

<b>CABINET</b>	<b>AGENDA ITEM No. 11</b>
<b>13 June 2011</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
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**PETERBOROUGH ‘PRELIMINARY FLOOD RISK ASSESSMENT’ (PFRA)**

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Paul Phillipson, Executive Director Operations	<b>Deadline date :</b> June 2011
Cabinet is requested to approve, for the purpose of meeting the requirements of the Flood Risk Regulations 2009, the Peterborough Preliminary Flood Risk Assessment.	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Cabinet following a Department for Environment, Food and Rural Affairs (Defra) / Environment Agency (EA) requirement to submit a Preliminary Flood Risk Assessment (PFRA) to the EA by 22 June 2011.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this agenda report is to seek approval from Cabinet that the Peterborough PFRA meets the requirements of the Flood Risk Regulations 2009 and can therefore be submitted to the EA.

2.3 This report is for Cabinet to consider under its Terms of Reference No. 3.2.2, to promote the Council’s role as community leader, giving a ‘voice’ to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council’s partner organisations, Parish Councils, and the relevant authorities for Police, Fire, Probation and Magistrates’ Courts Services.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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**4. PETERBOROUGH PFRA**

**Introduction**

4.1 The UK government has issued the Flood Risk Regulations (2009) in order to implement the European Floods Directive. The aim of the Directive is to provide a consistent approach to managing flood risk across Europe.

4.2 To meet the requirements of that Directive (and associated Regulations), plus to tackle other national water and flood related issues, the UK government has also enacted the Flood and Water Management Act (FWM Act) (2010).

- 4.3 The FWM Act makes Peterborough City Council a 'Lead Local Flood Authority' (LLFA). As a LLFA, a considerable number of new statutory duties have been placed on the council in relation to flood issues (risk assessment, prevention, monitoring, managing etc).
- 4.4 One such duty is the requirement to undertake a Preliminary Flood Risk Assessment (PFRA), and submit a report of the findings of that Assessment to the Environment Agency (EA) by 22 June 2011. This agenda report presents the PFRA for approval prior to it being finalised and submitted to the EA.
- 4.5 The PFRA is the first step in a 6 year cycle of reporting about local flood risk. There are two further stages to be completed within each cycle; flood hazard and flood risk mapping by June 2013 and a flood management plan by June 2015. The completion of the latter two stages is understood to be dependent on whether or not an area of significant flood risk, known as a 'Flood Risk Area', is identified in Peterborough.

#### **Content of the PFRA**

- 4.6 A PFRA assesses local sources of flood risk, primarily from surface runoff, groundwater and ordinary watercourses. The PFRA is a high level screening exercise which involves collecting information on past (historic) and future (potential) floods, assembling it into a preliminary assessment report, and using it to identify if a Flood Risk Area should be identified in Peterborough. A Flood Risk Area is one where the risk of flooding is significant from a national perspective.
- 4.7 The PFRA must be based on existing and available information and should bring together information from national and local sources including the Flood Map for Surface Water, Catchment Flood Management Plans and Strategic Flood Risk Assessments. Information from the PFRA process will also feed into other assessments including future other local strategies required under the Act. It should be noted that the PFRA process and requirements are European requirements and are not the only (or necessarily the most appropriate) mechanism for managing local flood risk, or the main route for funding. In many cases a separate local strategy (to be prepared in the future) is likely to be a more appropriate and quicker route to manage risk in an area. Nevertheless, the PFRA is a statutory duty so it must be undertaken.
- 4.8 LLFAs need to submit their PFRA report to the EA by 22 June 2011. The report comprises a document, including specific information on 'significant' floods (past and future) and, if a Flood Risk Area (FRA) has been identified, a digital map outlining the FRA. The EA has a role to review, collate and publish the outputs nationally, and thereafter submit a report to the European Commission.

#### **Key Issues**

- 4.9 A PFRA is a mix of **facts** (i.e. where have floods taken place; where do the EA predict surface water floods will occur in the future) and **policy** (i.e. at what scale of flood will PCC recognise it being classified as 'locally significant' or not).
- 4.10 In terms of facts, these could potentially have sensitive implications. Where past surface water floods have occurred will largely be uncontroversial as they will generally (though not necessarily entirely) be known about in the community that was affected. However, the 'facts' as to the future flood risk predicted by the EA flood models will be sensitive, as these are not common knowledge. It should be noted that the EA have carried out a national assessment to identify broad areas that may be at risk, taking broad account of drainage and typical storms which may cause surface water flooding. Local variation is not accounted for and the method used does not enable identification of risk down to an individual property scale.
- 4.11 To put this in some kind of perspective, the EA several years ago published on the internet various maps which relate to potential future flood risk from rivers. The new information associated with PFRAs is very similar, except this time it relates to surface water flooding (such as what areas may flood if, for example, a very heavy downpour of rain occurred over a prolonged period). The new information, therefore, should be regarded as building

upon existing flood risk data already released by the EA. By gaining a better understanding of the type of risk that Peterborough faces from surface water flooding risk, an effective Local Flood Risk Management Strategy can be put in place. This will ensure that resources are focussed, and communities are aware so that we can plan and mitigate against the risks together.

- 4.12 The PFRA also contains elements which could be regarded as 'policy'. This is especially the case in terms of setting thresholds as to when, in Peterborough, we will regard a flood as having 'locally significant harmful consequences'. The thresholds are set out purely for the purposes of this PFRA, and it should be noted that this concept will be considered and consulted on further through the Local Flood Risk Management Strategy. For the PFRA these thresholds were recommended following agreement at the Peterborough Flood Risk Partnership (PFRP) meeting which was held on the 16 May 2011.

## **5. CONSULTATION**

- 5.1 The PFRA has been prepared by the council in conjunction with the partners on the PFRP. The PFRP includes the EA, Anglian Water and several Internal Drainage Boards. Further details on this partnership are found within the PFRA directly. The PFRP recommended approval of the PFRA on 16 May 2011.
- 5.2 The PFRA is due to be considered by the Sustainable Growth Scrutiny Committee on 7th June, and an oral update of issues raised at that meeting will be given to Cabinet.
- 5.3 The PFRA is only required to include readily available data, and due to the sensitive nature of the information and the very tight timescale imposed on the council by the EA, public consultation has not been undertaken. It is recognised, however, that resident contribution is invaluable to really understanding local risk and how best to manage it. It is therefore intended that much wider consultation will take place as part of the production of the subsequent Local Flood Risk Management Strategy. This document will set out the council's approach to flood risk management.

## **6 ANTICIPATED OUTCOMES**

- 6.2 It is anticipated that Cabinet will approve the attached document and endorse its submission to the EA prior to the 22 June 2011 deadline.

## **7 REASONS FOR RECOMMENDATIONS**

- 7.1 It is a legal requirement under the FWMA for Peterborough to submit a PFRA, so not preparing one is not an option and could lead to a challenge if not supplied.

## **8 ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The contents of the PFRA are largely driven by EA requirements as to what we must report. As such, alternative information is also not an option.
- 8.2 The only area of scope for a significant alternative approach would be in relation to the thresholds for what the council would regard as 'significant floods' in the future. However, following consultation with partners, we believe the thresholds recommended are appropriate to the circumstances we face in Peterborough.

## **9 IMPLICATIONS**

- 9.1 **Financial:** Preparation of the PFRA has minimal costs, and can be met within existing budgets. The contents of the PFRA do not commit the council to additional resources. However, Members should note that the wider, linked responsibilities which now fall upon the council as a result of the FWM Act 2010 will have financial implications on the council and, where existing budgets do not cover such expenditure, these will be reported accordingly.

9.2 **Legal Implications:** The PFRA must be prepared in accordance with the Flood Risk Regulations and EA guidelines, which we have done. Once submitted to the EA, all of the PFRAs will be collated and the required information submitted to meet the requirements of the European Flood Directive. The PFRA will also form one of a collection of new strategies and programmes for the council which will ensure the council complies with the wider requirements of the FWM Act 2010.

9.3 **Environmental:** Researching potential floods, communicating the outcome of that research and taking action to mitigate the risks are all important matters which will help ensure we protect and manage our environment, for the benefit of humans and wildlife.

## 10 **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- Preliminary Flood Risk Assessment (PFRA) – Final Guidance, Environment Agency, Dec 2010 - <http://publications.environment-agency.gov.uk/pdf/GEHO1210BTGH-e-e.pdf>