DATE: 26th March 2010

TITLE:	Lincolnshire Flood Risk & Drainage Management Framework	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Healthy Environment Portfolio Holder	
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INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: n/a
Equality and Diversity	n/a	n/a
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Flood and Water Management Bill http://services.parliament.uk/bills/2009-10/floodandwatermanagement/documents.html	

1. RECOMMENDATIONS

- 1.1 Cabinet is recommended to adopt the Lincolnshire Flood Risk and Drainage Management Framework on behalf of South Kesteven District Council, allowing for confirmation of details of representation on the partnership groupings by the framework Strategy Group.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 This report advises Cabinet of the development of a new partnership framework to provide improved co-ordination of flood risk management in Lincolnshire and to meet the requirements of the forthcoming Flood and Water Management Act.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

3.1 The Pitt Review, published in 2008, recommended significant changes to the way that flood risk is managed in England and Wales. Principally, it recommended greater clarity over responsibility and accountability for managing flood risk from all sources, stronger leadership, and better information for the public and for public bodies. The Government accepted all the conclusions of the Review, and is implementing key aspects through the Flood Risk Regulations 2009 and the Floods and Water Management Bill.

3.2 The Flood and Water Management Bill creates a new leadership and accountability framework for flood risk management, as well as providing new powers and responsibilities to Flood Risk Management Authorities, defined as

- The Environment Agency
- Lead Local Flood Authorities (County and Unitary Authorities)
- District Councils
- Internal Drainage Boards
- Water Companies

3.3 The Bill gives the Environment Agency responsibility for national overview and leadership on flood and coastal erosion risk management through a new national strategy. It also gives County and Unitary Councils the new role of Lead Local Flood Authority, with responsibility for leading co-ordination of local flood risk management, for establishing effective partnership arrangements, and for developing, applying and monitoring a strategy for local flood risk management. Local flood risk means

- Surface run-off
- Groundwater
- Ordinary watercourses

3.4 This lead role has partially been enacted already through the Flood Risk Regulations 2009, which make the Lead Local Flood Authority responsible for providing

- Preliminary flood risk assessments (building on existing district-level flood risk assessments) for local areas by June 2011 and nationally by December 2011
- Flood risk maps by 2013
- Flood risk management plans by 2015

3.5 The key implications of the Bill for flood risk management authorities are summarised in Appendix A. A fuller breakdown of these new roles, together with ongoing responsibilities that will remain the remit of these authorities, is provided in the table on pages 13-18 of Appendix B, the draft Flood Risk and Drainage Management Framework.

3.6 There are a number of provisions that will affect all flood risk management authorities. These include a duty to co-operate with each in providing a better

co-ordinated approach to flood risk management and a duty to have regard to, or act consistently with, the new national and local flood risk management strategies. It is a requirement that arrangements should be put into place for Local Authority scrutiny of flood risk management activity by all flood risk management authorities

- 3.7 Operationally, as Lead Local Flood Authority, Lincolnshire County Council will effectively become a drainage authority, taking on the Environment Agency's consenting and enforcement powers on ordinary watercourses outside Internal Drainage Board areas. This is a significant addition to existing activities, and includes responsibilities such as investigating flooding incidents and identifying their causes, maintaining a register of flood risk management assets, and formally designating features as assets.
- 3.8 The County Council will become a statutory consultee on all planning applications with flood risk implications, while the Bill also makes provision for the Lead Local Flood Authority to become the body that approves, adopts and maintains sustainable drainage systems – for which national design criteria are currently being prepared. As such, there are also clear implications for District Councils as planning authorities, with a key role in shaping delivery of local flood risk and drainage solutions through Local Development Frameworks
- 3.9 In Lincolnshire the County Council has worked closely with its partners to develop a partnership framework that will enable effective implementation of these new arrangements. Local Authority Leaders and Chief Executives have agreed that the framework should be developed in advance of the legislation, and it has been shaped through a succession of dialogues and workshops with all partner organisations. The process of development has recently been published on the IDeA website as an exemplar of national good practice.

<http://www.idea.gov.uk/idk/core/page.do?pagId=17242169>

- 3.10 The structure of the proposed framework is described in detail in Appendix B. In brief, the framework establishes a new strategic group to manage linkages between the Environment Agency's lead role and that of the Lead Local Flood Authority and its partners. An Operational Management group will undertake implementation of an integrated strategy for flood risk and drainage management across the county, while partnership delivery will be managed through Local Flood Risk and Drainage Management Groups. These will work to Local Development Framework boundaries, and will be a development of the existing district level local drainage groups.
- 3.11 Cabinet is asked to adopt the framework as the partnership approach to implementing improved flood risk management in Lincolnshire. Following adoption of the framework, the partnership groupings will be convened in order to drive a detailed implementation plan including delivery, resourcing and governance arrangements. It is anticipated that this will be completed by October 2010, when the first provisions from the Bill are likely to come into force. The Local Authority scrutiny function will be developed during this phase with the aim of being in place by the time the first provisions of the Flood and Water Management Act come into force.

CONCLUSION

3.12 The Lincolnshire flood risk and drainage management framework is recognised as national best practice by the LGA and IDeA. It has been developed through extensive consultation with officers and members from all flood risk management authorities within Lincolnshire. It provides a means for improving flood risk management in the county in general terms, as well as preparing in advance, specifically, for the provisions of the Flood and Water Management Bill. Cabinet is asked to adopt the framework on behalf of South Kesteven Council, allowing for confirmation of details of representation on the partnership groupings by the framework Strategy Group.

CONSULTATION

3.13 Consultation has been undertaken informally and in workshop sessions led by Lincolnshire County Council with the following:

Local Authority Leaders and Chief Executives
District Councils – nominated lead officers, portfolio holders
County and District members through individual and group briefings and workshops
Environment Agency
Anglian Water
Severn Trent Water
All Internal Drainage Boards within Lincolnshire and Lincolnshire Branch of the Association of Drainage Authorities

4. OTHER OPTIONS CONSIDERED

4.1 Not to adopt the Flood Risk and Drainage Management Framework

5. RESOURCE IMPLICATIONS

5.1 There are no direct material financial consequences from adoption of this Drainage Management Framework. It is likely that financial consequences will arise in implementing the Framework.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 There is likely to be an issue regarding potential lack of funding available from Central Government to support the work required to deliver the framework.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None are specifically identified

8. CRIME AND DISORDER IMPLICATIONS

8.1 None are specifically identified

9. COMMENTS OF SECTION 151 OFFICER

The framework that is appended to the report identifies roles and responsibilities each Authority will be undertaking but does not specify any direct financial resources that may be necessary. Therefore I have no specific financial comments to make but members should be made aware that there may potentially be financial implications for the Authority arising from the forthcoming Flood and Water Management Act.

10. COMMENTS OF MONITORING OFFICER

To be reported at the meeting.

12. APPENDICES

12.1 These are listed below and attached at the back of the report.

- APPENDIX A - Summary of key provisions in Flood and Water Management Bill
- APPENDIX B - Draft Lincolnshire Flood and Water Management Framework