

## ITEM 9(b) – FOR INFORMATION

<b>CABINET</b>	AGENDA ITEM No.
<b>22 SEPTEMBER 2014</b>	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller, Cabinet Member for Planning and Housing Services	
Contact Officer(s):	Simon Machen, Director of Growth and Regeneration Julia Chatterton, Flood and Water Management Officer	Tel. 453475 Tel. 452620

### PETERBOROUGH FLOOD RISK MANAGEMENT STRATEGY

R E C O M M E N D A T I O N S	
<b>FROM</b> : Councillor Hiller, Cabinet Member for Planning and Housing Services	<b>Deadline date</b> : N/A
<ol style="list-style-type: none"> <li>1. That Cabinet approves the Draft Peterborough Flood Risk Management Strategy (<b>Appendix A</b>) for the purpose of it being publically consulted on during October and November 2014.</li> <li>2. That Cabinet supports the proposal of the Sustainable Growth and Environment Capital Scrutiny Committee to include further explanatory text in the FMS prior to its publication, as set out in paragraph 5.7 of this agenda report.</li> <li>3. That Cabinet supports the recommendation of the Sustainable Growth and Environment Capital Scrutiny Committee to amend the Constitution and thereby place the FMS as a Major Policy item.</li> </ol>	

#### 1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following a referral from CMT on 5<sup>th</sup> August 2014.

#### 2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to:

- introduce the statutory requirement for Peterborough to have a local flood risk management strategy,
- present the resulting Draft Peterborough Flood Risk Management Strategy (FMS),
- to consult and seek approval from Cabinet for public consultation to take place on the FMS.
- convey the formal recommendation from Sustainable Growth and Environment Capital Scrutiny that the City Council’s Constitution is amended to make the FMS major policy and ask you to decide on this.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, to promote the Council’s corporate and key strategies and Peterborough’s Community Strategy and approve strategies and cross-cutting programmes not included within the Council’s major policy and budget framework.

#### 3. TIMESCALE

Is this a Statutory Plan?	Yes	If Yes, date for relevant Cabinet meeting	22 <sup>nd</sup> September 2014
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Is this a Major Policy Item?	No (see Scrutiny recommendation)	If Yes, date for relevant Council meeting	8 <sup>th</sup> October 2014
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#### 4. PETERBOROUGH FLOOD RISK MANAGEMENT STRATEGY

##### Background to the FMS

4.1 The Flood and Water Management Act 2010 (FWMA 2010) makes Peterborough City Council a Lead Local Flood Authority with responsibility for co-ordinating the management of surface water flood risk (flooding from surface runoff, groundwater and ordinary watercourses). Lead Local Flood Authorities have a duty to develop, maintain, apply and monitor a 'local flood risk management strategy' which must specify:

- The level and types of flood risk in the area
- The flood management organisations and their responsibilities
- The functions these organisations carry out
- Objective for managing the risk
- The costs of the actions and how these will be paid for
- The benefits of the actions
- How the strategy contributes to the wider environmental objectives

4.2 The statutory obligation for the local flood risk management strategy is to consider the types of flood risk for which Peterborough City Council is responsible. However the FMS has been developed as a partnership plan with all of the flood and water management organisations. The FMS therefore proposes to cover flood risk from all sources and includes actions from all partners in order to prepare one document that can be a resource and central point of contact for all organisations, City Council officers and residents interested in finding out about flood risk.

##### 4.3 Key FMS issues for focus

- Understanding the City Council's responsibilities (Chapter 1)
- Understanding the most significant flood risks in Peterborough (Chapter 7)
- The need for all flood and water management organisations to financially contribute to schemes in order to unlock any Government funding (Chapter 9)
- The range and type of actions to be delivered and the costs of these (Chapter 10 and appendix F)

#### 5. CONSULTATION

5.1 Extensive engagement with the public and partner organisations has taken place since the enactment of the Flood and Water Management Act 2010. Evidence from this has been gathered to shape the emerging FMS. The engagement includes holding public flood awareness events and flood warden training, consulting on the Flood and Water Management Supplementary Planning Document, writing to Parish Councils, attending resident, neighbourhood and Scrutiny meetings, learning from flood incidents and working very closely with other flood management organisations to share understanding and develop the FMS.

A list of engagement events and consultations already undertaken is included on page 2 of the FMS.

5.2 The principal flood and water management authorities involved in developing this plan (the Environment Agency, the Internal Drainage Boards and Anglian Water) have supplied information and have had the opportunity to review the FMS iteratively as it has developed.

5.3 If Cabinet approves the draft FMS, subject to changes based on Scrutiny's recommendation, it will be published for six weeks public consultation in October to November 2014. This will provide an opportunity for the public to input to and comment on both the main strategy document and the action plan. The City Council can then make any necessary changes to the FMS and adopt it in early 2015.

- 5.4 Progress with the action plan within the FMS will be monitored on a yearly basis with updates made as required. The rest of the FMS will be reviewed on a five year cycle.
- 5.5 As business cases are worked up for projects within the action plan more detailed consultation will be undertaken with communities, Ward Councillors and Parish Councillors.
- 5.6 In addition to the main FMS, the following supporting documents will be available on the website during the period of consultation:
- Strategic Environmental Assessment
  - Equality Impact Assessment

#### 5.7 **Scrutiny**

The Sustainable Growth and Environment Capital Scrutiny Committee considered this item at its meeting on 4<sup>th</sup> September and made a formal recommendation and the following comments:

- 5.8 **General comments** – The Committee was supportive of the FMS. Suggestions were made about providing additional examples of how multiple benefits will be delivered through the FMS actions (e.g. for green infrastructure, biodiversity and amenity), and about providing more description of how the local climate change sensitivity section is derived. Some other minor suggestions were raised. If Cabinet agree, all of these suggestions will be included in the FMS before it goes to public consultation.
- 5.9 **Formal recommendation** – The Committee recommended that Cabinet recommend to Council that the Peterborough Flood Risk Management Strategy be added to the Major Policy Framework and the Constitution be amended accordingly.

### 6. **ANTICIPATED OUTCOMES**

6.1 The following outcomes are anticipated:

- I. that Cabinet will approve the Draft Peterborough Flood Risk Management Strategy for public consultation.
- II. that Cabinet will agree with Scrutiny's recommendation and convey the recommendation to Full Council that the FMS is incorporated into the Constitution as part of the Major Policy framework.

After six weeks consultation the comments received will be addressed and a final strategy will be prepared for Cabinet and, subject to it becoming a Major Policy item, for Full Council. This is expected in early 2015.

### 7. **REASONS FOR RECOMMENDATIONS**

7.1 The FMS will:

- Meet statutory requirements;
- Make Peterborough more resilient to flooding;
- Help to co-ordinate and attract investment into Peterborough for both flood risk management and wider environmental and amenity improvements;
- Assist with delivering a sustainable city that can embrace growth targets
- Be a reference guide for City Council officers, Flood Warden, Parish Council and communities who want to more know more about flood and water management.

### 8. **ALTERNATIVE OPTIONS CONSIDERED**

The Council is required to produce a local flood risk management strategy in accordance with its duties as a Lead Local Flood Authority. It is therefore not an option to not produce a strategy. The only available alternative is to produce a document that covers only the

sources of flooding that Peterborough City Council is responsible for. This option was rejected in favour of preparing a plan in partnership with all other flood risk management authorities, covering all sources of flood risk. The chosen option is believed to be more useful for the reader, more efficient and more likely to enable Peterborough to draw down partnership funding.

## **9. IMPLICATIONS**

9.1 The FMS will have implications for all areas of Peterborough and anyone that is at risk of flooding.

### 9.2 Location

The impact of the FMS is city-wide.

### 9.3 Equality

No significant equality impacts have been raised by the FMS. In future if the FMS is adopted and if individual schemes within the action plan are implemented, the equality impacts of these schemes will need to be fully considered through the design and consultation processes.

### 9.4 Legal

The Council must prepare an FMS and must follow due Regulations in its preparation in order to fulfil the requirements under the FWMA 2010.

The legal impacts of the FMS becoming Major Policy is that changes will be required to the Constitution. The FMS will need to be presented to Full Council.

### 9.5 Financial

At this stage the draft FMS is proposed for public consultation, so the immediate costs are those associated with consultation and these can be easily covered by existing budgets. If the plan should be adopted there are future financial implications to be considered. All of the projects proposed in the action plan will need to have business cases developed and approved before delivery could take place, and approval would be sought from all project partners.

9.6 The following City Council budgets are currently funding the type of flood risk and water management related work that is included in the action plan: Resilience, Flood and Drainage, Highway Maintenance, Highways Salary budget, Strategic Planning and the Future Cities Demonstrator project (Peterborough DNA).

9.7 Implementation of the FMS does not require any additional City Council revenue budgets. Delivery of the draft action plan in full would require budgets to remain at their present value but at this stage the action plan is effectively a wish list until business case approval is granted for each scheme. The significant budgetary constraints that the City Council faces are well noted. Projects will have to be carefully prioritised based on the benefits, and funding will be sought from a range of sources. While the total cost of the ten year partnership action plan is notable the larger schemes making up most of these actions are Main River schemes proposed for Government funding. These will be led by the Environment Agency. In order for Government funding to be drawn down, local contributions from the Regional Flood and Coastal Committee, local authorities, communities and/or businesses are required for all schemes. The split of this contribution over several sources means, however, that direct contributions from the City Council will be small compared to the total project costs and the benefits that would be delivered.

9.8 Currently the City Council's flood and water management function has no capital budget. Depending on the designs of schemes and agreements over which organisation is to own the asset(s) produced we may need to establish a small capital budget stream in future. This will not be a significant budget pressure as few City Council capital schemes are currently proposed. In the first instance projects that deliver growth benefits will apply for monies collected through the Planning Obligations Implementation Scheme (POIS) or

Community Infrastructure Levy (CIL). The risk with regards to competition for these funds is noted.

9.9 Dependencies and Risks

Delivery of projects may be affected by the need to obtain planning consent; flood defence or ordinary watercourse land drainage consent, landowner permission, maintenance agreements, funding and partner approval as well as by updated information about the levels of risk (e.g. flood modelling).

9.10 Environment Capital

The FMS is consistent with creating the UK's Environment Capital as its aim is that wherever possible the delivery of flood risk management schemes must also bring wider environmental benefits such as improvements to water quality, biodiversity and public amenity. The FMs also covers issues relating to Peterborough becoming more resilient to changes in climate and availability of water as a natural resource.

9.11 Cross-Service Implications

Preparation of the FMS has involved several teams with the Growth and Regeneration Directorate. Delivery will principally be by this Directorate but there will need to be cross-Directorate working with Finance, Legal, Neighbourhoods, the Peterborough Highways Services Framework and the Strategic Resources/Serco framework all of whom are aware of the FMS. Consultation will continue with all relevant teams as projects within the action plan are worked up in more detail.

**10. BACKGROUND DOCUMENTS**

10.1 Flood and Water Management Act 2010

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