

North Somerset Council Decision

DECISION OF: COUNCILLOR MIKE SOLOMON. THE EXECUTIVE MEMBER FOR NEIGHBOURHOODS AND COMMUNITY SERVICES

WITH ADVICE FROM: ASSISTANT DIRECTOR NEIGHBOURHOODS AND TRANSPORT (PLACE DIRECTORATE)



Decision No: 22/23 DP 181

Subject: Flood Risk Management Plans Cycle 2

Key Decision: Yes

Reason:

The decision is less than £500,000 and is not significant in terms of its effects on communities living in two or more wards.

Background:

This is a decision to adopt the Flood Risk Management Plans cycle 2 which is a national initiative covering flood risk policies in England. The decision to take part in the process was made in May 2021 (Decision Notice No. 20/21 DP 75). The Flood Risk Management Plan guides and informs the existing and future objectives and actions in North Somerset Council's Local Flood Risk Management Strategy. Flood Risk Management Plans set out business as usual work undertaken by the Environment Agency and Lead Local Flood Authorities (LLFA).

They have been developed with the Association of Directors of Environment Economy Planning and Transport (ADEPT) Flood and Water Group who represent LLFAs. The measures have been split into the four categories of prevention, protection, preparedness and recovery and review to align with the 2009 Flood Risk Regulations.

They have been written in a specific measurable achievable realistic and timebound (SMART) format so that they are consistent with other measures in flood risk management plans. These link to existing legal powers and duties as set out in the Flood and Water Management Act (2010) and other relevant policy, legislation and guidance. Hence, they should not place any undue burden on LLFA

Decision:

This decision follows on from Decision No. 20/21 DP 75 (May 2021) and approves the adoption of the plan and the measures contained in the Flood Risk Management Plans cycle 2 and accepts the four principles of these plans as laid out in Appendix A; and the specific North Somerset Council measures described in Appendix B, these measures are already being implemented and therefore the scope of the work completed by the LLFA has not changed.

Reasons:

By adopting the plan, it will allow North Somerset Council, as the LLFA, to fulfil its responsibilities under the Flood Risk Regulations 2009. Furthermore, the Environment Agency in delivering the plan and leading on the public consultation, which was concluded in December 2021, and publishing the outcomes on the www.gov.uk website.

Options Considered:

If the Council does not adopt the FRMP cycle 2 then we would be required to produce our own FRMP and align it with the national plans and standards as set out by the Environment Agency. This process of producing our own plan would take longer than the allowed timescales in the Flood Regulations 2009 for producing a plan and therefore we would not meet the required steps in the regulations.

Financial Implications:

None. The plan is being funded by the Environment Agency

Costs:

None

Funding:

Schemes that develop from the management plan will undergo specific financial analysis and will not be able to proceed without sufficient funds. Flood risk projects may be eligible for Local Levy funding and Partnership Funding via the Environment Agency

Legal Powers and Implications:

There will be no alterations to the existing permissive powers as set out by the Flood Water Management Act 2010

Climate Change and Environmental Implications:

Climate Change policies and actions are covered in the plan e.g. Prevention policies 2 and 3 in Appendices A and B

Consultation:

The Environment Agency managed the consultation which ran from December 2021 for 12 weeks. It was held on Citizen space (same as national strategy) and we were able to signpost to this locally. Response analysis was published within 3 months of the consultation ending. The final version will be stored online (GOV.UK) and the measures will be able to be viewed using the Flood Plan Explorer which is an online mapping tool used to display the measures spatially.

The consultation response was poor for the FRMPs as a whole and for the Severn River Basin District:

- 8 responses from local environment management organisations
- 10 responses from local government
- 2 responses from national organisations
- 4 responses from individuals
- 4 responses from utility organisations

This is consistent with other national flood risk consultations where consultation responses outside of other flood risk management authorities is often poor.

The main themes from the Severn FRMP responses included:

- the implementation of nature-based solutions, especially those that provide multiple benefits was welcomed
- there was appreciation for existing partnerships and engagement which also help data sharing
- resources and funding were highlighted as potential constraints for the implementation of the plans

Risk Management:

If the LLFA does not endorse the national FRMP then the LLFA will be required to resource and produce its own version of the plan. This has resource issues for the Flood Risk team and would duplicate the work already carried out by the Environment Agency on behalf of the LLFA.

Equality Implications:

Have you undertaken an Equality Impact Assessment? No. The plan will be assessed using the Environment Agency set standards at a national scale

Corporate Implications:

Reducing flood risk is an important issue for communities and is a key consideration for development and the Local Plan.

Appendices:

Appendix A – Flood Risk Management Plans – the four categories Appendix B – Flood Risk Management Plan actions to be deployed in North Somerset

Background Papers:

North Somerset Council's Local Flood Risk Management Strategy

<https://www.n-somerset.gov.uk/sites/default/files/2020-02/local%20flood%20risk%20management%20strategy.pdf>

Flood and Water Management Act (2010)

<https://www.legislation.gov.uk/ukpga/2010/29/notes/2009>

Flood Risk Regulations


<https://www.legislation.gov.uk/uksi/2009/3042/contents/made>

Flood Risk Management Plan consultation responses

<https://www.gov.uk/government/consultations/draft-flood-risk-management-plans-frmps-2021-to-2027/outcome/flood-risk-management-plans-frmps-consultation-summary-of-response#severn>

Signatories:

Decision Maker(s):

Signed:  The Executive Member for Neighbourhoods and
Community Services

Date: 1 September 2022

With Advice From:

Signed:  Assistant Director Neighbourhoods and Transport

Date: 1 September 2022

Appendix A

Flood Risk Management Plans – the four categories

Prevention

1. Between 2021 and 2027, lead local flood authorities will maintain, keep under review, apply and monitor a local flood risk management strategy in their area to prioritise local flood management approaches.

Note: covers local flood risk management strategies

2. Between 2021 and 2027, lead local flood authorities will implement relevant government guidance on taking climate change into account for flood risk decision making in their area to mitigate the effects of climate change.

Note: covers climate change guidance

3. Between 2021 and 2027, lead local flood authorities and other risk management authorities will start implementing steps to work towards net zero carbon in the river basin to mitigate the effects of climate change.

Note: covers working towards net zero emissions (legal government target for 2050)

4. Between 2021 and 2027, lead local flood authorities will work in partnership with other risk management authorities in the river basin to reduce the risk of flooding from all sources.

5. Between 2021 and 2027, lead local flood authorities will inform spatial and infrastructure planning, development and regeneration in the river basin to manage the current and future risk of local sources of flooding.

Note: covers spatial planning

6. Between 2021 and 2027, lead local flood authorities will act as a consultee for planning applications in their area to promote sustainable surface water drainage arrangements in new developments.

Note: covers responding to planning applications

7. Between 2021 and 2027, lead local flood authorities will work with other risk management authorities to maintain and update where necessary flood maps in their area to better understand the risk of flooding.

Note: covers keeping flood maps e.g. surface water mapping up to date

Protection

8. Between 2021 and 2027, lead local flood authorities will work with other flood asset owners and riparian owners to ensure a programme of maintenance is delivered to improve asset and channel performance in their area to reduce the risk of flooding from all sources.

Note: covers working with landowners to maintain assets and watercourses

9. Between 2021 and 2027, lead local flood authorities and other risk management authorities will identify a programme of nature based approaches in their area to reduce the risk of flooding from all sources.

Note: covers implementation of the 25 Year Environment Plan

10. Between 2021 and 2027, lead local flood authorities may designate third party flood risk assets and maintain a register of designated flood risk assets in their area to manage the risk of flooding from local sources.

Note: covers schedule 1 of the Flood and Water Management Act (designation of third party assets)

11. Between 2021 and 2027, lead local flood authorities will take a risk based approach to develop and maintain a register of flood risk assets/features in their area to manage the likelihood of local flood risk.

Note: covers section 21 of the Flood and Water Management Act relating to an asset register

12. Between 2021 and 2027, lead local flood authorities will regulate the condition of and third party activity on ordinary watercourses, where it may pose a flood risk, and support new works in ordinary watercourses in their area to reduce the likelihood of flooding.

Note: covers consenting and enforcement on ordinary watercourses

13. Between 2021 and 2027, lead local flood authorities will work with other risk management authorities to support the delivery of flood projects in the river basin to reduce the risk of flooding from all sources.

Note: covers flood and coastal erosion risk management grant in aid and local levy programme delivery

14. Between 2021 and 2027, lead local flood authorities will plan flood risk management projects to achieve wider environmental benefits in their area to work towards biodiversity net gain where appropriate.

Note: covers implementation of the 25 Year Environment Plan and emerging Environment Bill

Preparedness

15. Between 2021 and 2027, lead local flood authorities and other risk management authorities will support communities to increase their resilience to flooding in the river basin to reduce the risk of flooding from all sources.

Note: links to implementation of new national Flood and Coastal Erosion Risk Management Strategy and working with community groups

16. Between 2021 and 2027, lead local flood authorities will support emergency response partners and communities to plan, prepare and exercise for future flood scenarios in the river basin to reduce the consequences of flooding from all sources.

Note: links to supporting role of LLFA e.g. in providing data and information to local resilience forums and community groups

Recovery and review

17. Between 2021 and 2027, lead local flood authorities will investigate and hold a record of local flood events in their area to support the understanding of the nature of flood risk and the significant causes of flooding.

Note: covers section 19 of the Flood and Water Management Act relating to flood investigations

18. Between 2021 and 2027, lead local flood authorities will work with others to support communities through the recovery phase of a significant flood event in their area to support them to return to their homes and businesses.

Note: links to supporting role of LLFA e.g. in providing data and information to local resilience forums and community groups

Appendix B Flood Risk Management Plan actions to be deployed in North Somerset

Lead Authority	Draft measure for consultation
North Somerset Council <i>(LFRMS signposting action)</i> <i>SW FRMP</i>	Between 2021 and 2027, North Somerset Council will work with partners to achieve the objectives of the Local Flood Risk Management Strategy in North Somerset to manage the risk of flooding in the South and West Somerset Management Catchment.
North Somerset Council <i>(LFRMS signposting action)</i> <i>Severn FRMP</i>	Between 2021 and 2027, North Somerset Council will work with partners to achieve the objectives of the Local Flood Risk Management Strategy in North Somerset to manage the risk of flooding in the Avon Bristol and North Somerset Streams Management Catchment.
Environment Agency (coastal) Also repeated in the Severn FRMP	Between 2021 and 2027, the Environment Agency will develop our Habitat Creation Programmes to mitigate habitat losses resulting from coastal squeeze due to the existence of flood defences in the Bristol Channel & Severn Estuary in England to meet the Habitat Regulations 2010 in order to be able to continue to maintain and/or improve tidal flood defences in the South West River Basin District.
Environment Agency (coastal) Also repeated in the Severn FRMP	Between 2021 and 2027, the Environment Agency will work with partners in the relevant Coastal Groups to investigate changes in habitat that have occurred due to the existence of flood defences in the Bristol Channel & Severn Estuary in England to inform any future needs for intertidal habitat creation to meet the Habitat Regulations 2010 in the South West River Basin District.
Environment Agency (coastal) Also repeated in the Severn FRMP	Between 2021 and 2027, the Environment Agency will work with partners in the relevant Coastal Groups to refresh the Shoreline Management Plan with updated data and evidence in the Severn Estuary to inform future flood risk management in the Severn River Basin District.
Environment Agency (inland/coastal)	By 2027, the Environment Agency will work with partners to investigate options and develop a strategy in the River Axe catchment to manage the future risk of flooding and provide environmental enhancements where possible in the South and West Somerset Management Catchment.
Environment Agency (coastal)	Between 2021 and 2027, the Environment Agency will work with partners to undertake the engagement, studies and investigations required in areas along the Weston-Super-Mare to Clevedon Pill frontage to plan and develop current and future coastal flood and erosion risk adaptation options (if funding allows) in the Weston-super-Mare, South West Flood Risk Area.
Environment Agency (coastal)	Between 2021 and 2027, the Environment Agency and Sedgemoor District Council will work with partners to undertake the engagement, studies and investigations required in areas along the Pawlett Hams to the Axe Tidal Banks frontage to plan and develop current and future coastal flood and erosion risk adaptation options (if funding allows) in the Burnham-on-Sea, South West Flood Risk Area.

Environment Agency (inland) WSM Flood Risk Area (Rivers and Sea)	Between 2021 and 2027, the Environment Agency will work with partners to undertake a catchment scale assessment of Natural Flood Management opportunities in rural and urban catchments affecting Weston-super-Mare and its surrounding communities to reduce flood risk to property and road networks, reduce sediment run-off from farmland, improve water quality, enhance local biodiversity and provide opportunities to reconnect rivers with floodplains in the Weston-Super-Mare, South West Flood Risk Area.
Environment Agency (inland) WSM Flood Risk Area	Between 2021 and 2027, the Environment Agency will support North Somerset Council to achieve the objectives of the Local Flood Risk Management Strategy and Surface Water Management Plan in Weston-super-Mare to deliver the key activities required to manage flood risk in the Weston-Super-Mare, South West Flood Risk Area.
Environment Agency (inland) WSM Flood Risk Area	Between 2021 and 2027, the Environment Agency will engage with North Somerset Council and developers on current and future developments in Weston-super-Mare to manage future flood risk in the Weston-Super-Mare, South West Flood Risk Area.
Environment Agency (inland) WSM Flood Risk Area	Between 2021 and 2027, the Environment Agency will work with partners to implement a system for monitoring, recording and sharing information on flooding in Weston-super-Mare to manage the current risk of flooding in the Weston-Super-Mare, South West Flood Risk Area.
Environment Agency (inland) WSM Flood Risk Area	Between 2021 and 2027, the Environment Agency will work with partners to review the Strategic Flood Solution in Weston-super-Mare to take account of new and proposed developments to manage current and future flood risk in line with climate change in the Weston-Super-Mare, South West Flood Risk Area.
Environment Agency – (inland/coastal) Bristol Flood Risk Area	By 2027, the Environment Agency will work with partners to develop a strategy and deliver works in Pill to manage the risk of flooding to the community in line with climate change in the Bristol, Severn Flood Risk Area.