

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member – Environment and Transport
Date:	7 June 2011
Title:	Preliminary Flood Risk Assessment
Reference:	2923
Report From:	Director of Economy, Transport and Environment

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1. Executive Summary

- 1.1. This report introduces the Preliminary Flood Risk Assessment (PFRA) prior to its submission to the Environment Agency at the end of June 2011. It sets out the assessment's complex policy and legislative context before outlining its purpose and content. Ultimately, the PFRA is being carried out to help satisfy the requirements of the EU Floods Directive, by the terms of the Directive the PFRA will need to be updated in six years' time.
- 1.2. The Department for Environment, Food and Rural Affairs (Defra) awarded the County Council £20,000 to complete the assessment work. This was part a £2million national fund which has been allocated between all Lead Local Flood Authorities (LLFA's) with each getting between £10,000 and £30,000 depending on the level of risk and any previous funding received for the development of surface water management plans (SWMP's).
- 1.3. This report takes into account the recommendations from the Environment and Transportation Select Committee, which sat on 12th May 2011 to consider the PFRA for scrutiny purposes.

2. Contextual Information

2.1. The Flood Risk Regulations and the Flood and Water Management Act

- 2.1.1 Severe flooding in recent years, both in the United Kingdom and on mainland Europe, has prompted political action at a variety of levels. The result is a somewhat confused legislative context in which several different but linked policy drivers are having an impact on the work of local government. Although the workstreams are different and aligned to varying timescales, the end result is hoped to be a coherent set of measures taken by local authorities to manage flood risk.

2.1.2 Chronologically, the four Surface Water Management Plans (SWMPs) currently being prepared by the County Council and its partners were the first elements of this flood risk management work to be commenced in 2009. They were commissioned and funded by the Department for Environment, Food and Rural Affairs (Defra) in April of last year. Since then, the more substantial elements of the Flood Risk Regulations 2009 (which transpose the EU Floods Directive into UK Law) have been undertaken. The Council has accordingly completed the PFRA which is a requirement of the Regulations, and this is detailed below. Finally, the Flood and Water Management Act was passed in April 2010 and the majority of the new responsibilities it imposes upon upper tier local authorities have been enabled in phases, phase one in October of last year and phase two in April this year. Further responsibilities are expected to be enabled over the next 12 months.

2.1.3 Under the Flood and Water Management Act the Council is now obliged to:

- a) Co-ordinate local activity on flood risk as “Lead Local Flood Authority” (LLFA).
- b) Establish a register and record of features affecting flood risk.
- c) Designate third party features affecting flood risk, following strict legal procedures to ensure they are not modified and enforcing this if necessary; the Council also assumes maintenance responsibility for these features and must record them as land charges.
- d) Investigate flooding events as the council considers appropriate.
- e) Develop a Local Flood Risk Management Strategy for Hampshire. The PFRA is an important early part of this process.

2.1.4 Next year the County Council is expected to assume the role of “SuDS Approval Body” or SAB, which will mean running an approval system for sustainable drainage proposed for new development in parallel with the planning approval system. The County Council will be expected to inspect, approve and enforce such systems, and ultimately adopt and maintain them too.

2.2 Surface Water Management Plans

2.2.1 One of the key recommendations of the Pitt Review was that SWMPs should provide the basis for managing local flood risk. Defra defines surface water management planning as a process through which key local partners with responsibility for surface water and drainage work together to understand the causes of surface water flooding, and then agree the most cost effective way of managing the flood risk. SWMPs ultimately outline a preferred management strategy for a given area as well as who will do what to better manage identified risks.

2.2.2 Before the Regulations of the Act had come into force, Defra commissioned Hampshire County Council to undertake four SWMPs which were chosen based upon the priority flood risk areas indicated by data available from Defra at that time. Consequently, the SWMPs are currently being prepared for:

- Basingstoke and Deane;
- Rushmoor;
- The Chalk Catchment (which, generally speaking, covers central Hampshire); and
- Eastleigh.

2.2.3 SWMP project groups have been set up, led by Hampshire County Council in partnership with the districts, the water companies and the Environment Agency. Government funding for these projects is ring fenced. However, further SWMPs may be carried out depending upon the availability of resources and the need identified in part by the PFRA process.

2.3 The Preliminary Flood Risk Assessment

2.3.1 Hampshire County Council is producing the PFRA in order to meet a requirement of the Flood Risk Regulations 2009 which transpose the EU Floods Directive 2007 into UK law. The PFRA is also important in laying the foundations for the Local Flood Risk Management Strategy, which the County Council is required to develop under the Flood and Water Management Act 2010.

2.3.2 Under the Flood Risk Regulations/EU Directive the PFRA has one key function, which is to use local data and local expertise to check, and if necessary challenge, conclusions drawn by the Environment Agency with regard to the local area: namely, whether any parts of the County should be designated as high flood risk areas under national criteria and submitted as such to the EU, prior to further mapping and planning under the Regulations and Directive.

2.3.3 However, the PFRA also has a second function independent of the EU requirements, namely to provide an early evidence base on flood risk, ultimately to inform the Local Flood Risk Management Strategy required under the Flood and Water Management Act.

2.3.4 To fulfil its own obligations under the Flood Risk Regulations, the Environment Agency developed a Flood Map for Surface Water to identify areas that could be at risk of flooding to a depth in excess of 300millimetres. The UK was then covered with 1kilometre grid squares, and a count of all properties and any critical infrastructure at risk within

each square was carried out. Any square considered to be at risk of “significant harmful consequences” as a result of a 1 in 200 year event was marked. Significant harmful consequences was defined as being a threat to 200 people or more, 20 businesses or more, or 1 or more critical services.

2.3.5 Where five or more squares at risk of significant harmful consequences were touching within adjacent 3x3kilometre grids, they were combined and identified as “clusters”. Clusters are areas subject to significant flood risk. However, only the clusters at most risk would be rated above the threshold to be submitted to the European Union. The criteria for this were, in a 1 in 200 year event, risk to:

Number of People	30,000
Critical Services (including schools, hospitals, nursing homes, power and water stations)	150

2.3.6 Using these criteria, the Environment Agency has determined that there are no parts of Hampshire that can be classified as being nationally significant flood risk areas. Through the PFRA process, consultation with local expertise in the County Council, district councils, water companies and the scrutiny of existing data sets has not produced any evidence to challenge this. As a result, the 10 areas provisionally identified for submission to the EU for the next stages of the Directive/Regulations (i.e. further mapping and flood risk planning) will not include any locations in Hampshire.

2.3.7 This does not mean that flood risk management plans will not be produced for Hampshire. Using the Environment Agency data that established the indicative areas, supplemented by local information, the PFRA report identifies and prioritises the key flood risk areas of the county. These were classified as flood risk “clusters” under the Environment Agency’s method. The County Council has identified the need to analyse these areas further and where necessary this will be carried out through additional SWMPs, as far as resources allow. In some cases other, more appropriate, methods of analysis will be used. This will not preclude the investigation of flood events or areas known to be at a high risk of flooding that were not identified through the PFRA process.

2.3.8 The Local Flood Risk Management Strategy for Hampshire, which the County Council will prepare as Lead Local Flood Authority under the Act, will incorporate any flood risk management measures identified as necessary by this process.

3. Funding and Performance

- 3.1. Defra awarded the County Council £20,000 to complete the PFRA. This was part of a £2million national funding stream which was allocated across all Lead Local Flood Authorities (LLFA's) with each getting between £10,000 and £30,000 depending on the level of risk and any previous funding received for the development of surface water management plans (SWMP's). Some of the data collection work had already been completed as a consequence of the SWMP process, making the PFRA much less onerous.
- 3.2. Because of the economic climate and lack of funding, the County Council and its partners will face considerable difficulties when trying to act upon the findings of the PFRA. Undertaking further analysis on identified flood risk areas, developing SWMPs, preparing a local strategy and, above all, acting on the measures identified in the strategy all have significant cost implications.
- 3.3. Last year the Government identified a sum of £50million to be spent on the new responsibilities assumed by lead local flood authorities. This subsequently fell to £36million. A share of around £800,000 was identified for Hampshire County Council. However, despite the fact that almost all of the new duties have now been enabled, the County Council will receive only around £200,000 this year and £500,000 next year. Moreover, this will be paid on a monthly basis.
- 3.4. Start-up costs for many of the new duties, which are now enabled, will absorb much of these available funds, seriously compromising the Council's capacity to progress the work that should follow the PFRA. Moreover, there is serious concern about the Government's plans to enable the new SuDS Approval responsibility in April 2012, given the significant start-up and delivery costs, particularly in association with maintenance – for which the Government has yet to develop a satisfactory funding mechanism.
- 3.5. The Government has recently changed the Flood Defence Grant in Aid (FDGiA) mechanism, which is seen as the key funding source for any schemes identified in the new local strategies. The Environment Agency will determine how FDGiA funds are distributed to the various proposed schemes, with new instructions to part fund as many schemes as possible, but not wholly fund any. The principle will be for local sources of funding to match the grant from Central Government. This is an untested system, and the availability of local sources of funding is extremely doubtful. There is therefore a risk that an expensive flood risk assessment process followed by planning and the development of a strategy may ultimately identify priority schemes which cannot be delivered.

4. Recommendation

- 4.1 That the Preliminary Flood Risk Assessment be approved for submission to the Environment Agency to meet the County Council's legal obligations under the Flood Risk Regulations 2009.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	Yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	Yes
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
<p>"The Flood and Water Management Act, 2010" : considered by Cabinet in November the same year.</p> <p>http://www3.hants.gov.uk/councilmeetings/advsearhmeetings/meetingsitemsummary.htm?pref=Y&tab=1&item_ID=2280&cancel=n</p>		November 2010
Direct links to specific legislation or Government Directives		
The EU Floods Directive 2007 http://ec.europa.eu/environment/water/flood_risk/index.htm		2007
The Flood Risk Regulations 2009 http://www.legislation.gov.uk/uksi/2009/3042/contents/made		2009
The Flood and Water Management Act 2010 http://www.legislation.gov.uk/ukpga/2010/29/contents		2010

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Preliminary Flood Risk Assessment	Highways West - Totton

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. This is only a very early stage in the development of Hampshire's local flood risk management strategy. However, the document will provide an important evidence base for future decision making. The County Council has consulted widely in the preparation of this document, and worked closely with the district and borough councils. Future decision making will be done in partnership with key stakeholders via the Strategic Flood and Water Management Group and it is hoped that this will ensure an equitable approach.

2. Impact on Crime and Disorder:

- 2.1. Significant flood events can to varying degrees result in the breakdown of law and order. Flood risk management can be critical in foreseeing and preventing such occurrences, and this document will help foster such preventative measures.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

Potential impacts are as follows:

- The eventual work undertaken as a result of this document should reduce the energy used and carbon emitted in responding to flood events and cleaning/treating water;
- More coordinated activity following this document may result in carbon and energy efficiencies;
- But practical actions taken as a result of the development of plans and the strategy that will follow this document are likely to require energy and carbon emissions. These may be offset by savings outlined above, but this is unclear at present.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The PFRA forms part of the Council's response to the Flood Risk Regulations and the Flood and Water Management Act, which seek to promote flood risk management. Such flood risk management constitutes both a response to past weather events that may reflect a changing climate, as well as preparation for a long term future of altered weather patterns and their effects upon water systems as a result of climate change. The flood risk management activity that will arise from this report will help Hampshire prepare for future threats and harness future opportunities that follow a

changing climate, above all protecting the interests of our communities in this context.