



Executive

Open Report on behalf of Andy Gutherson, Interim Executive Director of Place

Report to:	Executive
Date:	08 May 2019
Subject:	Draft Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050
Decision Reference:	I017803
Key decision?	Yes

Summary:

The Executive is asked to approve the attached draft Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050 for formal public consultation. This version, once approved, will replace the previous Strategy which was approved by the Council in 2012. The updated version takes a more holistic approach, by combining the flood risk management activities of the Council and its partners with a strategic view of water supply and resource management, with a stronger emphasis on the additional economic benefits this can deliver for Lincolnshire.

Recommendation(s):

That the Executive approve the draft version of the Joint Flood Risk and Water Management Strategy 2019-2050 attached at Appendix A for public consultation.

Alternatives Considered:

1.	Not to approve the draft Strategy for consultation
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Reasons for Recommendation:

In approving this draft version of the revised and updated strategy it will allow Lincolnshire County Council as Lead Local Flood Authority, and the Lincolnshire Flood Risk & Water Management Partnership to outline our aspirations around flood risk, water management and water security in the future along with the additional economic benefits that can be achieved for the county. Approval to proceed to formal public consultation is a key element in working towards adoption of the strategy.

1. Background

Reviewing the Joint Lincolnshire Flood Risk and Drainage Management Strategy

Lincolnshire County Council is the Lead Local Flood Authority (LLFA) for the administrative county of Lincolnshire. Under the Floods and Water Management Act (2010) the Council is required to implement and monitor a Local Flood Risk Management Strategy consistent with the National Flood and Coastal Erosion Risk Management (FCERM) Strategy. The Act gives the Council powers to carry out works to manage the risk of flooding from surface water, ground water and ordinary watercourses.

The purpose of the Strategy is to increase the safety of people across Lincolnshire by reducing the number of people at risk of flooding, increasing the resilience of local communities and reducing the impact of flooding. As a minimum, it must specify the following;

- The risk management authorities in the LLFA's area
- The flood risk and coastal erosion functions that may be exercised by those authorities relating to the area
- Objectives for managing flood risk in the area, including any objectives prepared under the Flood Risk Regulations 2009
- Measures proposed to meet those objectives
- How and when the measures are to be implemented
- Costs and benefits of the measures and how they are to be paid for
- Assessment of local flood risk (meaning from surface runoff, groundwater and ordinary watercourses)
- How and when the strategy is to be reviewed
- How the strategy contributes to the achievement of wider environmental objectives

In developing the Strategy, the LLFA is required to consult risk management authorities that may be affected by the strategy and the public. The Strategy must be consistent with the National Flood Risk and Coastal Erosion Management Strategy (of which a national review has commenced), and the LLFA must publish a summary of the Strategy, including guidance about the availability of relevant information.

The Context in Lincolnshire

The existing Joint Lincolnshire Flood Risk and Drainage Management Strategy was developed through public and stakeholder consultation during 2011 and 2012, and was approved by the County Council's Executive on 4 December 2012. Part 3 of the Strategy, the action plan, was made available from April 2013 and is updated annually. As a consequence Lincolnshire was one the first areas to develop a Local Flood Risk Management Strategy, and was forward looking in implementing

a strategy that sought to co-ordinate the work of all Risk Management Authorities within the LLFA area.

In effect, the Strategy co-ordinates the work delivered by the Lincolnshire Flood Risk and Water Management Partnership as a whole, and was developed with the participation of all risk management authorities, along with the Lincolnshire Resilience Forum, the Regional Flood and Coastal Committee, and under the public scrutiny and guidance of the Flood Risk Scrutiny Committee.

The resulting co-ordinated programme of works can be found in the annually revised Common Works Programme, which includes the major capital programmes of all partners, as well as joint activities that address solutions where responsibility is shared or where there is no clear single authority with the capacity or responsibility to act. The Common Works programme allows the partnership to prioritise works across the county according to need, and within the constraints imposed by availability of local and national funding.

The current Strategy consists of

- Part 1: Strategic Vision (including high level objectives)
- Part 2 (A & B): Implementation Plan for the Strategy
- Part 3: Common Works Programme (annually updated action plan)

It can be found in full on the LCC website at the following link:

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/flood-risk-management/implementing-management-strategy/103045.article>

Recent Developments

Since 2012 flood risk management has increasingly been recognised as integral to a wider issue of managing water as a resource that is essential to economic growth nationally and, particularly, in the east of England. The Greater Lincolnshire Local Enterprise Partnership has recognised the importance of managing water in this way through its Water Management Plan (2016), which incorporates key strategic flood risk management issues where they can directly support or influence the growth agenda. This has particular relevance in Lincolnshire because of the importance of sustainable water supply and resilience to major sectors of the county's economy, notably with regard to agri-food, the visitor economy and manufacturing.

A related development is the growing importance of managing water as a resource that can be in short supply as well as too abundant. This has been particularly evident recently with major droughts in 2012 and 2013 interspersed with periods of intense rainfall leading to surface water flooding. Flood risk is increasingly seen as part of a bigger picture that includes resilience to drought and planning for sufficient supplies of water where and when it is needed. This future planning for water availability has led to further consideration of potential opportunities for

strategic linkage between water resource, flood risk, growth and environmental management, aligning with the aspirations of the Greater Lincolnshire LEP to drive growth in Lincolnshire's key economic sectors.

These developments since 2012 provide an opportunity to revise Lincolnshire's strategic approach to flood risk and water management at an opportune time to link with major strategic initiatives, such as Water Resources East, which seek to secure long term resilience of water supply and management in the East of England, within a new national framework for water resilience.

Scope and Timescale for the Review

This review covers Parts 1 and 2 of the current Joint Lincolnshire Flood Risk and Drainage Management Strategy. It consists of a complete review, and has considered all relevant areas that need to be introduced into the Strategy, as well as any material that is no longer required.

The proposals for the strategy update have been presented to the Flood and Water Management Scrutiny Committee who endorsed this approach and reaffirmed the need to secure economic benefits when addressing flood risk and water related issues. During January and February 2019 a partner and stakeholder consultation exercise was undertaken for 6 weeks, during which time a half day workshop was also undertaken to ensure we captured the views and aspirations of key partners moving forward. These comments have been incorporated into the latest version of the strategy attached to this report (see Appendix A)

The next stage of the process is to undertake a Public consultation, which is a statutory requirement for Local Flood Risk Management Strategies, and it is intended (subject to Executive approval) to undertake this for an 8 week period during June and July 2019 (dates to be fixed). Up to 5 public drop-in sessions will also be undertaken as part of this exercise and supported by officers from the organisations represented from the Flood Risk Partnership. On conclusion of the public consultation period, all comments will be assessed and where appropriate incorporated into a final version of the strategy. This will then be circulated further amongst members of the Flood Risk Partnership to seek endorsement, presented to Flood and Water Management Scrutiny Committee and then brought back to the Executive with the results of the consultation and final draft for approval.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The Joint Lincolnshire Flood Risk and Water Management Strategy survey undertaken to support the partner and stakeholder consultation, referenced that the Equality Act 2010 places organisations under a duty to ascertain how people with 'protected characteristics' are impacted by an organisations activity and how steps may be taken to mitigate or eliminate adverse impact(s). The following questions were asked of respondents;

8.1 Do you think the draft strategy could have a positive or negative impact on you (or someone you care for or support) with regard to any of the following? Please tick all that apply

	Positive impact	Negative impact	No impact	Don't know
Age				
Sex (male/female)				
Disability				
Sexual orientation				
Pregnancy and maternity				

Marriage and civil partnership				
Race (ethnicity)				
Religion or belief				
Gender reassignment				

8.2 If you have identified a potential impact, please tell us how would the proposed strategy impact you (or someone you care for or support) and how could any negative impacts be reduced?

No negative impacts were identified. The same questions will be included in the survey which supports the public consultation exercise.

In preparation for the public consultation exercise an Equalities Impact Analysis (EIA) is also being developed with assistance from LCCs Community Engagement Team. Equalities impacts will be kept under review and reported on again at the time of the decision to approve the final version of the strategy following consultation

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The purpose of the Strategy is to increase the safety of people across Lincolnshire by reducing the number of people at risk of flooding, increasing the resilience of local communities and reducing the impact of flooding. The Strategy therefore contributes directly to the safety and wellbeing of communities and individuals

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Crime and disorder implications of the proposed strategy have been considered but there are not considered to be any direct impacts.

2. Conclusion

The draft Lincolnshire Flood Risk and Water Management Strategy 2019-2050 is a fully revised and updated version of the original Joint Flood Risk and Drainage Management Strategy approved by the Council in 2012. The new strategy takes a wider view of not only a strategic approach to flood risk management but also how water is managed as a resource that is essential to economic growth and will help

secure long term resilience of water supply within a new national framework for water resilience.

This draft version of the strategy has been developed with key stakeholders and partners of the Joint Lincolnshire Flood Risk and Water Management Partnership in preparation for formal public consultation. The Executive are asked to consider this draft suitable for proceeding to public consultation and continue to support officers and the Flood Risk Partnership in developing the strategy for approval later in 2019.

3. Legal Comments:

Under section 9 of the Flood and Water Management Act 2010 the Council as lead local flood authority must develop, maintain, apply and monitor a strategy for local flood risk management in its area and must consult the public about the strategy.

The decision is consistent with the Policy Framework and within the remit of the Executive.

4. Resource Comments:

Accepting the recommendation to approve the Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050 for formal public consultation, should have no direct impact on the budgets of the Council.

Managing flood risks continues to be a high priority area identified by the Council, and the approved budget includes appropriate revenue and capital allocations to support this strategy.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

Flood and Water Management Scrutiny Committee were updated with the review of the Lincolnshire Flood Risk and Water Management Strategy on 17 September 2018. Committee members raised the following:-

1) Members welcomed the more strategic approach to economic development and the need for its integration in to the strategy;

- 2) The importance of Internal Drainage Boards and District Councils in the Partnership;
- 3) The need for more detailed feedback regarding the risk of flooding in to Development Control Planning Committees. Officers advised that in 2012 a multi-agency framework had been developed, (which was still in operation) which provided the planning authorities with an opportunity to assemble a group of all relevant risk management authorities to consider flood risk as a result of major developments.

The above comments were taken into consideration in producing the draft version of the strategy, and where applicable, have been addressed within the appropriate strategy sections.

An update on progress with the draft strategy will be presented to Flood and Water Management Scrutiny Committee on 28 May 2019 with regard to the development of the draft and public consultation proposals.

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

Risks and impact analysis on the measures and objectives in the Strategy will be carried out after public consultation, when a more complete draft will be available.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Draft Joint Flood Risk and Water Management Strategy 2019-2050 – Strategic Vision
Appendix B	Draft Joint Flood Risk and Water Management Strategy 2019-2050

7. Background Papers

Document title	Where the document can be viewed
Report to Executive dated 4 December 2012 entitled "Joint Lincolnshire Flood Risk and Drainage Management Strategy 2012-2025	http://lincolnshire.moderngov.co.uk/CeListDocuments.aspx?Committeeld=121&MeetingId=3399&DF=04%2f12%2f2012&Ver=2

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