Subject: Local Strategy for Flood Risk Management in the Black Country (Key Decision Ref. No. HE040)

Presenting Cabinet Member: Highways and Environment

1. **Summary Statement**

1.1 The purpose of this report is to consider and approve the Local Strategy for Flood Risk Management (LSFRM) in the Black Country.

1.2 The Flood and Water Management Act 2010 (FWMA 2010) places a duty on the council, as the Lead Local Flood Authority, to co-ordinate local flood risk management and work with other risk management authorities such as the Environment Agency and Severn Trent Water plc to develop, maintain, apply and monitor the implementation of a Local Flood Risk Management Strategy to reduce, where possible, the likelihood of flooding.

1.3 Local Strategies for Flood Risk Management are public high level strategic documents which provide an overview of local flood risk, clarify who is responsible for managing risk and set out objectives, measures and an action plan for how the Lead Local Flood Authority will manage flood risk associated with surface water, groundwater and ordinary water courses.

1.4 The Act placed no deadline for producing local strategies but with an expectation that they would be completed and published in a reasonable period of time. The Department for Environment, Flood and Rural Affairs (DEFRA) has now stated they would like all strategies published by April 2016.

1.5 On 10 September 2014, the Cabinet approved the proposals of the Association of Black Country Authorities in relation to joint working arrangements between Dudley, Walsall, and Sandwell Metropolitan Borough Council's and the City of Wolverhampton Council, in respect of flood risk management functions.
1.6 Under these joint working arrangements, a Local Strategy for Flood Risk Management in the Black Country was prepared.

1.7 On 14 October 2015, Cabinet approved the Local Strategy for Flood Risk Management in the Black Country as a basis for consultation with the public, other flood risk management authorities and others with an interest.

1.8 The Local Strategy for Flood Risk Management in the Black Country (appended) includes the vision:

‘Flood risk will be managed so as to reduce risk to all across the Black Country’

1.9 This vision is supported by six objectives:

- Understanding and communicating flood risk in the Black Country
- Managing the likelihood and impacts of flooding
- Helping the Black Country citizens to manage their own risk
- Ensuring appropriate development in the Black Country
- Improve flood prediction, warning and post flood recovery
- Work in partnership with others to deliver the local strategy

An action plan sets out tasks to achieve these objectives. The LSFRM is a living document and will be subject to periodic review with key amendments and issues reported to Cabinet.

1.10 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.

1.11 Public consultation took place in the six week period 9 November to 17 December 2015.

1.12 On 9 December 2015 a report on the consultation on the Local Strategy for Flood risk management was presented to the Community Safety, Highways & Environment Scrutiny Board.

1.13 Responses were received from 10 members of the public together with the key risk management partners the Environment Agency, Severn Trent Water plc and Highways England. The responses were supportive in the approach proposed.
1.14 An equality impact assessment has not been undertaken as the LSFRM in the Black Country is not believed to impact significantly against the protected characteristics.

Further details are attached for your information

2. Recommendations

2.1 That the Local Strategy for Flood Risk Management in the Black Country be approved.

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3. Strategic Resource Implications

3.1 The council’s contribution towards the cost of preparing the Local Strategy for Flood Risk Management in the Black Country is £8,500 and is funded from the target revenue budget for Flood Protection managed by Highway Services.

3.2 The Corporate Risk Management Strategy has been complied with – to identify and assess the significant risks associated with this decision. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks. Based on the information provided, it is the officers’ opinion that for the significant risks that have been identified, arrangements are in place to manage and mitigate these effectively. This assessment has identified there are no current “red” risks that need to be reported.
4. **Legal and Statutory Implications**

4.1 Sandwell Metropolitan Borough Council has been given new responsibilities as the Lead Local flood Authority (LLFA). Part of the Council’s responsibilities includes developing a local flood risk management strategy.

4.2 Section 9 (1) 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 Local Flood Risk Management Strategy in its area in respect of surface run off, groundwater and ordinary watercourses.

4.3 Section 9 of the FWMA 2010 states that the strategy must include:

- The risk management authorities in the authority’s 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;
- The measures proposed to achieve 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 for the purposes of the strategy;
- How and when the strategy is to be reviewed; and
- How the strategy contributes to wider environmental objectives

The strategy must be consistent with the national flood and coastal erosion risk management strategy for England prepared by the Environment agency.

4.4 The FWMA 2010 places a duty on the council as LLFA to consult both the public and other risk management authorities about its local flood risk management strategy and this was undertaken in the period 9 November to 17 December 2015.

4.5 The FWMA 2010 places a duty on the council to publish a summary of its local flood risk management strategy and must have regard to any guidance issued by the Secretary of State on local flood risk management strategy.

5. **Implications for the Council's Scorecard Priorities**

5.1 Management of the risk of flooding supports environmental outcomes of the Sandwell Scorecard.
6. **Background Details**

6.1 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.

6.2 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).

6.3 The Council is now a Lead Local Flood Authority (LLFA) and has powers and 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.

Source Documents:

Flood and Water Management Act 2010

Local Strategy for Flood risk Management in the Black Country February 2016 (attached)