

MAYOR AND CABINET		
Report Title	Draft Local Flood Risk Management Strategy – Approval for Public Consultation	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director for Resources and Regeneration	
Class	Part 1	Date: 14 January 2015

1. Summary

- 1.1 This report provides information to the Mayor and Cabinet about the Council's draft Local Flood Risk Management Strategy and seeks approval to undertake statutory public consultation on the strategy.
- 1.2 The report provides the background and context to the Council's statutory obligations under the Flood and Water Management Act 2010 - as a Lead Local Flood Authority - to develop, maintain, apply and monitor a strategy for local flood risk management in its area.
- 1.3 It sets out the consultation plan for the draft strategy and it is intended that following an analysis of the consultation and an equalities analysis assessment, the strategy will be finalised for Mayor and Cabinet to approve its publication.

2. Recommendations

- 2.1 It is recommended that the Mayor
 - Agree the draft Local Flood Risk Management Strategy for public consultation.
 - delegate power to the Director of Resources and Regeneration to make any minor changes to the text and format of the draft documents prior to those documents going to public consultation.

3. Policy context

- 3.1 *Shaping our future*, Lewisham's Sustainable Community Strategy for 2008-2020, sets out a vision for Lewisham;-
'Together, we will make Lewisham the best place in London to live, work and learn.'

Shaping our future includes the priority outcome:-

Empowered and responsible – where people can be actively involved in their local area and contribute to supportive communities.

3.2 In addition, the Council has ten corporate priorities which support delivery of the Sustainable Community Strategy. The alleviation of flood risk for residents and businesses, together with the multi-agency work to prepare for, and cope with extreme weather events contributes to the achievement of three of the Council's corporate priorities:-

- **Community leadership and empowerment** – develop opportunities for the active participation and engagement of people in the life of the community.
- **Clean, green and liveable** – environmental management, cleanliness and care for roads, pavements and a sustainable environment.
- **Inspiring efficiency, effectiveness and equity** – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

3.3 Lewisham's local flood risk management objectives have been developed to align with the Council's wider strategic priorities along with the Core Strategy objectives and recently updated Strategic Flood Risk Assessment. They are set out below.

Locally we will:

- **avoid** inappropriate development and **promote** new-development and re-development that **contributes** to a reduction in flood risk elsewhere and creates environmental benefit (e.g. sustainable urban drainage systems, reduced CO2, increased biodiversity)
- work with partners to **ensure** local flood defences are maintained
- **require** river restoration, appropriate flood defence and mitigation as part of development proposals, where appropriate
- **encourage** flood risk management activities so owners of watercourses (riparian owners) and flood defence structures take action to reduce the risk to themselves, their property, and others
- continue to **improve** our understanding of flood risk and flood incidents by recording and monitoring flooding incidents to inform future work programmes
- **provide** open, transparent governance of flood risk management
- **engage** with and support local communities to value and care for the green infrastructure used to manage flood risk
- **deliver** outcomes that make best use of public resources and available sources of funding.

4. Background

- 4.1 Following the severe floods of 2007, the Government commissioned Sir Michael Pitt to undertake a review of all the issues and actions associated with this extreme weather event. His report in December 2008 produced 92 recommendations, 15 of which the Government acted on immediately.
- 4.2 Sir Michael Pitt's review stated that "the role of local authorities should be enhanced so that they take on responsibility for leading the co-ordination of flood risk management in their areas". The Department for Environment, Food and Rural Affairs (Defra) followed up on the report and the first draft of the Flood and Water Bill was produced. This was widely consulted on and many issues were raised about how the proposals could be financed. Part of the concept of the Bill was that lead local flood authorities (LLFAs) would be set up to co-ordinate all local flood related activities.
- 4.3 Part of the Flood and Water Management Act 2010 (the Act) commenced on 1 October 2010, following its Royal Assent in April 2010.
- 4.4 The Act defines the Lead Local Flood Authority for an area as the unitary authority or the county council. This is to avoid any delay or confusion about who is responsible, but in no way prevents partnership arrangements to make full use of all capabilities and experience locally. The Act enables lead local authorities to delegate flood or coastal erosion functions to another risk management authority by agreement.

5. Local partnerships

- 5.1 The Pitt Review recommended that the lead local flood authority should bring together all relevant bodies to help manage local flood risk. The important roles played by district councils, internal drainage boards, highways authorities and water companies are also recognised in the Act and these bodies, together with the Environment Agency, are identified as risk management authorities.
- 5.2 The Act enables effective partnerships to be formed between the lead local flood authority and the other relevant authorities who retain their existing powers (with some enhancement), but it does not say what any local arrangements should look like. It requires the relevant authorities to co-operate with each other in exercising functions under the Act and they can delegate to each other. It also empowers a lead local flood authority or the Environment Agency to require information from others.
- 5.3 As an LLFA, it is Lewisham's role to forge effective partnerships with adjacent LLFAs and the Environment Agency as well as other key stakeholders – Thames Water, Network Rail and Transport for London.

- 5.4 The London Borough of Lewisham is working as part of the South East London Flood Risk Management Group (SELFRMG) to manage local flood risk and fulfil our duties and responsibilities under the Flood Risk Regulations 2009 (FRRs) and the Flood and Water Management Act 2010.
- 5.5 The South East London Flood Risk Management Group (SELFRMG) is made up of the four south east London boroughs:
- London Borough of Bexley
 - London Borough of Bromley
 - Royal Borough of Greenwich
 - London Borough of Lewisham
- 5.6 The SELFRMG was formed as part of the Greater London Authority Drain London Programme in 2010 to work together to produce Surface Water Management Plans (SWMP) and Preliminary Flood Risk Assessments (PFRA), the latter was a requirement of the Act. It was agreed that the Group be formalised and membership extended to other risk management authorities to form the South East London Partnership (SELP). The SELP meets every quarter and is made up of the following:
- SELP representative of the Thames Regional Flood & Coastal Committee
 - SELP representative of the Southern Regional Flood & Coastal Committee
 - Lead councillors from each borough
 - Council officers from each borough
 - Environment Agency
 - Thames Water

6. The requirement to develop a local strategy

- 6.1 The Environment Agency has developed and published a national strategy for the management of coastal erosion and all sources of flood risk for England. The National Strategy was consulted on publicly, approved by the Secretary of State and laid before Parliament prior to its publication (July 2011).
- 6.2 The Act also requires a lead local flood authority to develop, maintain, apply and monitor a strategy for local flood risk management in its area. The lead local flood authority will be responsible for ensuring the strategy is put in place but the local partners can agree how to develop it in the way that suits them best. The Act sets out the minimum that a local strategy must contain, and the lead local flood authority is required to consult on the strategy with risk management authorities and the public. The Local Government Association (LGA) in

association with local authority representatives, the Environment Agency and Defra published a Preliminary Framework for local strategies to help local authorities develop their local flood risk management strategy in a consistent manner.

- 6.3 The Act requires local flood risk management strategies to be consistent with the National Strategy – in particular the guiding principles for managing flood and coastal erosion risk. The local strategies build on information such as national risk assessments and use consistent risk based approaches across different local authority areas and catchments. The local strategy will not be secondary to the national strategy; rather it will have distinct objectives to manage local flood risks important to local communities.
- 6.4 Local flood risk includes surface runoff, groundwater, and ordinary watercourses (including lakes and ponds). Local authorities need to consider the full range of measures consistent with a risk management approach in developing their local flood risk strategy. Resilience and other approaches which minimise the impact of flooding are expected to be a key aspect of the measures proposed.
- 6.5 The local Flood Risk Management Strategy must be produced in consultation with risk management authorities that may be affected by the strategy (i.e. the Environment Agency, Transport for London and Thames Water) as well as the public. The LLFA will be responsible for ensuring the strategy is put in place but local partners can agree how to develop it in a way that best suits them. The strategy must set out:
- who the risk management authorities are in the area
 - what FCRM functions may be exercised by these authorities
 - the objectives for managing local flood risk
 - 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 and
 - how the strategy contributes to the achievement of wider environmental objectives.
- 6.6 To manage flood risk Lewisham will:
- Work in partnership with other Risk Management Authorities (RMAs) for example, the Environment Agency, Transport for London, Thames Water and Network Rail
 - Prepare a South East London group-wide Local Flood Risk Management Strategy (LFRMS) with those authorities mentioned in paragraph 5.5

- Prepare a specific Local Flood Risk Management Strategy for the London Borough of Lewisham with a six year action plan to be reviewed annually

- 6.7 The Local Flood Risk Management Strategy, in combination with the National Flood and Coastal Erosion Management Strategy, will encourage more effective risk management by enabling people, communities, business and the public sector to work together to:
- ensure a clear understanding of the risks of flooding and erosion, nationally and locally, so that investment in risk management can be prioritised more effectively
 - set out clear plans for risk management so that communities and businesses can make informed decisions about the management of the residual risk
 - encourage innovative management of flood and coastal erosion risks, taking account of the needs of communities, businesses, and the environment
 - form links between the Local Flood Risk Management Strategy and local spatial planning
 - ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings
 - help communities to recover more quickly and effectively after incidents.

7. Lewisham's local flood risk management strategy

- 7.1 The South East London Flood Risk Management Group is developing an overarching group-wide LFRMS to present the Group's common aims and objectives, their shared approach to flood risk management and their commitment to partnership working. Lewisham is also developing a borough level strategy which specifies Lewisham specific objectives and concerns with a borough specific six year action plan.
- 7.2 As well as being consistent with the Environment Agency's National Strategy, the local strategy is linked to a range of regional and local plans and studies:
- Lewisham's Core Strategy, Local Plans and Strategic Flood Risk Assessment (National Planning Policy Framework)
 - Lewisham's River Corridors Improvement Plan (Supplementary Planning Document – in development)
 - Lewisham's Preliminary Flood Risk Assessment (Flood Risk Regulations 2009)
 - Lewisham's Surface Water Management Plan (Pitt Review)
 - Multi Agency Flood Plan (Civil Contingencies Act 2004)
 - Thames River Basin Management Plan (EU Water Framework Directive 2000)

- Thames and North Kent Rivers Catchment Flood Management Plans (Catchment Framework Management Plans Guidance)
- River Ravensbourne Catchment Improvement Plan (in development)

7.3 The local strategy will form the framework within which communities should have a greater say in local risk management decisions, and are supported in becoming better informed about flood risk issues generally.

7.4 A range of internal stakeholders have been involved in the development of the local strategy including officers from Planning; Emergency Planning; Regeneration Programme Management; Asset Management; Highways; Sustainable Resources; Parks & Open Spaces and Ecological Regeneration.

8. Consultation

8.1 It is a statutory requirement that the LLFA develop the local strategy in consultation with flood risk management authorities and the public and from a practical standpoint there are substantial benefits in ensuring local communities acquire a better understanding of local risk management, co-ordinated planning and sustainability. It will also emphasise the need to balance national and local activities and funding.

8.2 It is intended to consult a range of strategic stakeholders e.g. Thames Water, TfL, Network Rail, neighbouring boroughs that are not part of the Group; the Environment Agency, Natural England etc. as well as local residents, amenity groups, businesses, developers and environmental/conservation groups.

8.3 A full consultation plan will be developed to support the process. It is also intended to consult on the River Corridors Improvement Plan, a supplementary planning document in early 2015 and an integrated approach will support both consultation processes due to the inter-dependencies between both documents.

9. Financial implications

9.1 There are no specific financial implications arising from this report. A budget of £118k for flood management is currently held within the Regeneration & Asset Management Division. Any necessary expenditure arising as a result of implementing the strategy, once finalised, will be contained within this sum or otherwise subject to the approval of the Executive Director for Resources and Regeneration or Mayor and Cabinet.

10. Legal implications

- 10.1 The Council is a Lead Local Flood Authority and Risk Management Authority under the Flood and Water Management Act 2010, 'the Act'. As a lead Local Flood Authority (LLFA) it must develop, maintain, apply and monitor a strategy for local flood risk management in its area called a local flood risk management strategy (LFRMS). The strategy must specify:
- the risk managements authorities in the area
 - the objectives for managing local fold risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Management Plan, prepared in accordance with the Flood Risk Regulations 2009).
 - 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, and
 - how the strategy contributes to the achievement of wider environmental objectives
- 10.2 This strategy must be in compliance with National Flood and Coastal Erosion Management Strategy published by the Environmental Agency. The LLFA must consult on its LFRMS with the risk management authorities that may be affected by the strategy and the public. (section 9 (9) of the Act). A risk management authority in this context is the Environment Agency, a lead local flood Authority, internal drainage authority, a water company and highways authority.
- 10.3 The Equality Act 2010 introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 10.5 The duty continues to be a 'have regard duty', and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to

eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 10.6 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 10.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 10.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Crime and disorder implications

- 11.1 No specific implications have been identified.

11. Equalities implications

- 12.1 The Equality Act 2010 became law in October 2010. This Act aims to streamline all previous anti-discrimination laws within a Single Act. The

new public sector Equality Duty, which is part of the Equality Act 2010, came into effect on the 5 April 2011.

- 12.2 *Shaping our future*, Lewisham's Sustainable Community Strategy for 2008- 2020, sets out a vision for Lewisham;-

“Together we will make Lewisham the best place in London to live work and learn.”

This is underpinned by hard-edged principles for:

reducing inequality – narrowing the gap in outcomes for citizens

delivering together efficiently, effectively and equitably - ensuring that all citizens have appropriate access to and choice of high quality local services

- 12.3 Lewisham's Comprehensive Equalities Scheme (CES) 2012-16 describes the Council's commitment to equality for citizens, service users and employees. The CES is underpinned by a set of high level strategic objectives which incorporate the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

The Council equality objectives through the CES include:

To improve access to services

Take reasonable steps to ensure that services are inclusive; responsive to risk; physically accessible and provided through the most efficient and effective channels available.

To increase understanding and mutual respect between communities

Take reasonable steps to build stronger communities and promote good relations - both within and between communities.

To increase participation and engagement

Take reasonable steps to remove barriers that may exist to engagement and help residents (especially those who are under-represented) to participate in local decision making and influence local decisions.

- 12.4 The local strategy will include as an appendix, a research study on 'Social Vulnerability to the impacts of Climate Change' in Lewisham.

- 12.5 A full equalities analysis assessment (EAA) will be undertaken to inform the final version of the strategy once the results of stakeholder and public consultation have been evaluated.

13. Environmental implications

13.1 Reducing, mitigating and effectively managing flood risk in the Borough will contribute significantly to our multi-agency approach to climate change adaptation, given projections of increased severe weather events.

Accompanying papers

- Lewisham's Local Flood Risk Management Strategy (draft); Appendices (draft) and maps

For further information about this report, please contact Rob Holmans, Director of Regeneration & Asset Management, 5th floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 7908.