



County Offices  
Newland  
Lincoln  
LN1 1YL

29 April 2019

**Executive**

A meeting of the Executive will be held on **Wednesday, 8 May 2019** in **Committee Room One, County Offices, Newland, Lincoln LN1 1YL** at **10.30 am** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'DBarnes'.

Debbie Barnes OBE  
Head of Paid Service

**Membership of the Executive**  
**(8 Members of the Council)**

Councillor M J Hill OBE, Executive Councillor for Resources and Communications (Leader of the Council)

Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services (Deputy Leader)

Councillor C J Davie, Executive Councillor for Economy and Place

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

Councillor E J Poll, Executive Councillor for Commercial and Environmental Management

Councillor Mrs S Woolley, Executive Councillor for NHS Liaison and Community Engagement

Councillor C N Worth, Executive Councillor for Culture and Emergency Services

Councillor B Young, Executive Councillor for Community Safety and People Management



**EXECUTIVE AGENDA  
WEDNESDAY, 8 MAY 2019**

Item	Title	Forward Plan Decision Reference	Pages
1	<b>Apologies for Absence</b>		
2	<b>Declarations of Councillors' Interests</b>		
3	<b>Announcements by the Leader, Executive Councillors and Executive Directors</b>		
4	<b>Minutes of the Meeting of the Executive held on 2 April 2019</b>		5 - 8
<b>KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE</b>			
5	<b>Procurement Strategy</b> <i>(To receive a report from the Executive Director – Commercial, which seeks approval for the Procurement Strategy 2019-2022, as detailed at Appendix A to the report, to replace the Council's current Procurement Strategy which expires in April 2019)</i>	<b>I017669</b>	9 - 22
6	<b>Draft Joint Lincolnshire Flood Risk &amp; Water Management Strategy 2019-2050</b> <i>(To receive a report from the Interim Executive Director of Place, which seeks approval of the draft version of the Joint Flood Risk and Water Management Strategy 2019-2050, as detailed at Appendix A to the report, for public consultation)</i>	<b>I017803</b>	23 - 108
<b>NON KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE</b>			
7	<b>Formation of a Company for Legal Services</b> <i>(To receive a report from the Executive Director – Resources, which sets out the rationale and seeks approval for the creation of a company with a view to the company being licenced by the Solicitor's Regulation Authority as an alternative business structure)</i>	<b>I017879</b>	109 - 132

### **Democratic Services Officer Contact Details**

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**Please Note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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Councillors Mrs P A Bradwell OBE (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economy and Place), R G Davies (Executive Councillor for Highways, Transport and IT), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillors B M Dobson (Chairman of the Environment and Economy Scrutiny Committee) and R B Parker (Chairman of the Overview and Scrutiny Management Board).

Officers in attendance:-

Debbie Barnes OBE (Head of Paid Service), Andrew Crookham (Executive Director Resources), Glen Garrod (Executive Director of Adult Care and Community Wellbeing), Andy Gutherson (Interim Executive Director of Place), Cheryl Hall (Democratic Services Officer), Pete Moore (Executive Director, Finance and Public Protection), Heather Sandy (Interim Director of Education), Vanessa Strange (Accessibility and Growth Manager) and Nigel West (Head of Democratic Services and Statutory Scrutiny Officer).

**59 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor E J Poll (Executive Councillor for Commercial and Environmental Management).

The Leader welcomed Andrew Crookham (Executive Director Resources) to his first meeting of the Executive.

**60 DECLARATIONS OF COUNCILLORS' INTERESTS**

There were no declarations of interest.

**61 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS**

The Executive Councillor for Economy and Place was pleased to report that as part of the recent visit of representatives from China's Hunan Province, a strategic partnership agreement had been signed between the Midlands Engine and Hunan Province, which would further strengthen economic and trade cooperation.

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The agreement signed would support UK companies looking to access markets in Hunan, and open pathways for investment into Lincolnshire and the rest of the country.

62 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 5 MARCH 2019

RESOLVED

That the minutes of the meeting held on 5 March 2019 be signed by the Chairman as a correct record.

63 CARBON MANAGEMENT PLAN 2018-2023

Consideration was given to a report from the Interim Executive Director of Place, which invited the Executive to approve and formally adopt the Carbon Management Plan 2018-2023, as detailed at Appendix A to the report, and its target of a 20% reduction in emissions from the 2016/17 baseline of 28,679 tonnes of CO<sub>2</sub> [Carbon Dioxide] by 2023.

The Accessibility and Growth Manager presented the summary document of the Carbon Management Plan (CMP) 2018-2023, as detailed at Appendix B to the report, and in doing so advised that the County Council had successfully implemented two previous CMPs: CMP1 and CMP2. The proposed Carbon Management Plan 2018-2023 (CMP 3) would continue to build on the success of the previous CMPs, which had included:

- CMP 1 had committed to a 20% reduction in CO<sub>2</sub> emissions on the 2005/06 baseline by March 2012; and
- CMP 2 had committed to a 22% reduction in CO<sub>2</sub> emissions on the 2011/12 baseline by March 2018, with the final saving being 23.4%.

The proposed CMP 3 outlined the Council's vision for managing and reducing emissions arising from the Council's activities and operations between 2018 to 2023.

The CMP 2018 – 2023 detailed a programme of actions working towards the above mentioned target and further actions to continue embedding carbon management in the policies and practices of the County Council.

It was highlighted that by implementing an effective CMP, cost savings could be achieved for energy, water, transport and waste and would contribute to the efficient use of County Council resources.

The Chairman of the Environment and Economy Scrutiny Committee advised that the report had been considered by the Committee at its meeting on 26 February 2019. The comments of the Committee were included within the Executive report and were presented by the Chairman of the Committee.

Members were provided with an opportunity to ask questions, where the following points were noted: -

- The Executive supported the content of the report, including the proposed target and the ways in which it could be achieved. Reducing the carbon footprint for future generations was highlighted as an importance;
- Reference was made to *Diagram 1 – 2016/17 Baseline Summary All Emissions*, as detailed on page 11 of the agenda pack, which had shown that schools had comprised 36% of the energy costs in 2016/17. The complexities of working with schools to reduce bills and emissions were discussed, owing to the age of a significant number of school buildings in Lincolnshire. However, it was suggested that schools should be signposted to the relevant guidance on how to make buildings more energy efficient. It was recognised that this would be in keeping with the recent climate change protests undertaken by children and young people;
- The benefits of *Project 13 – IT Upgrades* were discussed, particularly the updating of the Council's video conferencing system, which could reduce travel. The implementation of newer technology which would help reduce the Council's printing was supported by the Executive. Furthermore, it was advised that analysis would be undertaken on the consumption of paper and whether this had been reduced in recent years. The Executive suggested that the use of paper should be reduced across the Council;
- It was highlighted that the council's carbon footprint could be further reduced through the delivery of other strands of work, for example the Lincolnshire Waste Strategy;
- It was confirmed that officers would liaise with the Council's Communication Team in the delivery of *Project 16 – Internal and External Communications*.

#### RESOLVED

That the Carbon Management Plan 2018-2023, as detailed at Appendix A to the report, and its target of a 20% reduction in emissions from a 2016/17 baseline of 28,679 tonnes of CO<sub>2</sub> by 2023, be approved and formally adopted.

The meeting closed at 11.05 am.

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**Open Report on behalf of James Drury, Executive Director - Commercial**

Report to:	<b>Executive</b>
Date:	<b>08 May 2019</b>
Subject:	<b>Procurement Strategy</b>
Decision Reference:	<b>I017669</b>
Key decision?	<b>Yes</b>

**Summary:**

The Report seeks Executive approval for the Procurement Strategy 2019-2022, as attached at Appendix A, to replace the Council's current Procurement Strategy which expires in April 2019.

**Recommendation(s):**

That the Executive approves the Procurement Strategy 2019 -2022, as attached at Appendix A to this report, with immediate effect.

**Alternatives Considered:**

1. Do nothing.

The current strategy would lapse and there would be no formally agreed overarching strategy setting out the Council's approach to using procurement not only to secure value for money but to drive the achievement of the Council's wider objectives. This could result in significantly reduced value for money.

2. Adopt the Procurement Strategy with amendments.

**Reasons for Recommendation:**

The strategy sets out a robust and comprehensive approach to procurement related activity, is consistent with the Council's commissioning and commercialisation approach, has been developed in the context of the Council's requirements, local markets, and local needs whilst having regard to the National Procurement Strategy for Local Government in England 2018.

## **1. Background**

### **Introduction**

1. The Council's current Procurement Strategy expires in April 2019 and consequently a new Strategy has been developed and is set out at Appendix A covering the period 2019-2022. The Council is part of a shared procurement service with North Kesteven District Council and West Lindsey District Council and although the Strategy has been developed for the County Council many of the principles and approaches included in it are of general application and the Strategy may be adopted in similar or like form by those authorities.

### **The Strategy**

2. Public procurement is often viewed from the standpoint of the Council's legal obligations and the desire to achieve good value. This is an important perspective and the draft Strategy recognises this. It deals, for instance, with legal compliance, efficient practices and category management. This is a strategic approach which organises procurement resources to focus on specific areas of spends. This enables category managers to carry out in depth market analysis and acquire detailed knowledge and understanding of the market so as to make better procurement related decisions.
3. At the same time as befits a commissioning council the Strategy recognises that the way the Council conducts its procurement can impact on a range of other issues from the sufficiency of markets through the achievement of the Council's own objectives and outcomes to the delivery of wider social and community benefits.
4. This is reflected in the place based approach set out in the key principles on page 1 of the Strategy. This approach has two elements. The first is the commitment to collaborative procurement where this is appropriate with other public bodies. This is at its most developed in the area of health and social care where the Council has led on a number of joint or collaborative procurements for services such as re-ablement. It has the potential, however, to be applicable in other areas such as waste. This is reflected in the Strategy's references to partnerships, collaboration and relationship management
5. The second important place based element is the local market. The Strategy recognises that the Council contracts with a range of providers from multi-national companies to SMEs but the way in which the Council procures has an important role to play in fostering a vibrant local market and thereby contributing to the economic wellbeing of the local area. That local area and market are characterised by a high proportion of SME businesses and therefore the way in which the Council structures its procurement by reference to the involvement of SMEs is an important element.

6. Again this is an area where the Council has already done considerable work for example when letting the new home care contracts it was a requirement that 10% of the providers capacity came from SME's, specialist support was also made available so SMEs could collaborate to create strong supply chains, SMEs were offered some similar protection on the SEND school transport redesign and many of the Council services such as residential care and pharmacy services are delivered in large part by SMEs. The Strategy commits the Council to further work in this respect, particularly so that tender processes are easier to engage with for SMEs and so that SMEs continue to get the support they need to produce the tenders and submissions that can be competitive in the Council's tender processes.
7. The aim of this is to develop a vibrant and sustainable marketplace. As a commissioning Council this is central to the achievement of the Council's corporate plan objectives. That market needs also to be diverse with large sections of the Council's needs in the area of adults and children's care being met from third sector and charitable organisations.
8. The aim of any procurement is the conclusion of a contract under which the provider undertakes to provide services to the Council in return for payment. There is a hard edged commercial element to this fully recognised in the Strategy. It is important that the Council negotiates robust commercial terms with the necessary protections for the Council. It is also important that those contracts are properly managed and providers are held to account for the promises they have made.
9. At the same time the Strategy recognise that both parties have legitimate interests to protect through the contract and the indiscriminate passing of risk to a provider is likely to lead to less value for money as well as poor supplier relationships. The Strategy commits the Council to good supplier management through the development of relationships in which both parties can commit to quality outcomes.

## **National Context**

10. The Strategy has been developed with due regard to the National Procurement Strategy which was issued in 2018 and which has focused on three key themes:
  - showing leadership
  - behaving commercially
  - achieving community benefits
11. Showing Leadership requires the engagement of councillors in the leadership and governance of council procurement and commercial activity setting the Council vision and strategy and making the key procurement decisions that aim to deliver on that vision and strategy.
12. The draft Strategy at Appendix A sets out the framework in which procurement will support the delivery of the Corporate Plan. It will continue to be supported by robust decision making through the Council's

constitutional procedures for major procurement processes supported by prior scrutiny.

13. Behaving commercially relates to the way in which councils seek to extract value from their procurements, engaging with markets and potential suppliers and encouraging innovation and managing contracts and suppliers. As has been seen the draft Strategy accommodates these requirements in particular in relation to supplier management and the fostering of a vibrant market

14. Achieving community benefits addresses the wider value that can be achieved through attention to social value in designing and carrying out procurements. The Strategy addresses this through the section on Social and Community Benefits

## **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 Equality Act requirements have been considered but there are not considered to be any equality impacts of the proposed decision on the Strategy. Each individual procurement exercise may raise specific equality issues on the basis of their subject matter and these will be taken into account in the design and carrying out of those procurements

#### 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 JSNA and JHWS requirements have been considered but there are not considered to be any direct impacts of the proposed decision of the Strategy itself. The Council's procurement approach has the potential to support a vibrant economy and the success of local businesses which can impact on the health and wellbeing of the community.

Each individual procurement exercise may raise specific wellbeing issues on the basis of their subject matter and these will be taken into account in the design and carrying out of those procurements

#### 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

Section 17 of the Crime and Disorder Act 1998 requirements have been considered but there are not considered to be any direct impacts of the proposed decision on the Strategy itself.

Each individual procurement exercise may raise specific crime and disorder issues on the basis of their subject matter and these will be taken into account in the design and carrying out of those procurements

### 3. Conclusion

The revised strategy provides the Council with a clear and comprehensive approach to its procurement activity which has been developed through an appraisal of best practice approaches, national guidance and local issues.

#### 4. Legal Comments:

The proposed Strategy is consistent with the Council's legal obligations.

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

#### 5. Resource Comments:

There are no financial implications arising directly from the recommendation in this report, i.e. to approve the Procurement Strategy 2019/22. However, its adoption will enable the Council to continue to work efficiently and effectively in securing value for money, maximising the benefits from expenditure and delivering cost effective services.

### 6. Consultation

#### a) Has Local Member Been Consulted?

N/A

#### b) Has Executive Councillor Been Consulted?

Yes

#### c) Scrutiny Comments

On 25 April 2019, the Overview and Scrutiny Management Board supported a recommendation for the Executive to approve the Procurement Strategy 2019-2022 and highlighted the following points for consideration:

- The Board supported that the Council continue to promote opportunities for small and medium-sized enterprises (SMEs) to produce tender submissions that can be competitive in the Council's tender processes.
- The Board endorsed a focus on developing social and community benefits through the Procurement Strategy by developing apprenticeships, particularly for young people who are leaving care, while delivering contracted services.
- The Board recommended that the Council prioritises developing a commercial collaboration approach by actively driving a culture change to joint commissioning and developing relationships with other public sector organisations in Lincolnshire to secure additional value for the benefit of the public sector.
- The Board recommended that the Council carry out an annual review of

the success of the Procurement Strategy including any wider collaboration achieved, the benefits of category management and the community benefits secured.

**d) Have Risks and Impact Analysis been carried out?**

Yes

**e) Risks and Impact Analysis**

See the body of the Report

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Draft Procurement Partnership Strategy 2019-2022

**8. Background Papers**

The following Background Papers within the meaning of Section 100D of the Local Government Act 1972 were used in the preparation of this Report

Document title	Where the document can be viewed
National Procurement Strategy	<a href="https://local.gov.uk/national-procurement-strategy">https://local.gov.uk/national-procurement-strategy</a>

This report was written by Sophie Reeve who can be contacted on 01522 552578 or [Sophie.Reeve@lincolnshire.gov.uk](mailto:Sophie.Reeve@lincolnshire.gov.uk) and Alex Botten who can be contacted on 01522 554258 or [Alex.Botten@lincolnshire.gov.uk](mailto:Alex.Botten@lincolnshire.gov.uk) .

# Procurement Partnership Strategy 2019-2022

NB Lincolnshire County Council is part of a procurement partnership Procurement Lincolnshire with North Kesteven District Council and West Lindsey District Council

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## Vision

To secure value for money and maximise the benefits from spend with suppliers, supporting delivery of fit for purpose, cost effective and quality services for the people of Lincolnshire, working effectively, efficiently and collaboratively with our partners and suppliers to high standards of practice.

## What we will do and key principles

This strategy is based on the key principles that:

- We are clear on how our public funds are spent, and how this offers value for money for the residents of Lincolnshire.
- We take a Lincolnshire place based approach to procurement by working closely with other public bodies where possible.
- We will actively manage the performance of suppliers to ensure that commitments are delivered.
- We will better understand our markets and the challenges they our suppliers face and manage our supplier relationships so as to maximise the availability of a functioning and sustainable market for Council services across Lincolnshire.
  
- We will seek appropriate Social and Community benefits through procurement, and we will pay regard to the obligations of the Equality Act and the Social Value Act.
- We will seek to engage small medium enterprises (SMEs) in our procurement where opportunities arise.

# Key Challenges

## Financial pressures

- The Council is facing a period of sustained financial pressure, with an increasing demand for services and a reduction of funding.
- We recognise that competition through procurement helps maximise value from spend with providers.
- We will explore revenue generating and cost avoidance opportunities but without putting public funds and services at risk.

## Safeguarding the vulnerable

- The Council has a duty to safeguard vulnerable citizens who are eligible for a variety of social care and other health related services. The complexity of needs and demand for services is escalating within a strained market.
- We shall ensure that we have effective monitoring of service suppliers, and service quality controls within our contracts to manage risks, and protect vulnerable service users from harm.
- We will provide proactive support to those suppliers who need it, identifying how they can improve their service and make clear our concerns so that they can be addressed.

## Service quality

- The Council will procure the quality of services necessary to deliver the outcomes identified within the Corporate Plan.
- We will use an evidence based approach whenever possible when deciding between solutions to procure. We will define our requirements clearly so that they are easy for suppliers to understand, and we will ensure that our contracts include contract and performance management arrangements so that we can monitor the quality of the services we contract for.

## Market sufficiency

- The breadth and diversity of suppliers that form part of the Council's supply chain is extensive, ranging from large multinational companies through to local charities, with some finding it difficult to remain sustainable in the current financial climate.
- We will work with suppliers and service users to help shape a vibrant, competitive marketplace encouraging participation from SMEs while providing stability of provision. This will be supported through effective contingency and continuity planning to ensure that where possible the effects of supplier failure on the people of Lincolnshire are minimised.

## Sustainability

- Climate change, plastic pollution, and the utilisation of natural resources are important issues that the Council has a duty to consider through its own operations, and those of its suppliers.
- Where relevant we will ensure that service suppliers consider how they can minimise their impact on the environment, adopt sustainable business practices, whilst also delivering social and economic benefits for Lincolnshire.

## Commercial management

- We shall strike a balance between commercial terms that hold suppliers to account but which are not onerous and therefore costly to the Council.
- We shall ensure that our contracts include mechanisms to protect the interests of the Council while providing sustainable commercial opportunities for suppliers. Performance controls will hold suppliers to account for good performance, without being overly punitive we will we will favour open book arrangements. Our contract terms will reflect the size and value of the contract and the market place making them accessible to SMEs and charities as appropriate.

- Our procurement processes will be efficient and we will work with commissioning colleagues to reduce the time between identifying a need and letting a contract.

## Legal compliance

- The Council operates within a regulated environment where the consequences for getting things wrong is costly.
- We will ensure that we have the skills, management practices and capability to effectively and proportionately manage risk when making commercial and procurement decisions.

## How we will deliver

### Compliance and transparency

- We shall operate efficient and effective governance arrangements that will be transparent so our citizens know what decisions have been made, and why.
- We will ensure that our internal procedures and processes for conducting procurements are aligned with our regulatory duties.
- We will manage the quality of our procurement practices through Quality Assurance, Gateways, Peer and Scrutiny reviews, and a dedicated governance board.
- We will manage risk in a proportionate manner.

## Value for money

### **Specifications and contracting terms**

- We will use market intelligence when developing specifications and agreeing contractual obligations. We will identify outcomes that are important to Lincolnshire and ensure that suppliers are held to account for delivering those outcomes.
- We will build suitable payment mechanisms, such as milestone payments or payment by results, to incentivise and reward good performance.
- We will introduce a set of light touch terms and conditions for lower value procurements.

### **Category Management**

- Key areas of spend will identify areas where performance needs to improve, identifying initiatives and contracting strategies including management to optimise performance and ultimately deliver the outcomes identified within the service commissioning strategies.
- This will ensure that future contracts provide the most effective use of resources and demonstrate value for money.
- Our key areas of spend are:
  - Adult Care and Community Wellbeing
  - Children's Social Care
  - Education
  - Information Technology (IT)
  - Environmental Services (incl. Waste)
  - Highways (incl. Grounds maintenance)
  - Property Services (incl. Construction)
  - Transport and Vehicles
  - Employment Services, Agency Workers, and Consultancy

### **Supplier Relationship Management**

- We will identify strategic suppliers (current and potential) and engage with them to improve performance, reduce cost, mitigate risk, benefit from innovation, and share benefit as appropriate.
- The Council will take a considered and collaborative approach to managing relationships with our strategic suppliers.

### **Contract Management**

- Our contracts will be regularly reviewed to monitor service delivery, contract compliance, transparency and actual spend versus planned spend. Opportunities for additional value from specification and performance reviews will be assessed on an ongoing basis.
- Where contract changes are agreed they will be written down.
- We will pursue all benefits/savings promised by contractors.
- Where our suppliers are experiencing difficulty we will do our best to support them to succeed.

### **Partnerships, Collaboration and Relationship Management**

- We will work collaboratively and develop relationships with other public sector organisations in Lincolnshire such as the NHS, Schools, the Lincolnshire Police, District Councils, the University of Lincoln, and other public bodies. We will collaborate with our partners where our requirements are similar and can be delivered within a single procurement activity.
- We will adopt a 'one Lincolnshire' approach to our contracts endeavouring to ensure that they complement other related services that are contracted by our public sector partners.
- We will contribute to regional and national working groups, sharing best practice and guidance for the benefit of the public sector.
- We will adopt a commercial mind-set when engaging all of our partners and suppliers to secure additional value whilst having regard to the strength of the market place.

## Efficient practices

- We will utilise existing Frameworks awarded by Public Buying Organisations such as Crown Commercial Services, Eastern Shires Purchasing Organisation, North Eastern Purchasing Organisation and Yorkshire Purchasing Organisation where they meet our requirements as this will harness the purchasing power of the public sector whilst reducing the resources required to put a contract in place, and save time.
- We will follow the Council's Contract and Procurement Procedure Rules and will make use of the exception process provided in those rules particularly for Social and other specific services (Section 7 PCR2015) where appropriate.
- Where practicable we will adopt tried and tested solutions and will not favour bespoke solutions.
- For routine contracts we will use standard documents and contract terms to simplify and speed up the process.
- We will invest in skills development and capacity building to ensure that the Council has a well skilled and experienced procurement team.

## Social and Community Benefits

- When developing our requirements we will consider whether additional social and community benefits could be delivered without materially increasing costs.
- We shall investigate opportunities for our large suppliers to provide apprenticeships, particularly for young people who are leaving care, while delivering our contracted services.
- Our specifications will have regard to the environment.
- We will be sensitive to energy efficiency, the reduction of waste, and the consumption of natural resources.
- We will provide "always-on" digital tendering support for suppliers, so that SMEs can access the support that they need to write tenders and bid for contracts, when they most need it.



**Executive**

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

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

**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	<a href="http://lincolnshire.moderngov.co.uk/CeListDocuments.aspx?Committeeld=121&amp;MeetingId=3399&amp;DF=04%2f12%2f2012&amp;Ver=2">http://lincolnshire.moderngov.co.uk/CeListDocuments.aspx?Committeeld=121&amp;MeetingId=3399&amp;DF=04%2f12%2f2012&amp;Ver=2</a>

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# Lincolnshire Flood Risk and Water Management Partnership Framework



## Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050

### Strategic Vision

## **Contents**

- 1. Introduction**
- 2. The Lincolnshire Flood Risk and Water Management Partnership**
- 3. The previous Joint Flood Risk & Drainage Management Strategy 2012-2025**
- 4. Future Look**
- 5. Delivering the Strategy**
- 6. Find out more**

## **Glossary**

**Key strategies and initiatives developed since 2012 that will influence our strategic approach within Lincolnshire**

## 1 Introduction

### **Reviewing the existing Joint Lincolnshire Flood Risk and Drainage Management Strategy**

Lincolnshire County Council is the Lead Local Flood Authority (LLFA) for the administrative county of Lincolnshire. Because of this role, since 2010 the Council has been responsible for implementing and monitoring a Local Flood Risk Management Strategy.

The purpose of the Strategy is to manage the impact of flood risk to people, businesses and the environment across Lincolnshire. The basic contents of the Strategy are outlined in legislation as follows:

- The risk management authorities operating 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
- 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 must consult the public and risk management authorities that may be affected by the strategy. The Strategy must be consistent with the National Flood Risk and Coastal Erosion Management Strategy and the LLFA must publish a summary of the Strategy, including guidance about the availability of relevant information.

In Lincolnshire our strong partnership approach meant that we were able to put together our Strategy as a joint venture between all the organisations with a role in flood risk management. Completed in 2012, the Joint Lincolnshire Flood Risk and Drainage Management Strategy was one of the first of its kind in the country. It also established a trend that has grown since to join up the work of different organisations and to tackle flood risk and water in a more co-ordinated way than in the past.

The existing Joint Lincolnshire Flood Risk and Drainage Management Strategy was developed as a partnership venture during 2011 and 2012, and was approved for the County Council by the Executive on 4 December 2012 and by Full Council in January 2013. Part 3 of the Strategy, the action plan, was made available from April 2013 and continues to be updated annually. As a consequence Lincolnshire was one of the first areas in England to publish and implement 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 and to consider flood risk in the

round.

In effect, the Strategy co-ordinates all the work delivered by the Lincolnshire Flood Risk and Water Management Partnership as a whole, overseen by the Flood Risk and Water Management Scrutiny committee.

This co-ordinated approach was embedded by establishing the Common Works Programme in 2013. This includes the major capital programmes of all partners, as well as the programme of 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.

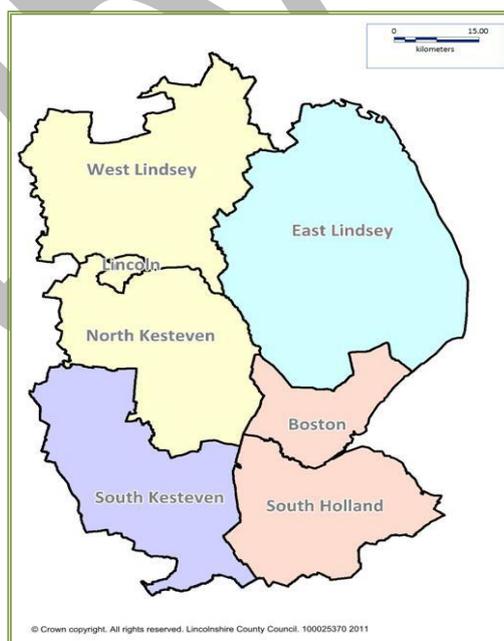
The current Strategy consists of

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**Figure 1** Map of Strategy area



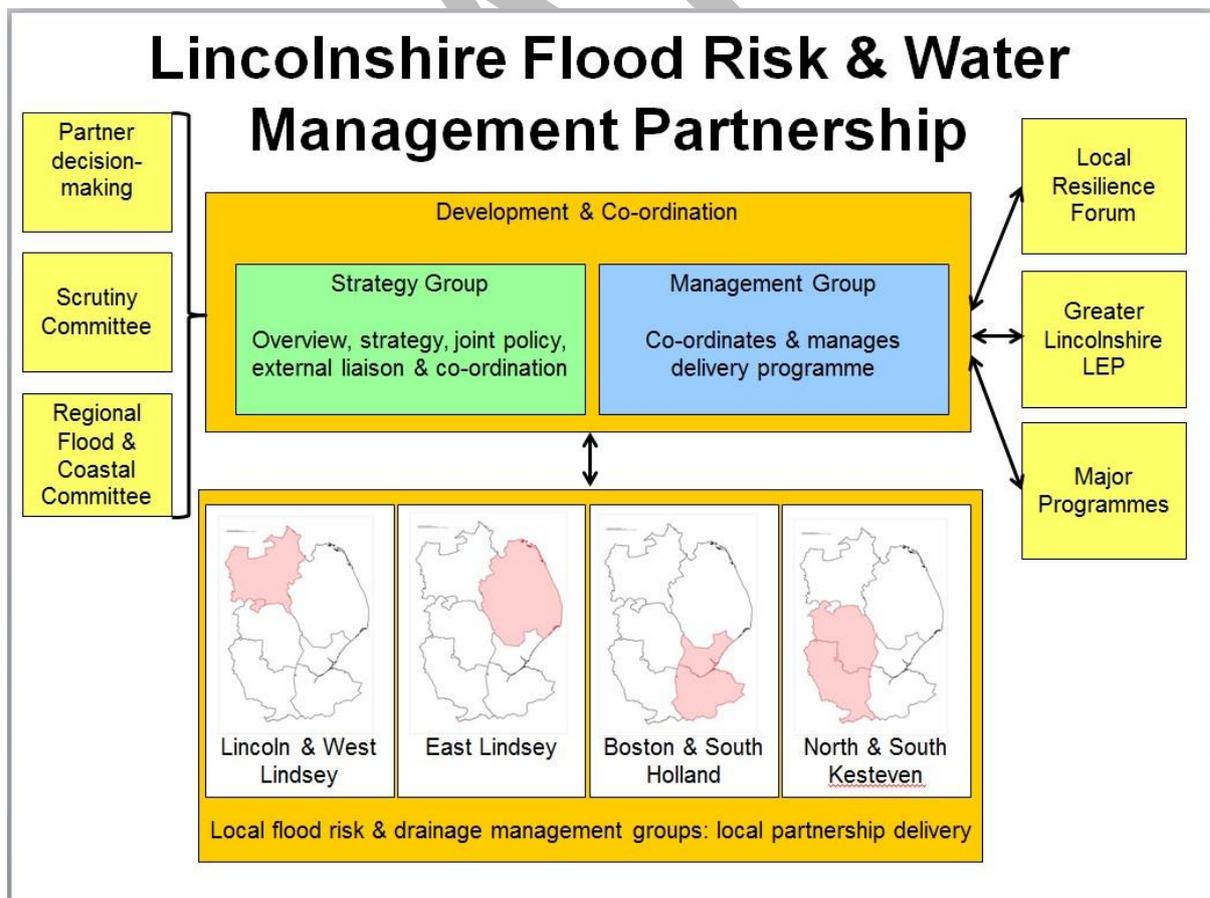
## 2 The Lincolnshire Flood Risk and Water Management Partnership

The Lincolnshire Flood Risk and Drainage Management Partnership was established in 2010 in advance of the Flood Risk and Water Management Act (2010). It was created in order to provide the level of co-ordination needed to develop the joint Strategy described above.

Since 2012 flood risk management has increasingly been recognised as an integral part of a wider issue of managing water as a resource that is essential to economic growth nationally and, particularly, in the east of England. To recognise this a review of the existing partnership role and structure was undertaken during 2017/18. The revised governance and functions of the Lincolnshire Flood Risk & Water Management Partnership can be found at the following link

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

**Figure 2** The Lincolnshire Flood Risk and Water Management Partnership



When determining priorities and actions, the Lincolnshire Flood Risk and Water Management Partnership directs its resources to areas where there is the greatest need, and where investment will bring the greatest benefits.

Following the refresh, the partnership now includes wider water interests. Water Resources East (WRE), a regional initiative looking at water availability from a multi-sectoral position and the Greater Lincolnshire Local Enterprise Partnership and its Water Management Board (WMB) are now full members.

As such, investment is considered in the round by attempting to take a truly systemic view of the water cycle to include the economic benefits its supports and unlocks.

The refreshed partnership has reviewed the key issues it believes Lincolnshire faces in terms of water. This includes flood and drought and the associated economics. It will focus on locations which exemplify these issues or themes and will facilitate discussions across partners, businesses, communities and central government as to how to best tackle these issues in the long term.

These locations are shown on the map in Figure 3 overleaf.

### **Lincolnshire Coastal Strip**

The Lincolnshire open coast is susceptible to significant flood risk from tidal inundation. It is protected by a mix of defenses which are described in the Environment Agency's Saltfleet to Gibraltar Point Strategy. Located immediately behind these defenses are large communities, businesses and tourist attractions. Our ability to support these communities and interest to grow sustainably brings together a great number of partners and policies. These include land use planning, infrastructure provision and flood risk. The partnership aims to bring these concerns together to deliver a sustainable plan and vision for our open coastline.

### **Agriculture**

Agriculture and the Agri-Food Industry are vital to a thriving Lincolnshire economy. It is dependent on the provision of water and the drainage of land. At present these concerns are not linked through strategy or policy. Moreover agricultural land does not attract as much government grant for flood risk protection as housing and at present rates for drainage are subject to the local authority council tax cap. As such the partnership has two aims. To raise the importance of our contribution to the agricultural production of the UK in a post Brexit Britain. To ensure policies reflect the need adequately fund land drainage and flood protection for agricultural land.

### **Catchment Based Approach**

Current strategic approaches to managing water are delivered generally in silos. This separates the management of flood risk, water resources provision and land drainage. By taking an holistic view of the management of water we believe it is possible to provide multiple benefits to the environment, businesses and communities. The governments' 25 Year Environment plan identifies that land should be used and managed more sustainably and this approach will be tested in the South Forty Foot Catchment under the South Lincs Water Partnership

(SLWP) supported by the Lincs FRWMP.

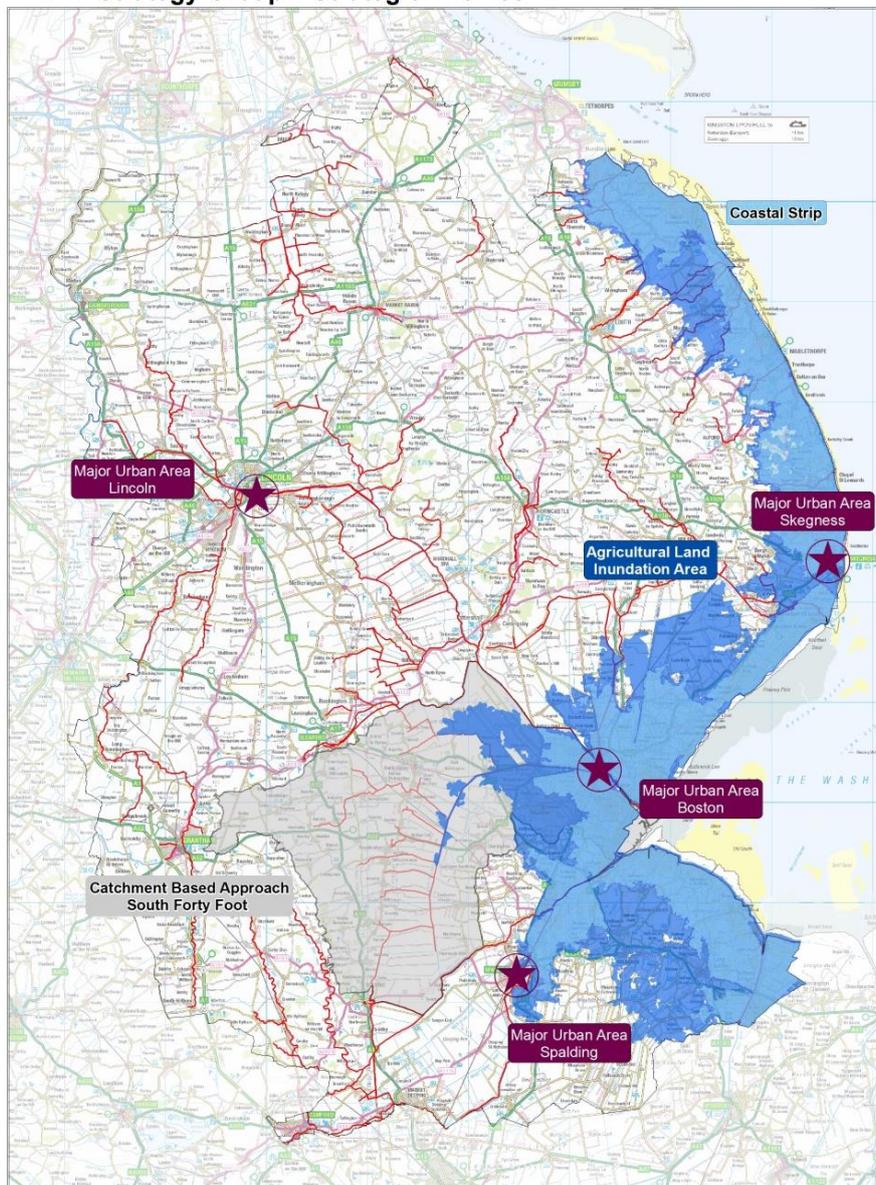
## **Urban Areas**

Major urban areas provide a particular challenge. Flood risk arises from a number of sources including surface water, sewers, rivers and the sea. Growth and economic development can often be focused here. Our aim is to collectively manage these risks whilst allowing our urban centers to flourish and grow sustainably.

The below map demonstrates these areas, however it must be remembered that the partnership co-ordinates day to day operational works throughout the county to manage the risk from all sources of flooding. The current programme of these works can be in Part 3 of the current strategy found [here](#).

**Figure 3** Map showing examples of areas and locations that exemplify key issues

**FRWM Strategy Group 4 Strategic Themes**



The history of the Lincolnshire Flood and Water Management Partnership, means it has developed a key role in managing flood risk in particular. This includes deploying resources and coordinating risk across a range of partners and risk management authorities.

The type of action that will be undertaken to manage flood risk and drainage will depend on the severity of the risk in each circumstance, including factors such as the likelihood of flooding, the level of danger posed by flooding, its impacts and the physical and economic feasibility of implementing a specific scheme or activity.

Since 2012 flood risk management authorities in Lincolnshire have been very successful in securing National funds for works, known as 'Grant in Aid' and funding provided by the Government to the Environment Agency allocated at regional level by the Regional Flood and Coastal Committee. This is also true of funds raised locally (called 'Local Levy') and provided to the Environment Agency by the County Council.

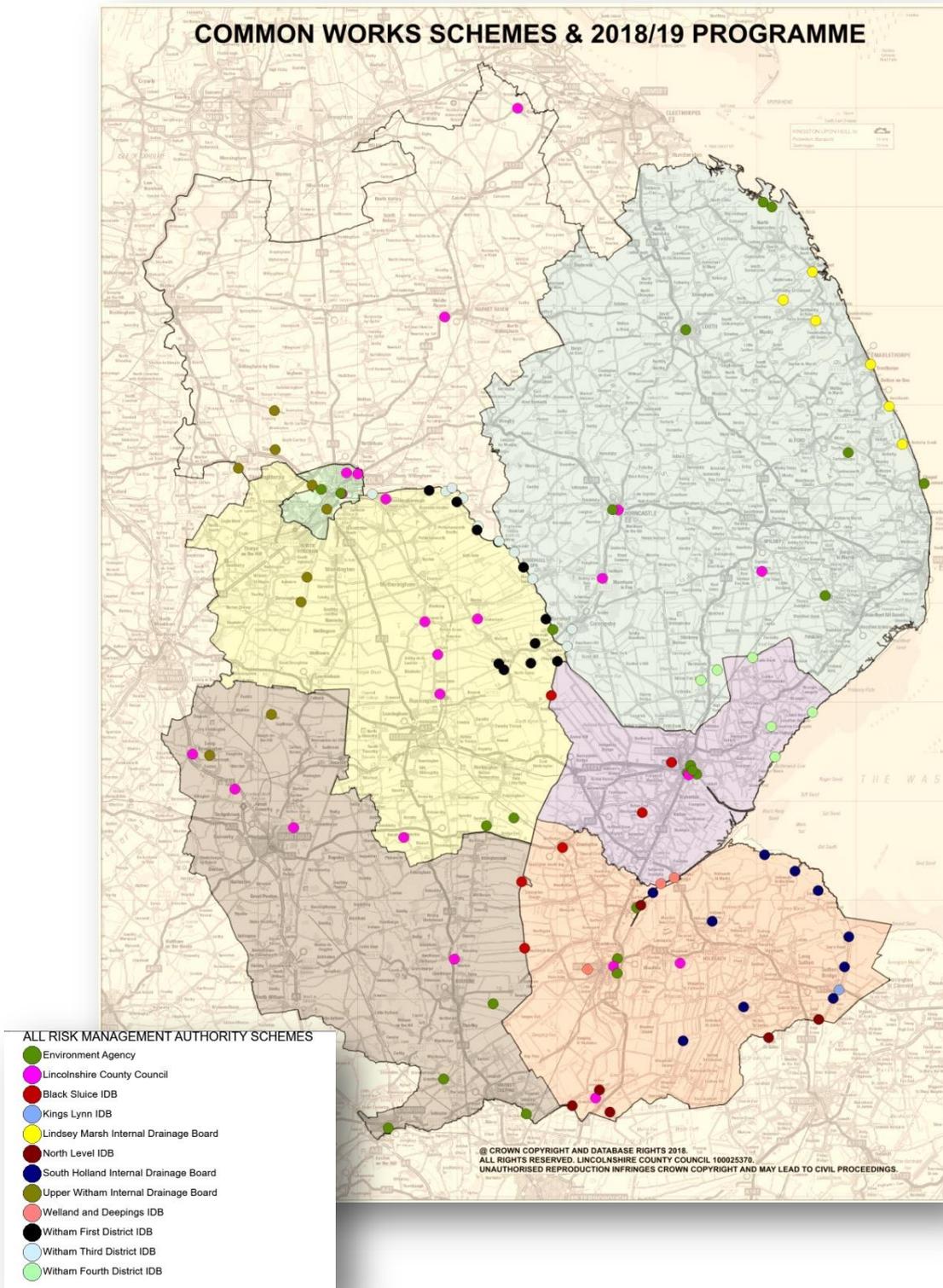
**Figure 4**



Many of the flood risk management activities undertaken are already the responsibility of individual organisations, such as the maintenance of an organisation's own assets, or the fulfilment of particular legal obligations. The Common Works Programme includes schemes, works and other initiatives undertaken by flood risk management authorities across Lincolnshire where, in some cases, two or more authorities have come together through the

Lincolnshire partnership to deliver work that would not have been possible, or would have taken longer to achieve, if undertaken by one organisation alone. These works form the Common Works Programme which is refreshed annually with all risk management authorities retaining the maximum flexibility to respond to schemes and works needs as they arise. By combining resources, partners have been able to attract inward investment at a national level and raise the priority of proposed schemes regionally

**Figure 5** Location of Partnership work that have received national funding and undertaken by Lincolnshire Risk Management Authorities since 2012



### 3 Future Look

Overall the Lincolnshire partnership will maintain its key role within the county and build on its ability to galvanise support and consensus around key strategies, economic growth and influence Central Government. The work of the partnership and delivery of the our strategic aims is far from complete and significant challenges and opportunities lie ahead.

#### Climate Change

It is widely accepted that climate change is occurring and will affect our weather patterns. Climate change poses a major challenge in our planning, adaptation and resilience to managing flood risk and water resource issues in Lincolnshire. In November 2018 the Met Office published its projections for future climate change - **UK Climate Projections 2018 (UKCP18)**, which are the first major update to the UK's national climate change projections for nearly 10 years. The information available will help government, business and other interested parties to assess the challenges and opportunities we face from our changing climate.

In the most part trends show that the UK climate is continuing to warm and that sea levels continue to rise. We need to take into account however that these latest predictions were released whilst this strategy was being reviewed and therefore due to the complexity of the new projections, it is likely to be some time before clear guidance emerges as to what this may mean for Lincolnshire in respect of both land use planning and scheme/ project development. Some of the headline findings that have been identified are summarised below.

#### Overview

By the end of the 21st century, all areas of the UK are projected to be warmer, more so in summer than in winter.

Hot summers are expected to become more common.

Rainfall patterns across the UK are not uniform and vary on seasonal and regional scales and will continue to vary in the future.

A new set of marine projections show that sea level around the UK will continue to rise to 2100 under all emission pathways.

There is now no doubt the continuation and likely increase in the weather extremes will provide significant challenges in managing flood risk and water resources in the future, with examples of some of the variances highlighted below.

### **Some Key findings from UKCP18**

The average temperature over the most recent decade (2008-2017) has been on average 0.3 °C warmer than the 1981-2010 average and 0.8 °C warmer than the 1961-1990 average. Nine of the ten warmest years have occurred since 2002.

The most recent decade (2008-2017) was around 1 °C warmer than the pre-industrial period (1850-1900). This temperature rise in the UK is consistent with warming that has been observed at a global scale, of around 1 °C since pre-industrial.

Summers in the UK, for the most recent decade (2008-2017), have been on average 17% wetter than 1981-2010 and 20% wetter than the 1961-1990 average. However, very long-period natural variations are also seen in the longer observational record.

Total rainfall from extremely wet days (days exceeding the 99th percentile of the 1961-1990 rainfall) has increased by around 17% in the most recent decade (2008-2017), for the UK overall. However, changes are largest for Scotland and not significant for most of southern and eastern England.

Mean sea level around the UK has risen by about 16 cm since the start of the 20th century (when corrected for land movement).

The pattern of sea level rise is not uniform across the UK. Sea level rise is less in the north and more in the south, this is mainly due to the movement of land, up and down.

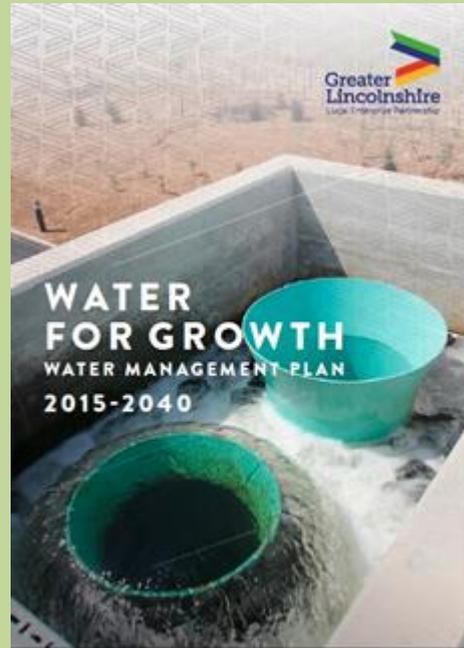
We can continue to expect increases to extreme coastal water levels driven mainly by increases in mean sea level rise, although we cannot rule out additional changes in storm surges.

### **Recent developments in Lincolnshire**

Since 2012 flood risk management has increasingly been recognised as an integral part of 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 (GLLEP) 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 and the visitor economy.

## Greater Lincolnshire LEP's Water Management Plan 2015-2040

The strength of an existing long-standing Partnership working in flood risk management in Greater Lincolnshire provides an opportunity to develop this further and to drive links with organisations responsible for water supply and management. The aim is for Greater Lincolnshire to be seen as a national exemplar for water management, in both flood reduction and water supply, and to act as an incentive for investors in the LEP's priority sectors of Agri-food, visitor economy and manufacturing & engineering. This will enable effective water management to be a positive contributor to economic growth.



In achieving this aim, the LEP believes that close collaboration with the neighbouring Humber LEP, Greater Cambridge and Greater Peterborough LEP, and the New Anglia LEP is essential, as these areas share many important economic challenges and opportunities. Because of this, the Greater Lincolnshire LEP has established a Water Management Board and launched a Water Management Plan.

Greater Lincolnshire faces significant challenges from the risk of flooding and future availability of water. Around 45% (2,843km<sup>2</sup>) of Greater Lincolnshire lies within the floodplain - representing 17% of England's total floodplain area - and has been affected by a number of significant coastal and inland floods, most notably in 1953, 2007, 2012 and 2013.

The Greater Lincolnshire area is also one of the driest in the country and is prone to drought. The two dry winters experienced in 2010/11 and 2011/12 demonstrated the challenges and raised awareness of the need to adapt to this element of our changing climate. In April 2012, the second of these two dry winters was followed by an exceptional summer which led to significant problems for our priority sectors and illustrates the need to prepare for more weather extremes.

The importance of water management in Greater Lincolnshire and its established expertise in managing flood risk, a critical part of the solution, provides an opportunity to explore innovative approaches across the whole range of water management activities. No other part of the country is taking this comprehensive approach or has identified water management as so essential a factor in bringing about economic growth.

Find out more at;

<https://www.greaterlincolnshirelep.co.uk/documents/water-management-plan/>

A related development is the growing importance of water resource management since major droughts (interspersed with significant surface water flooding events) in 2012 and 2013. 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, as reflected in Anglian Waters draft Water Resources Management Plan. These are key elements in supporting economic growth across Lincolnshire, and of direct interest to key economic sectors in Lincolnshire and its neighbouring authorities.

Most recently, future planning for water availability has led to the Water Resources East initiative within the Anglian region and further consideration of potential opportunities for strategic linkage between water resource, flood risk, growth and environmental management. These are key elements in supporting economic growth across Lincolnshire, and of direct interest to key economic sectors in Lincolnshire and its neighbouring authorities.

Water Resources East (WRE) is a collaboration between Partners in the East of England to develop a more integrated approach to water resource planning and management.



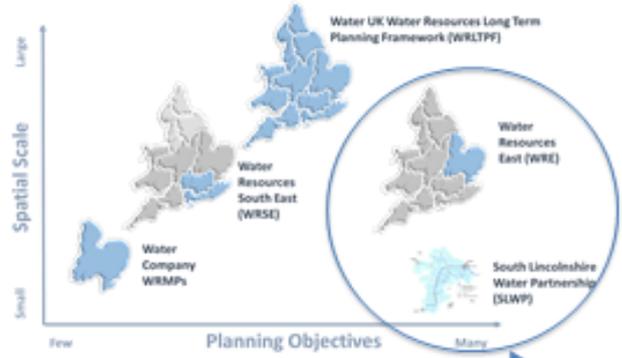
The WRE vision is for a strong economy and a flourishing environment with a purpose to build capacity in the region to deliver this. It operates at a number of different scales (see graphic overleaf):

- a) Regional: the WRE has developed the first multi-sector long-term regional water resource strategy in England using modern planning techniques. The strategy covers an area from the Humber to North London and is designed to meet the needs of the public water supply, environment, power and agricultural sectors in a future where impacts from climate change, growth and severe drought are expected but uncertain. The strategy combines far-reaching demand management, including large reductions in leakage, with a combination of new resource and transfer options. These include a multi-sector winter storage reservoir in South Lincolnshire
- b) Catchment: the WRE is working in South Lincolnshire and elsewhere to develop a partnership based water resource planning process at catchment level. This will use the techniques developed for the regional planning effort, but will apply them at local scale. In South Lincolnshire the aim is to produce a sustainable water resource strategy for an area where water supply, drought and flood risk are constraints on economic development. The project is being delivered by the South Lincolnshire Water Partnership (SLWP) and aims to ensure that future reservoir development in the area meets local economic and environmental needs, as well as the needs of the wider region, and
- c) Sub-catchment level: the WRE also works with landowners at farm and estate level to develop “Water Plans” based on the principle of Integrated Water Resource Management (IWRM). A number of these are being developed in Lincolnshire where water quality issues are being examined, along with measures to capture high flows in streams and rivers so as to reduce flood risk, increase the volume of water available for irrigation and increase the sustainability of irrigation operations

## Where does the WRE fit in?

WRE works at regional and catchment level







**Storage is key to the WRE long-term strategy and a multi-sector winter storage reservoir in South Lincolnshire is one of the options - the WRE needs to work at regional and catchment level to best match local and regional needs**

The catchment level work of the WRE & SLWP is supporting implementation of the Environment Agency “Water Abstraction Plan”. This programme will reform the current abstraction licensing system, helping maintain abstraction at sustainable levels and improving access to the available resources.

In Lincolnshire, the WRE & the SLWP report through to the Lincolnshire Flood Risk and Water Management Strategy Group.

Emerging initiatives are supporting our approach of improved flood risk that also provides greater water resource sustainability which in turn supports economic growth. These methods also support the catchment approach in managing an area from source to sea rather than in isolation.

This broader integration of water related activities was explicitly recognised when the flood risk and drainage partnership was renamed the Lincolnshire Flood Risk and Water Management Partnership in 2015. The review of partnership during 2017-18 consolidated these developments and confirmed the need to embed a wider approach in its membership and terms of reference. The review of the partnership's Strategy provides the opportunity to continue this process of alignment and co-ordination and be formally recognized as the **Joint Lincolnshire Flood Risk and Water Management Strategy** to reflect the broader scope of our ambitions.

Since 2012 there has been the development and emergence of a number of local, regional and national strategies and initiatives which moving forward as a partnership we will need to take into account when considering our role in managing water more holistically within Lincolnshire. A list of these is provided on page 43 of this document.

The **25 Year Environment Plan**, published in early 2018 sets out the government's ambition to protect and enhance England's natural landscape for now and the long-term. How we manage flood and coastal risk will be a key part of how the plan is implemented and Lincolnshire's Risk Management Authorities are well positioned to take on the challenge. Collaboration between RMAs and their partners in managing all sources of flooding and coastal risk and at all spatial scales is essential if we are to achieve this and increase both the county's and our nations resilience to such pressures. [25 Year Environment Plan](#)

The Environment Agency has is in the process of reviewing its **national strategy for flood and coastal erosion risk management**. It is working in partnership with RMAs and a range of other partners to form a collective vision for the future of flood and coastal risk management. The aim of this coalition of partners is to identify the initial measures needed in order to achieve a shared vision and then to deliver it together. It is encouraging that the ambitions in this emerging national strategy reflects the goals and ambitions which are set out in the Lincolnshire Flood Risk and Water Management Strategy. Formal public consultation is expected to commence in early 2019. [Flood & Coastal Erosion Risk Management National Strategy Information](#)

In a Lincolnshire context the vital work the Environment Agency carry out along the open coast is also being reviewed as part of the **Saltfleet to Gibraltar Point strategy review**. How management of flood risk on the Lincolnshire coastline is undertaken remains vital to over 20,000 homes, approx. 24,500 static caravans, 35,000 hectares of farmland and a bustling tourist industry that lie within the strategy area.

A preferred strategy and delivery plan for flood risk management on the Lincolnshire coast over the next 100 years is being developed as the Environment Agency work closely with partners in local and central government to finalise the draft strategy document, which is planned to be taken forward to a public consultation in 2019.

While work is undertaken to finalise the draft strategy, planning continues for the 2019 beach nourishment campaign which will protect the sea defences and to manage the risk of flooding to communities across the Lincolnshire coast. For further information on the revised strategy please see [Saltfleet to Gibraltar Point Strategy](#)

Intrinsically linked to our approach around water management is the provision to enhance amenity benefits and environmental betterment. This is approach is demonstrated by the **South Lincolnshire Fenlands Partnership**. The partnership is a group of organisations, land managers and community representatives all with an interest in enhancing and protecting the unique and

special qualities of the cultural, natural and historical heritage of the Lincolnshire Fenlands. The area covered by the project lies between Bourne, Spalding, and Market Deeping and includes the villages of Baston, Langtoft, Thurlby Fen, Tongue End and Twenty. The Project Officer facilitates and engages a broad spectrum of people from land owners and local residents to politicians and national statutory bodies to discuss approaches to managing natural assets in a changing world to secure benefits for wildlife and people. This area is low lying with rich farming soils and astonishing amounts of water flowing through courses, some of which are rich in botanical diversity and rare fauna. As the impacts of climate change become more apparent, then the partnership's role in finding solutions of a landscape scale approach to water management for people and wildlife will increasingly become more critical.

Over the past 6 years Lincolnshire Risk Management Authorities and partners have adapted to ever-changing and growing pressures, learning lessons through collaboration and continuously seeking to evolve. Funding will remain one of the key challenges faced in delivering the aspirations of this strategy. The current national 6 year capital investment programme ends in March 2021 and consideration is being given to what a future programme may look like. As this strategy is being reviewed Defra and Treasury are still in discussions, but this will be informed by the next Long Term Investment Scenarios (LTIS) analysis which will provide an updated view on the optimal amount to spend on flood risk management. The new analysis will build on the existing information and address a number of emerging questions and issues including high range climate change scenarios, development controls, standards of protection, property level resistance and resilience, temporary community defences, natural flood management, and risks to infrastructure.

These current uncertainties mean it is as ever important for Lincolnshire organisations to pull together to seek collaborative solutions to address these challenges and continue to seek innovative and forward thinking methods to do so.

## **Wrangle Sea Banks**

This £1.8million project, completed in September 2018, was the first major improvement to coastal flood defences in the area for over 30 years. Over 3,400 hectares of prime grade one farmland, and 460 domestic and industrial properties in this area of the Wash are now better protected, thanks to the co-ordinated efforts of flood risk management authorities and local landowners.

An Environment Agency review in 2012 had identified a 5km stretch of The Wash sea defences near the village of Wrangle, as particularly vulnerable, with the lowest sea banks along the Wash frontage, and only a single line of defence.

Witham Fourth District IDB (W4IDB) agreed to be the lead risk management authority on the project as they were able to deliver efficiencies using local landowner agreements and local contractors. This partnership approach, combined with the number of households and businesses protected, enabled an application of support through £1.3 million of DEFRA and half a million pounds of EU funding.

The project involved re-profiling the sea banks and raising them to over 7 metres high, with a 1 in 3-rear slope leading to a soke dyke to cope with future over-topping. During high tides, these accommodate the water that permeates up through the ground and during heavy rainfall, they enable surplus water to flow to the W4IDB managed pumping stations. This also enabled at least 10 hectares of habitat creation behind the banks including grassland and semi-wetland habitats. Landowners contributed around 40 linear metres of farmland to provide the spoil to re-profile the sea banks.

It was the tidal surge of December 2013, again breaching the main line of defence as it had 60 years earlier, that galvanised farmers and landowners to push for action. W4IDB were by partner representatives from Lincolnshire County Council, landowners, EA and Natural England to deliver the project.



## 7 Delivering the Strategy

### Vision

**Our vision statement for working in partnership to tackle flood risk and water resource issues to 2050**

*"Working in partnership for a resilient future"*

In order to work towards this vision, the Partnership has developed and agreed a new set of high-level aims. These aims take account of changes and developments since 2012 in how we consider the effective management of water and flood risk whilst recognising the ambition to seek wider benefits for Lincolnshire in not only flood risk but broader water resource issues.

In collectively developing these aims the partnership are clear that a 'do nothing' approach is clearly not an option. Climate change will bring significant challenges for both flood risk (such as rising sea levels and more extreme weather events) and water resources issues (i.e. drought). Water is the essential component that brings organisations together to seek a resilient future to the extreme challenges we face. Through partner and stakeholder engagement the following themes are considered key in moving forward to deal with these challenges.

### **Catchment based approach**

Currently when taking a strategic approach to managing water such as management of flood risk, water resources provision and land drainage this is largely looked at in isolation. In adopting a holistic view of the management of water it is possible to provide multiple benefits to the environment, businesses and communities by managing water sustainably through a whole catchment approach. As indicated through the innovative approaches being looked at as part of the WRE initiative in the South Forty Foot catchment and the pilots which formed part of the PACM project the lessons learned will provide a sound evidence base that can be tested on catchments in other areas. Ultimately the ambition is to cover all catchments within the county as well as maximizing opportunities with other neighbouring authorities encouraging cross boundary working.

### **Ecosystem services**

The natural environment is one of Lincolnshire's greatest strengths. If the ecosystem services that the natural environment provides are restored and recreated across the county, and delivered in a sympathetic way, it is possible to combine effective flood risk and water resource management solutions. Multiple benefits can support;

- Sustaining & Growing Business & the Economy
- Protecting & Sustaining the Environment
- Protecting and enhancing the natural & built Environment

In certain situations adaptations to existing, or new, environmental features can improve flood defence through an increase in capacity to store water (both for flood risk management and irrigation), improve connecting habitat, improve water quality and accommodate leisure and tourism activities. All of these have the added value of bringing economic benefits to the area.

### **Strategic thinking on land use planning**

Our approach to land use planning will become even more critical moving forward to balance the challenges faced from flood risk and managing water resources. Planned for, and managed in a sustainable way, this will aid in securing economic growth and environmental enhancement but there are likely to be challenges meeting different government targets. Housing, flood risk and growth will need to be considered collectively across a range of organisations to meet aspirations and manage the cumulative effects of the climatic conditions we will face in the future. The partnership will build on its influencing role and ensure it is in a strong position in negotiating key policy developments.

### **Asset management**

It is recognised there is a need to have a joint approach to resolving issues with obsolete legacy assets such as old navigation assets, weirs, outfalls, embankments and culverts. These are currently maintained by Risk Management Authorities and consideration needs to be given, where appropriate to decommissioning or transferring assets to a more appropriate body. The recent Rationalising the Main River Network (RMRN) project highlighted the success of this approach which can lead to the streamlining of operations, make efficiency savings and bring opportunities to achieve more for the environment.

### **Establish an evidence base for Lincolnshire**

Flood Risk Management Authorities in Lincolnshire have been recognised by government as among those leading nationally in the development of partnership and co-ordination through the creation of the Lincolnshire Flood Risk and Water Management Partnership framework. These same authorities, along with other stakeholders, are determined that such recognition is maintained through our broader aspirations around water management in the whole.

To ensure Lincolnshire remains at the forefront of such activities it is essential a sound proof and evidence base is developed to demonstrate how we will collectively face the flood risk and water resource challenges in our region. Agri-food, housing growth, tourism, the environment and energy sectors are all nationally strategically important within the county and will be a priority for

investment and infrastructure needs in the future. All are highly reliant on water to function effectively whether it be protection from flood the risk of flooding and tidal inundation or the need to have a guaranteed supply of water. A supporting evidence base will be key in lobbying government and engaging key stakeholder groups to ensure we achieve the support and backing to deliver against our aims.

As a result of partner and stakeholder engagement, 4 aims have been developed. Outlined below, they will be the key drivers for the delivery of this strategy.

<b>Aim</b>	<b>Key area of focus</b>	<b>How this will be achieved</b>
<b>Aim 1.</b>	To move from flood risk management to cover water management	<p>To have clear objectives for supporting and developing linkages between effective water management and securing economic growth and environmental enhancement</p> <p>To have a greater emphasis on managing water in catchments, both locally and at a strategic level</p> <p>To promote a greater mix of measures including water retention &amp; attenuation and natural flood risk management methods</p>
<b>Aim 2.</b>	To develop a more strategic approach to development and land use planning	<p>To have alignment with major regional and national strategic infrastructure initiatives, particularly involving water resources linking flood risk solutions with improved resilience to drought.</p> <p>To have a greater integration of flood risk and water resource management with local planning policy development</p> <p>To ensure the effects of climate change are included in long term planning for flood risk and water resources</p>
<b>Aim 3.</b>	To build on the existing strong profile of the Lincolnshire Partnership ensuring it has a strong	To ensure awareness of the partnership is maintained with proactive engagement regionally and nationally in key policy developments

	influencing role	<p>To proactively support national initiatives that can enhance local approaches to flood risk and water management such as IDB boundary extension</p> <p>To build a proof and evidence base to government and key stakeholder groups that support the ambitions of the partnership</p>
<b>Aim 4.</b>	To build and develop key lines of communication to promote the aims, ambitions and achievements of the Lincolnshire Partnership	<p>To Develop a public and stakeholder communications &amp; engagement strategy</p> <p>To develop a partnership action plan detailing key priorities moving forward</p>

**By 2050 Lincolnshire will be an area resilient to flood risk and water resources issues with a long term strategic vision delivering local benefits.**

### **Strategy review process**

Delivery of the Strategy will be managed by the Lincolnshire Flood Risk and Water Management Partnership, with regular progress reports against targets to the Management Group, and from there to Strategy Group and the Scrutiny Committee.

The strategic delivery common works programme will continue to be reviewed annually, and the Strategy as a whole will be subject to a five-yearly review process, including full public involvement, to ensure it is kept up-to-date, takes account of objectives achieved, and continues to maintain a focused forward programme at strategic, tactical and operational levels.

The Lead Local Flood Authority will be responsible for ensuring that monitoring and reviews are undertaken according to plan, but the partnership as a whole will contribute to the review and refresh of the Strategy.

## **8 Find out more**

This Strategy is available online at:

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

Hard copies are available on request. Postal enquiries should be sent to:

Joint Lincolnshire Flood Risk and Water Management Strategy  
Lincolnshire County Council  
Environment and Economy  
Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

Email enquiries should be sent to [floodrisk@lincolnshire.gov.uk](mailto:floodrisk@lincolnshire.gov.uk)

For telephone enquiries please contact (01522) 782070

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**Glossary**

Assets	Structures or a system of structures used to manage flood risk.
Catchments	An area that serves a river with rainwater. Every part of land where the rainfall drains to a single watercourse is in the same catchment.
Defences	A structure that is used to reduce the probability of floodwater or coastal erosion affecting a particular area (for example a raised embankment or sea wall)
Defra	Department for Environment, Food and Rural Affairs
GLLEP	Greater Lincolnshire Local Enterprise Partnership
Groundwater	Water which is below the surface of the ground and in direct contact with the ground or subsoil.
IDBs	Internal Drainage Boards
LLFA	Lead Local Flood Authority (Lincolnshire County Council)
Local flood risk	Flood risk from sources other than main rivers, the sea and reservoirs, principally meaning surface runoff, groundwater and ordinary watercourses.
LPA	Local Planning Authority
Main river	A watercourse shown as such on the Main River Map, and for which the Environment Agency has responsibilities and powers
NFM	Natural Flood Management
Ordinary watercourses	All watercourses that are not designated Main River, and which are the responsibility of Local Authorities or, where they exist, IDBs.
Resilience	The ability of the community, services, area or infrastructure to withstand the consequences of an incident.
Risk	Measures the significance of a potential event in terms of likelihood and impact.

RMA	Risk Management Authorities
Source	The origin of a hazard (e.g. heavy rainfall, strong winds, surge etc).
Surface runoff	Rainwater (including snow and other precipitation) which is on the surface of the ground (whether or
WRE	Water Resources East

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## **Key strategies and initiatives developed since 2012 that will influence our strategic approach within Lincolnshire**

- Current review of National Flood Risk and Coastal Erosion Management Strategy
- Humber Estuary Strategy
- Current national review of Shoreline Management Plans
- Saltfleet to Gibraltar Point Strategy
- Wash Banks Strategy
- Partnership Approach to Catchment Management
- Flood Plan for Lincolnshire (Emergency Response)
- Water Resources Management Plan
- Water Resources East Initiative
- Local Planning Policy – Local Plans
- GLLEP Strategic Economic Plan
- GLLEP Water Management Plan
- GLLEP Energy Strategy for Greater Lincolnshire
- National and Local Industrial Strategies
- Defra 25 Year Environment Plan

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## **Lincolnshire Flood Risk and Water Management Partnership Framework**



# **Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050**

(A review and update to the existing Joint Lincolnshire Flood Risk and Drainage Management Strategy 2012-2025)

## **Contents**

- 1. Introduction**
- 2. The Lincolnshire Flood Risk and Water Management Partnership**
- 3. The previous Joint Flood Risk & Drainage Management Strategy 2012-2025**
- 4. Understanding Flood Risk**
- 5. Roles and responsibilities of Lincolnshire Flood Risk Management Authorities**
- 6. Future Look**
- 7. Delivering the Strategy**
- 8. Find out more**

## **Glossary**

**Key strategies and initiatives developed since 2012 that will influence our strategic approach within Lincolnshire**

## 1 Introduction

### **Reviewing the existing Joint Lincolnshire Flood Risk and Drainage Management Strategy**

Lincolnshire County Council is the Lead Local Flood Authority (LLFA) for the administrative county of Lincolnshire. Because of this role, since 2010 the Council has been responsible for implementing and monitoring a Local Flood Risk Management Strategy.

The purpose of the Strategy is to manage the impact of flood risk to people, businesses and the environment across Lincolnshire. The basic contents of the Strategy are outlined in legislation as follows:

- The risk management authorities operating 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
- 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 must consult the public and risk management authorities that may be affected by the strategy. The Strategy must be consistent with the National Flood Risk and Coastal Erosion Management Strategy and the LLFA must publish a summary of the Strategy, including guidance about the availability of relevant information.

In Lincolnshire our strong partnership approach meant that we were able to put together our Strategy as a joint venture between all the organisations with a role in flood risk management. Completed in 2012, the Joint Lincolnshire Flood Risk and Drainage Management Strategy was one of the first of its kind in the country. It also established a trend that has grown since to join up the work of different organisations and to tackle flood risk and water in a more co-ordinated way than in the past.

The existing Joint Lincolnshire Flood Risk and Drainage Management Strategy was developed as a partnership venture during 2011 and 2012, and was approved for the County Council by the Executive on 4 December 2012 and by Full Council in January 2013. Part 3 of the Strategy, the action plan, was made available from April 2013 and continues to be updated annually. As a consequence Lincolnshire was one of the first areas in England to publish and implement 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 and to consider flood risk in the round.

In effect, the Strategy co-ordinates all the work delivered by the Lincolnshire Flood Risk and Water Management Partnership as a whole, overseen by the Flood Risk and Water Management Scrutiny committee.

This co-ordinated approach was embedded by establishing the Common Works Programme in 2013. This includes the major capital programmes of all partners, as well as the programme of 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.

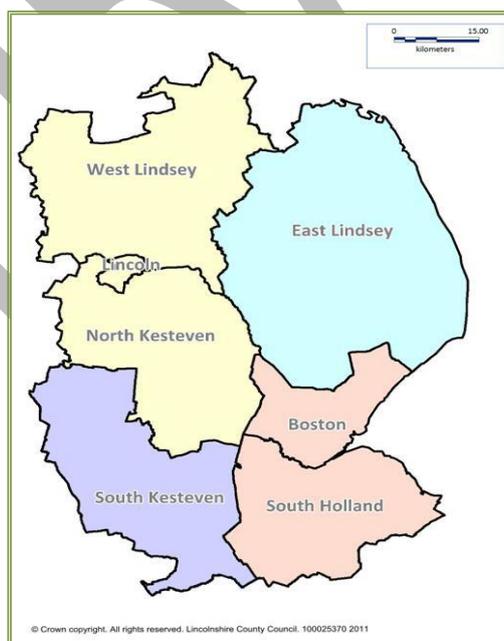
The current Strategy consists of

- 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>

**Figure 1** Map of Strategy area



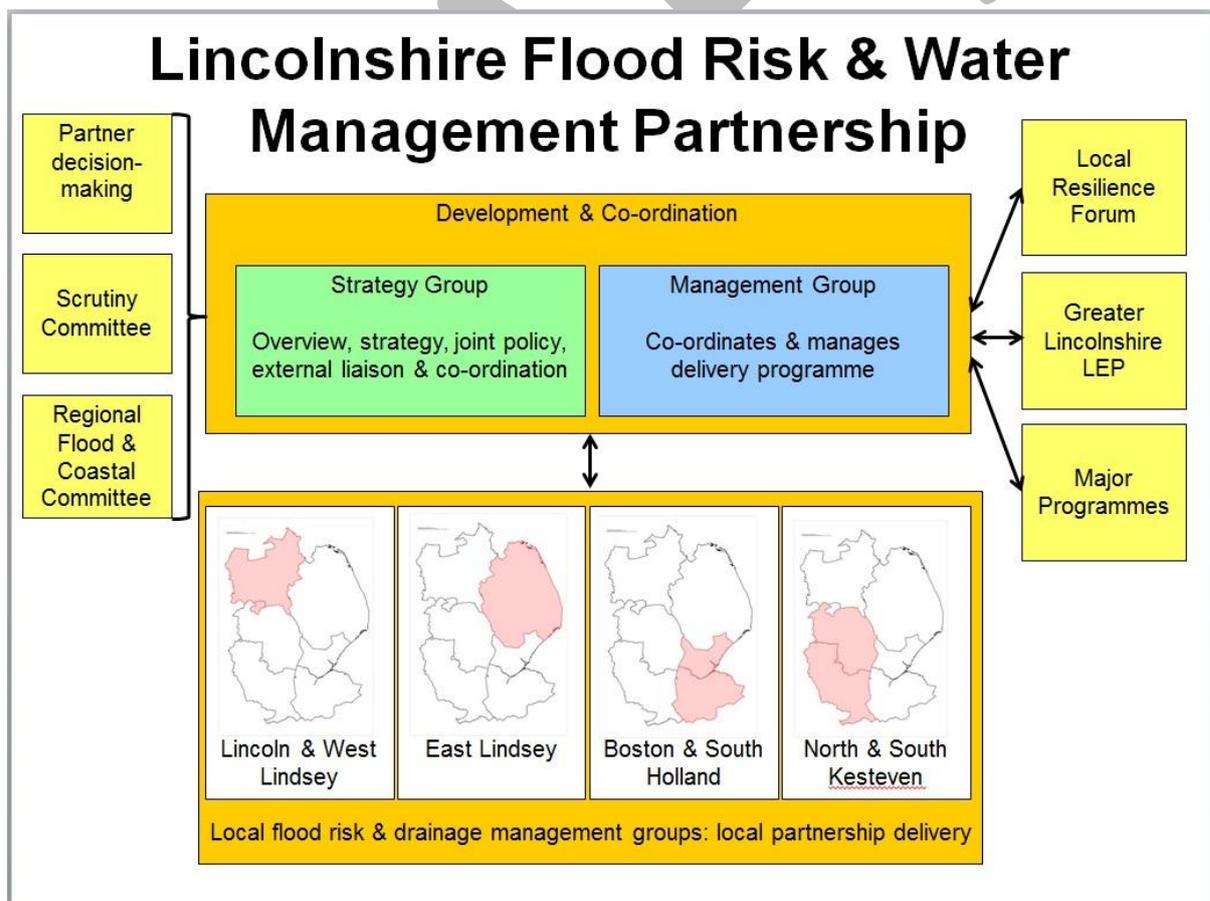
## 2 The Lincolnshire Flood Risk and Water Management Partnership

The Lincolnshire Flood Risk and Drainage Management Partnership was established in 2010 in advance of the [Flood Risk and Water Management Act \(2010\)](#). It was created in order to provide the level of co-ordination needed to develop the joint Strategy described above.

Since 2012 flood risk management has increasingly been recognised as an integral part of a wider issue of managing water as a resource that is essential to economic growth nationally and, particularly, in the east of England. To recognise this a review of the existing partnership role and structure was undertaken during 2017/18. The revised governance and functions of the Lincolnshire Flood Risk & Water Management Partnership can be found at the following link

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

**Figure 2** The Lincolnshire Flood Risk and Water Management Partnership



When determining priorities and actions, the Lincolnshire Flood Risk and Water Management Partnership directs its resources to areas where there is the greatest need, and where investment will bring the greatest benefits.

Following the refresh, the partnership now includes wider water interests. Water Resources East (WRE), a regional initiative looking at water availability from a multi-sectoral position and the Greater Lincolnshire Local Enterprise Partnership and its Water Management Board (WMB) are now full members.

As such, investment is considered in the round by attempting to take a truly systemic view of the water cycle to include the economic benefits its supports and unlocks.

The refreshed partnership has reviewed the key issues it believes Lincolnshire faces in terms of water. This includes flood and drought and the associated economics. It will focus on locations which exemplify these issues or themes and will facilitate discussions across partners, businesses, communities and central government as to how to best tackle these issues in the long term.

These locations are shown on the map in Figure 3 overleaf.

### **Lincolnshire Coastal Strip**

The Lincolnshire open coast is susceptible to significant flood risk from tidal inundation. It is protected by a mix of defenses which are described in the Environment Agency's Saltfleet to Gibraltar Point Strategy. Located immediately behind these defenses are large communities, businesses and tourist attractions. Our ability to support these communities and interest to grow sustainably brings together a great number of partners and policies. These include land use planning, infrastructure provision and flood risk. The partnership aims to bring these concerns together to deliver a sustainable plan and vision for our open coastline.

### **Agri-food**

Agriculture and the Agri-Food Industry are vital to a thriving Lincolnshire economy. It is dependent on the provision of water and the drainage of land. At present these concerns are not linked through strategy or policy. Moreover agricultural land does not attract as much government grant for flood risk protection as housing and at present rates for drainage are subject to the local authority council tax cap. As such the partnership has two aims. To raise the importance of our contribution to the agricultural production of the UK in a post Brexit Britain. To ensure policies reflect the need adequately fund land drainage and flood protection for agricultural land.

### **Catchment Based Approach**

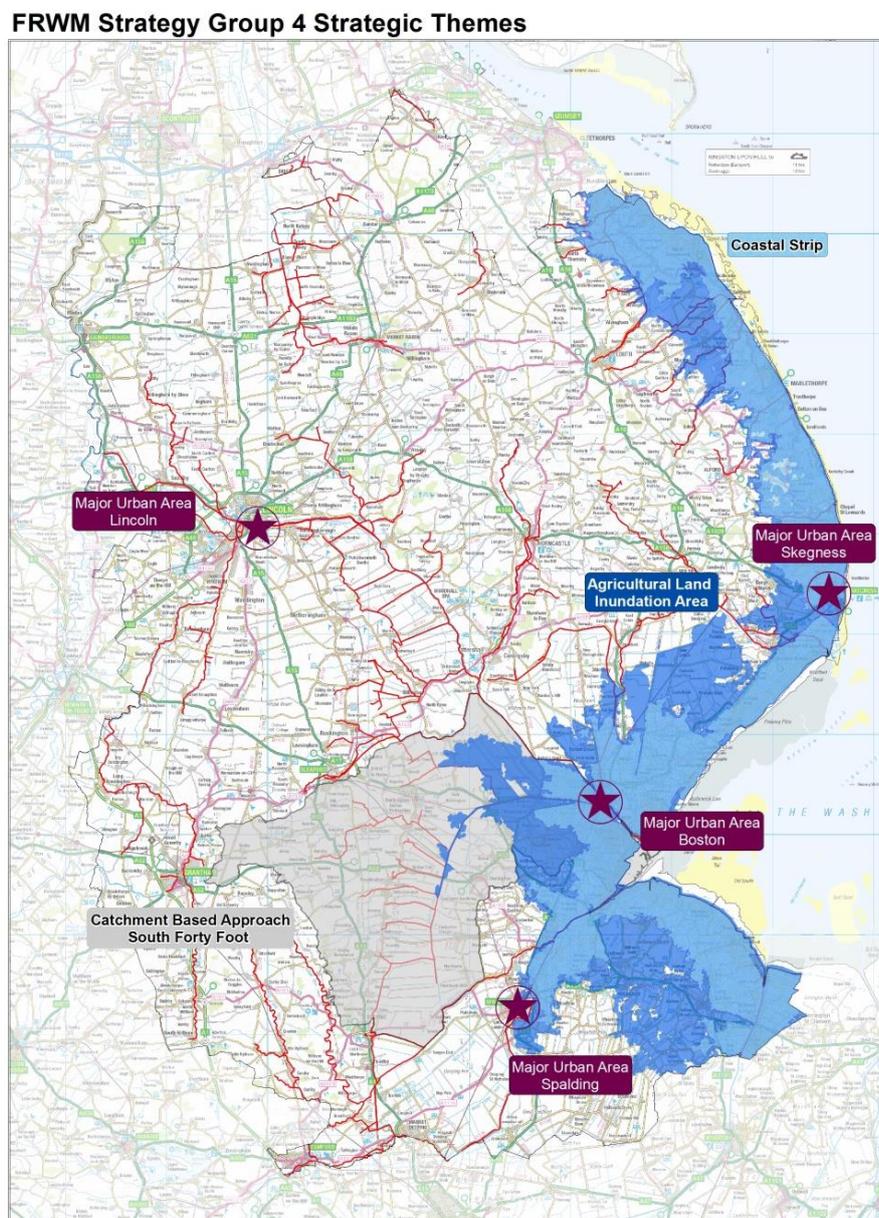
Current strategic approaches to managing water are delivered generally in silos. This separates the management of flood risk, water resources provision and land drainage. By taking a holistic view of the management of water we believe it is possible to provide multiple benefits to the environment, businesses and communities. The governments' 25 Year Environment plan identifies that land should be used and managed more sustainably and this approach will be tested in the South Forty Foot Catchment under the South Lincs Water Partnership (SLWP) supported by the Lincolnshire Flood Risk and Water Management Partnership.

## **Urban Areas**

Major urban areas provide a particular challenge. Flood risk arises from a number of sources including surface water, sewers, rivers and the sea. Growth and economic development can often be focused here. Our aim is to collectively manage these risks whilst allowing our urban centers to flourish and grow sustainably.

The below map demonstrates these areas, however it must be remembered that the partnership co-ordinates day to day operational works throughout the county to manage the risk from all sources of flooding. The current programme of these works can be in Part 3 of the current strategy found [here](#).

**Figure 3** Map showing examples of areas and locations that exemplify key issues



The history of the Lincolnshire Flood and Water Management Partnership, means it has developed a key role in managing flood risk in particular. This includes deploying resources and coordinating risk across a range of partners and risk management authorities.

The type of action that will be undertaken to manage flood risk and drainage will depend on the severity of the risk in each circumstance, including factors such as the likelihood of flooding, the level of danger posed by flooding, its impacts and the physical and economic feasibility of implementing a specific scheme or activity.

Since 2012 flood risk management authorities in Lincolnshire have been very successful in securing National funds for works, known as 'Grant in Aid' and funding provided by the Government to the Environment Agency allocated at regional level by the Regional Flood and Coastal Committee. This is also true of funds raised locally (called 'Local Levy') and provided to the Environment Agency by the County Council.

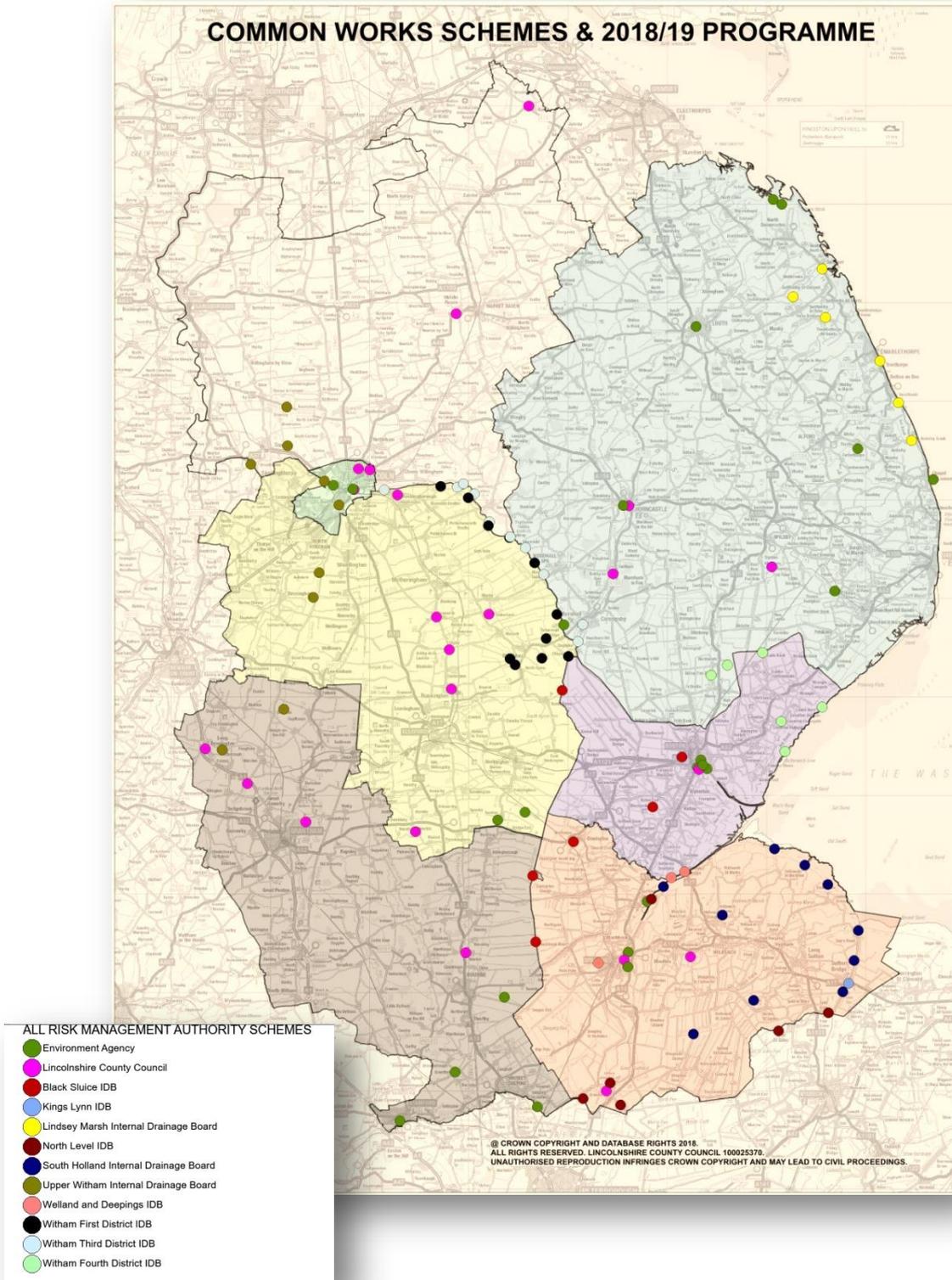
**Figure 4**



Many of the flood risk management activities undertaken are already the responsibility of individual organisations, such as the maintenance of an organisation's own assets, or the fulfilment of particular legal obligations. The Common Works Programme includes schemes, works and other initiatives undertaken by flood risk management authorities across Lincolnshire where, in some cases, two or more authorities have come together through the Lincolnshire partnership to deliver work that would not have been possible, or would have

taken longer to achieve, if undertaken by one organisation alone. These works form the Common Works Programme which is refreshed annually with all risk management authorities retaining the maximum flexibility to respond to schemes and works needs as they arise. By combining resources, partners have been able to attract inward investment at a national level and raise the priority of proposed schemes regionally

**Figure 5** Location of Partnership work that have received national funding and undertaken by Lincolnshire Risk Management Authorities since 2012



### 3 The previous Joint Flood Risk & Drainage Management Strategy 2012-2025

Since the original Flood Risk and Drainage Management Strategy was completed and approved in 2012 considerable progress has been made to tackle the challenges faced from flood risk and water resource issues. Flood risk management authorities in Lincolnshire have been recognised by Government as among those leading nationally in the development and co-ordination through the Lincolnshire Flood Risk and Drainage Management Partnership Framework. In the period 2012-2018 we have deployed a total of £106,000,000 funding locally on flood risk management works in Lincolnshire, which has levered in £94,000,000 national capital funding, and has led to 33,084 being better protected from flood risk. In addition we have delivered numerous smaller schemes across the county, and completed investigations into 205 flooding incidents affecting one or more residential properties.

The partnership has taken a flexible approach as circumstances change and has identified and embraced new initiatives and opportunities that are emerging. The partnership continues to adapt in its approach to deal with changes since the original strategy was launched in 2012 such as expected legislation not enacted.

The previous strategy identified **9 strategic outcomes**, which have either seen significant progress, have been achieved or remain the fundamental approach to achieving positive outcomes in how the Flood Risk and Water Management Partnership operate. Outcomes specifically achieved and which are now firmly embedded in how the partnership function include:

Outcome 1	There will be a common works programme of measures to manage flood risk and drainage by 2013.
Outcome 2	Existing resources will be used in the most efficient way possible. We will attract as much external funding as possible, and will secure new resources locally and nationally
Outcome 6	Local communities and businesses will be more aware of flood risk, and with the help of public authorities, will take steps to protect themselves through individual and community action.
Outcome 7	Planning and development control across the county will take account of all forms of flood risk and sustainable drainage; development which could increase flood risk will be minimised, as will inappropriate development in areas of significant flood risk.

Outcome 9	Flood risk and drainage management will be more accountable to the public through the local democratic process, and through more freely available information about flood risk and measures taken to control it.
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A series of Strategic objectives were also identified within the original strategy to demonstrate how the vision and outcomes would be met. Once again some significant process has been made in these areas, most notably;

- The **Register of Lincolnshire assets** which was launched in April 2013. This is a web-base mapping system available to the public that brings together information about flood risk assets that are managed by as many flood risk management authorities as possible
- As a county we now have more information and better ways of assessing flood risk from all sources, significantly improved by the launch of the **Risk of Flooding from Surface Water Map** launched by the Environment Agency in 2013
- The **Common Works Programme** was first published on 1<sup>st</sup> April 2013. This, Part 3 of the existing Strategy, is the Action Plan and identifies the flood risk works being undertaken in partnership across the county and is updated annually.
- Risk Management Authorities in Lincolnshire have been efficient in securing partnership funding to deliver flood risk mitigation work. A major step forward in securing efficient work practices at a local level has been the development and implementation of The **Public Sector Cooperation Agreement (PSCA)**. This provides arrangements for Risk Management Authorities to deliver flood risk maintenance works and similar activities by a partnership approach. The development and national roll out of PSCAs was modelled on the existing innovative approach between Lincolnshire County Council and Internal Drainage Boards to deal with consenting and enforcing of ordinary water courses under a Memorandum of Understanding. These arrangements implemented the principles of our partnership arrangements to achieve the most effective flood risk and drainage management in the county by the most effective and appropriate partner to deliver it.
- The partnership continues to work together to enable sustainable growth in the county. New links with the **Greater Lincolnshire Local Enterprise Partnership** ensure that this is embedded in the approach to flood risk and water management and is a fundamental part of the revised objectives of the new strategy
- Partnership activities continue to be overseen by elected members by the **Flood and Water Management Scrutiny Committee**

Legislation which was expected to establish the County Council as a sustainable drainage approving body during 2014, was not enacted and elements of this role have been passed to the Local Planning Authorities, with the LLFA providing an advisory service to the Local Planning authorities.

### ***Overview of some key developments since publication of the first Flood Risk and Drainage Management Strategy in 2012***

#### **Planning and Development Control**

Significant areas within Lincolnshire are in need of growth and regeneration and these areas can be affected by flood risk. A balance needs to be struck between promoting sustainable growth and responsible mitigation of flood risk and provision of water resources.

Across the County, local planning authorities are at varying stages of production of their Local Plans, and some have come together to produce joint Local Development Frameworks, for example Central Lincolnshire and South-East Lincolnshire.

In guiding future sustainable development it is important that we take greater account of all forms of flood risk. Individual development proposals will need to be appropriately considered in respect of all forms of flood risk.

#### **Revised National Planning Policy Framework**

In July 2018 the revised [National Planning Policy Framework](#) was published. This is the first revision of the National Planning Policy Framework since 2012 and implements around 85 reforms announced previously through the [Housing White Paper](#), the [planning for the right homes in the right places consultation](#) and the [draft revised National Planning Policy Framework consultation](#).

The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- 1) an economic objective
- 2) a social objective

3) an environmental objective

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Plans should also take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

Local Planning Authorities have an important role in the county with regard to strategic thinking on land use planning and the effects of flood risk, water provision and environmental need should be paramount in future planning decision making.

### **Sustainable Drainage Systems**

The Government wishes to mitigate the impact of future development by promoting the use of sustainable drainage systems. The purpose of sustainable drainage systems is to; mimic nature and typically manage rainfall close to where it falls; take account of water quantity (flooding), water quality (pollution) biodiversity (wildlife and plants) and amenity. The variety of sustainable drainage techniques available means that virtually any new development should be able to deliver a drainage scheme around these principles.

Sustainable drainage systems can be designed to transport (convey) surface water, slow runoff down (attenuate) before it enters watercourses, they provide areas to store water in natural contours and can be used to allow water to soak (infiltrate) into the ground or evaporated from surface water and lost or transpired from vegetation (known as evapotranspiration). They are drainage systems that are considered to be environmentally beneficial, causing minimal or no long-term detrimental damage. They are often regarded as a sequence of management practices, control structures and strategies designed to efficiently and sustainably drain surface water, while minimising pollution and managing the impact on water quality of local water bodies.

It will also be possible in certain circumstances to consider 'retrofitting' sustainable drainage systems to existing developments, providing a range of benefits including improved management of surface water, separation of surface water runoff from foul water sewerage and improvements to local environmental amenity.

Unfortunately Schedule 3 of the Flood and Water Management Act has not been enacted in England by the UK Government, which means that SuDS provisions outlined therein will not commence.

In order to fill this void, and to give developers, local planning authorities and Lead Local Flood Authorities more certainty with regards to the operation and

maintenance of sustainable drainage systems, the water industry has, for the first time, included certain sustainable drainage features within Sewers for Adoption. This means that those features that meet certain criteria can be adopted as public sewers.

Features that are adoptable by the Water and Sewerage Companies' must serve more than one property. Therefore, any features that only drain the highway for example would be adopted by Lincolnshire County Council Highways.

### **Managing surface water in existing urban areas**

Disposing of surface water places stress on existing drainage systems utilising hydraulic during times of peak flow, which can result in flooding of homes, pollution of the environment and an increased carbon footprint associated with pumping.

The approach taken to managing surface water has largely remained unaltered for generations. A new approach to managing rainwater closer to where its lands and reducing the impact of surface water is a cultural change that will take many years to implement.

This new approach involves the delivery of sustainable drainage within the existing built environment, often known as 'retrofitting'. This often involves the installation of small scale features such as water butts, rain gardens and tree pits, as well as larger features such as ponds and wetlands. As these features will be installed into existing areas, local communities will be at the heart of decision making and design opportunities.

Taking a long term approach allows partners to create resilient drainage systems can help all Risk Management Authorities to meet the challenges of a changing future driven by climate change and future housing growth.

### **Register of Lincolnshire assets**

Lead Local Flood Authorities are required, under Section 21 of the Flood and Water Management Act 2010, to 'establish and maintain:

- (a) a register of structures or features which, in the opinion of the authority, are likely to have a significant effect on a flood risk in its area, and
- (b) a record of information about each of those structures or features, including information about ownership and state of repair'.

The Act goes on to state that 'the lead local flood authority must arrange for the register to be available for inspection at all reasonable times'.

In Lincolnshire we have opted to adopt a web-based system that will be accessible to the public at all times, and that brings together information about flood risk assets that are managed by as many flood risk management authorities as possible.

The asset register shows structures (such as Pumping Stations, Flood Defence

Banks, Weirs and Sluices) currently being used to manage flood risk and drainage across the county, along with the relevant Flood Risk Management Authority.

As far as possible, the information links existing databases so that information about flood risk and assets can be shared by operating Authorities without unnecessary duplication. Each Authority retains responsibility for updating and maintaining its own data, but now has greater capacity to access and make use of data held by other Authorities.

Every endeavour has been made to make the first release of the asset register as comprehensive as possible, but it is important to note that this is a system that will be developed and improved over time. It has not been possible yet to include every asset of which we are aware, and it is likely that there are others for which an owning or managing organisation cannot, at present, be identified. The asset register will be updated regularly, and additional information will be added as it is identified and verified.

[Please follow this link to access the Asset Register.](#)

### **Public Sector Co-operation agreements**

The Public Sector Cooperation Agreement (PSCA) provides arrangements for the Environment Agency (EA) and an Internal Drainage Board (IDB), Lead Local Flood Authority (LLFA), District Council (DC) or other Risk Management Authority (RMA) to deliver flood risk maintenance works and similar activities by a partnership approach. This is a major step forward in securing efficient work practices at a local level. The agreement places both parties on a sound legal basis to deliver work as agreed – either party may undertake work for the other.

Based on section 13(4) of the Floods and Water Management Act 2010, a PSCA can cover any maintenance or similar activity such as inspections, obstruction removal, weed control, grass cutting, tree work, vermin control, dredging, pump operation etc. It also provides for mutual RMA support in managing flood incidents. In some cases it can be used for capital asset improvement or replacement works.

### **The Benefits of PSCAs**

- Securing efficient local working arrangements which will achieve value for money in delivering operational maintenance activities.
- Taking advantage of local skills and experience including local knowledge of geography, associated river/drainage systems and operational practices, to benefit local communities.
- Sound legal basis for either party to undertake work for the other party, as agreed.
- Having flexible partnership working arrangements. Agreements typically cover a period of up to 5 years, with annual reviews to discuss/agree the specific extent of activities to be carried out under the PSCA.
- Standardised documents which are simple to apply to local needs.

## **Greater Lincolnshire LEP**

The [Greater Lincolnshire LEP](#) is a business led partnership made up of private and public sector leaders. Working with government and stakeholders to find solutions enables the LEP to deliver strategic projects and programmes that will drive local prosperity and economic growth. Greater Lincolnshire is now widely regarded as a very successful LEP and has gained a strong reputation for delivery and influence, with many schemes and investments now taking shape. The LEPs £307 million growth plan is progressing at pace and they are firmly driving some crucial national agendas from food to water to skills, as well as being recognized by Government as offering some unique opportunities for national pilots.

In 2014 the LEP launched its [Strategic Economic Plan](#) which highlights the important role Greater Lincolnshire plays in the national economy by contributing to food security, manufacturing output, the UK visitor economy and our country's housing needs. It sets out priorities and drivers for success to drive the growth of the area's three defining and strongest sectors that offer the most competitive advantage, namely agri-food, manufacturing and visitor economy. The plan identified Water Management as key with security from flooding a key infrastructure requirement for our economy. The threat of flooding affects developer confidence and development viability whilst water management in the whole is seen as fundamental to Greater Lincolnshire, not only because it provides valuable services that underpin our environment, economy and quality of life, but also because of our geography.

Subsequently the LEP developed an integrated approach to water and in 2015 developed the [Water Management Plan](#). The plan identifies the effective management of flood risk and water resources to be a critical factor in enabling economic growth across the area. The strength of the existing long-standing partnership working in flood risk management in the county provided the opportunity to develop this further and drive links with organisations responsible for water supply and management.

### **A partnership approach to catchment management**

In October 2015, the Anglian Northern Regional Flood and Coastal Committee ([RFCC](#)) raised significant concerns over watercourse systems that, following the Defra Cost Benefit Analysis process, would be 'unfunded' for Flood and Coastal Risk Management (FCRM) funding. As a result of this the Partnership Approach to Catchment Management (PACM) Project was formed to understand other options for these systems. Despite the additional maintenance funding from Government in 2016, there is still a need to address unfunded systems, find efficiencies and develop a sustainable, forward look for asset management in the area. Asset management is the key driver, but also alignment with flood risk and environmental benefits by applying and embedding catchment management principles

The PACM approach provides a framework of assessment for Risk Management Authorities and other local delivery partners to use in order to deliver a partnership approach to water management on a catchment scale. The work focuses on all issues relevant to the movement and management of water in a defined

catchment or area. This work offers a unique opportunity to identify the most appropriate authority/authorities, organisation or community to lead on asset management, delivering efficiencies and enhancing opportunities for reinvestment locally.

This project is being delivered across the Anglian Northern RFCC area and will provide a foundation for all organisations which have an interest in the catchment. This can range from Risk Management Authorities to volunteer groups and the general public to understand and agree how a catchment is to be managed.

### **Regional water resource planning**

During 2017/18 a clear direction from government and water regulators emerged making it clear that greater coordination of water resource management plans is required to meet the challenges we face. It is recognised that the water company sector has been thinking about better ways to co-ordinate, for example [Water Resources East](#) (WRE) has demonstrated innovation by taking a cross-sector approach and is making important links with the initial priority catchments identified in the Abstraction Plan. The WRE initiative includes significant areas of Lincolnshire within its ambitious regional plans and more detail on this can be found within section 6 of this strategy.

Government is clear that the water industry now needs to turn thinking into action and that water companies should take a genuinely regional approach to producing plans that transcend company boundaries and identify optimum solutions for the region as a whole. This planning should then provide the basis for individual water company plans. In doing so it is expected they will engage with other water users to develop cross-sector solutions as well as work with regional groups such as Local Economic Partnerships (LEPs) to understand regional economic and population forecasts.

There is great potential for strategic water resource management initiatives developed through Water Resources East (WRE) to provide strong support for Lincolnshire's priorities in resilience to flood risk, growing the agri-food and visitor economies, and protecting and sustaining the county's environment and local communities for the future.

Locally, it has been agreed that the South Lincolnshire Water Partnership (SLWP), the local partnership delivery forum for WRE, will work within the framework of the Flood Risk and Water Management Partnership. The SLWP is developing a detailed technical understanding of the catchments, involving use of instrumentation to provide accurate data on rainfall, water levels, flow rates and water quality. That data can then inform partner decisions on strategic and local priorities for water management to take forward through WRE.

### **Rationalising the Main River Network (RMRN) project**

During 2017/18 an innovative approach was trialled on a small number of selected water courses in England as part of a pilot project – Rationalising the Main River Network (RMRN). The Environment Agency worked closely with key partners, local communities and stakeholders to develop proposals for re-designating

sections of selected watercourses in England. The proposals allow the transfer of flood risk activities to willing internal drainage boards or county and district councils. One of these pilot areas was in the South Forty Foot catchment in Lincolnshire where stretches of low flood risk watercourses were re-designated from Main river to ordinary watercourse.

Changes brought about by the project mean that the Environment Agency will no longer be responsible for the overall management of the watercourse. Instead, maintenance and flood risk management will be done at a more localised level by Black Sluice Internal Drainage Board. This process is known as 'de-maining' and will help ensure that the right people are managing the right watercourses and assets in the right places

The proposals came about as the Environment Agency looked at new and innovative ways to deliver more for the environment by changing their ways of working and how they use their resources. As part of this, they worked closely with Black Sluice Internal Drainage Board who wished to take more responsibility for maintaining and regulating their local, low flood risk, watercourses in Lincolnshire.

De-maining aims to bring more choice to communities and local organisations in how watercourses are managed and maintained. In the South Forty Foot Catchment, this means decisions on watercourse maintenance will be made at a local level and be better informed through greater collaboration between all area stakeholders.

The success of the South Forty Foot Catchment Pilot means this process could now be rolled out more widely across the county in suitable areas where watercourses are not major rivers or near population centres, have a low flood risk and where IDB or lead local flood authorities/district councils are willing and the local community is supportive.

## 4 Understanding Flood Risk

The risk of flooding is affected by a range of factors. These can be natural, such as the weather, or man-made like urban development and the presence of flood risk management schemes. Risk Management Authorities who manage flood and coastal erosion risk are continually seeking to improve their understanding of risk and the way in which they communicate this to the public.

Information about the risk of flooding and coastal erosion has many uses, including:

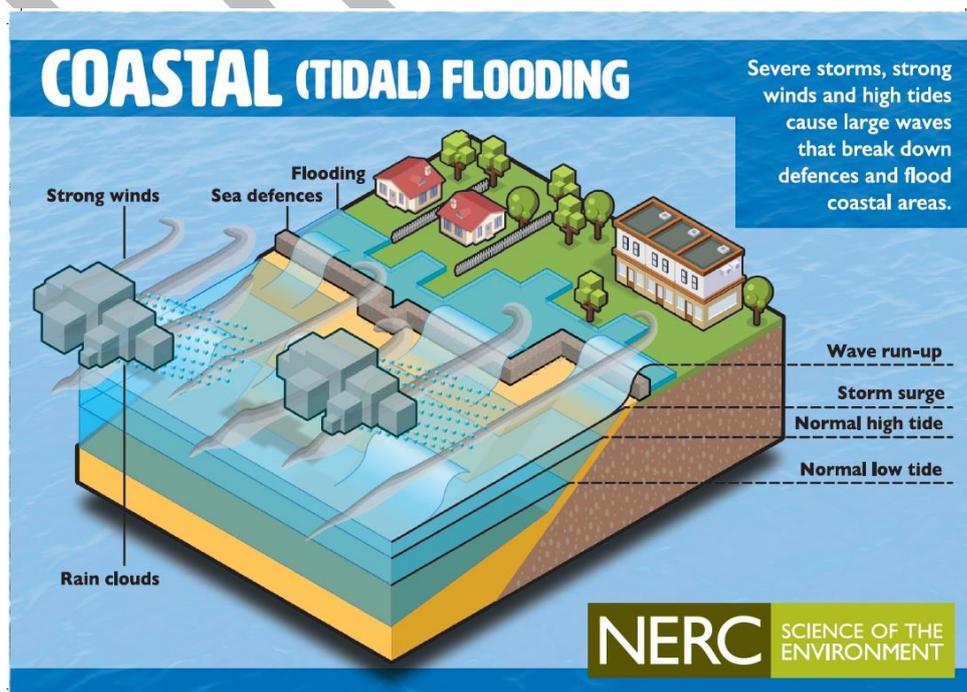
- ensuring that investment in flood and coastal erosion schemes is proportionate to need and directed to where it achieves the best value
- informing developer and local planning authority decisions on future development and infrastructure
- helping emergency planners to prepare how they will respond to floods
- enabling people to understand and make decisions about the risk they face

### The different types of flooding

There are different types of flooding that can happen depending on where the water comes from. Each of these flooding types are managed by different organisations across Lincolnshire. The information below details seven types of flooding that are likely to be experienced under certain climatic conditions.

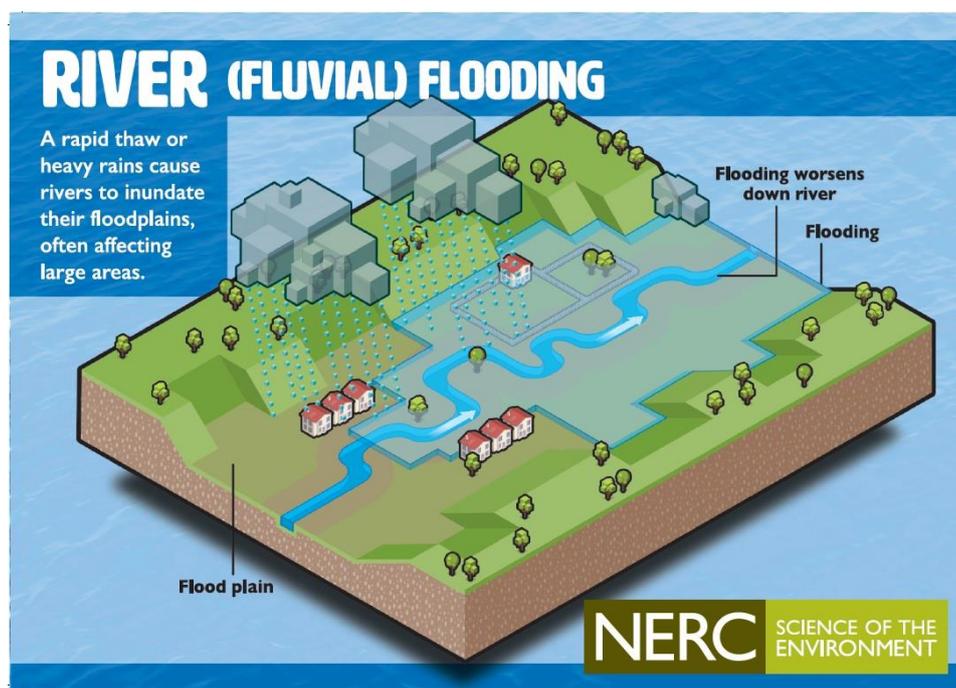
### Coastal flooding

Coastal flooding happens when there are high tides and stormy weather conditions that can result in a "tidal surge", which could cause sea levels to rise over flood defences. Lincolnshire was affected by significant coastal tidal surge events in 1953 and 2013.



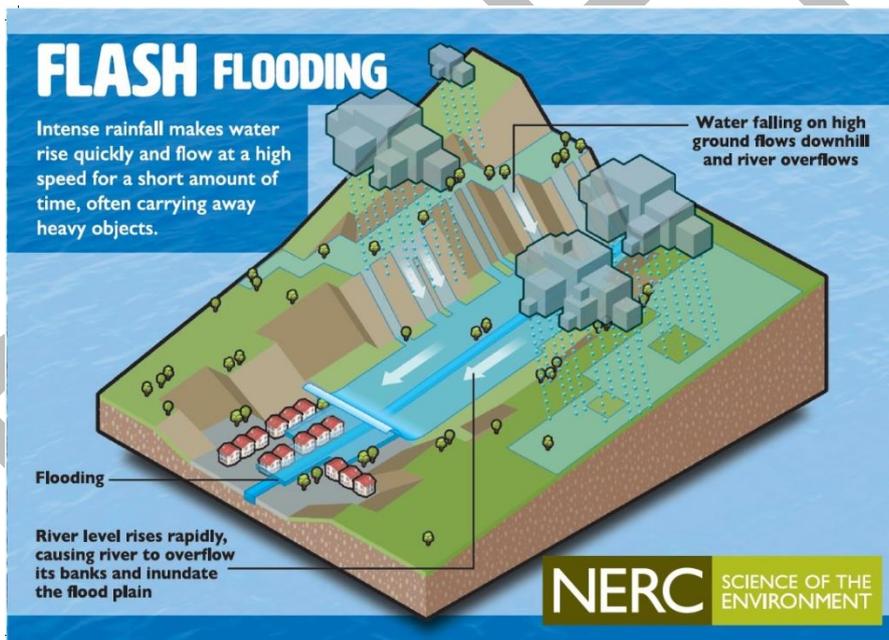
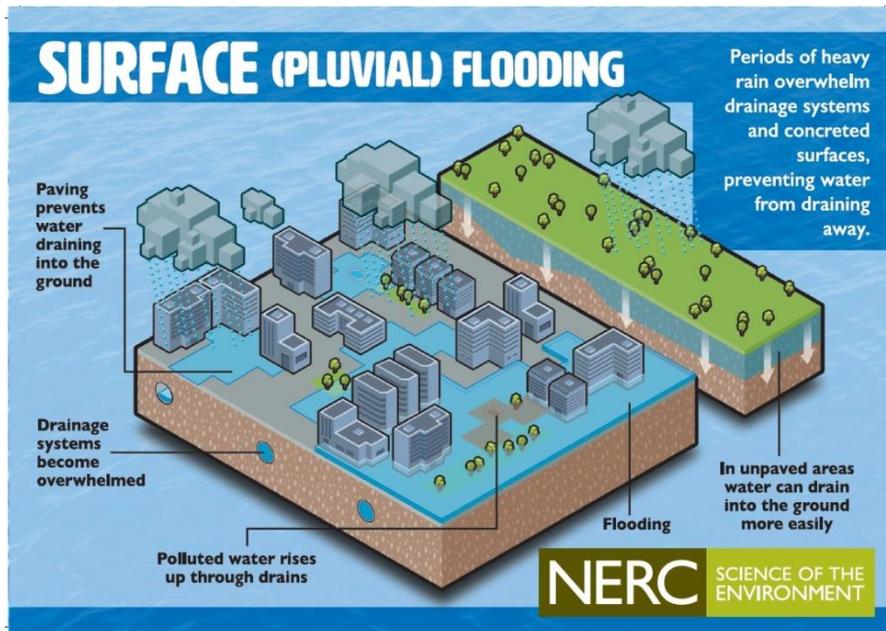
## River flooding

River flooding happens when a stream or river (watercourse) cannot cope with the amount of water that is flowing into it from the surrounding land. Rivers are separated into "main rivers" and "ordinary watercourses". Main rivers are usually the larger ones in the county such as the River Witham, Welland, Slea and Steeping but also some smaller streams that are important for drainage. Ordinary watercourses are any other smaller rivers, streams or ditches.



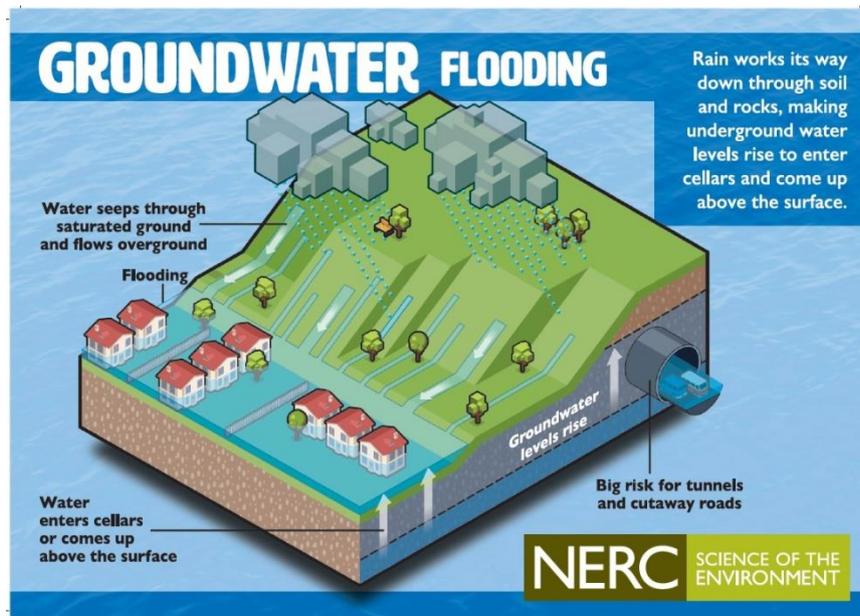
## Surface water flooding

Surface water flooding happens when rainwater flows or ponds over the surface of the ground and does not soak into the land or enter a drain or river. It usually happens during heavy rainfall (more than 30mm per hour) and is made worse by blocked ditches, drains, very dry soils after periods of drought and compacted or waterlogged soil. There is no early warning system for surface water flooding and it is difficult to predict, however our Surface Water Flood Risk Maps do show the risk across the county.



### Groundwater flooding

Groundwater flooding happens when water levels in the ground rise above the surface. It is common after long periods of constant heavy rainfall and likely in low lying areas, those with natural springs and where chalk is present under the ground (which acts like a sponge to store water).



### **Sewer flooding**

Sewer flooding happens either when the pipes in the network are blocked or when there is heavy rainfall and the sewers cannot cope with the amount of water because they are not designed to cope with heavy, prolonged rainfall. The danger of this type of flooding is that water can become contaminated with raw sewage and enter land and property, or the river system.

### **Snowmelt flooding**

Snowmelt can cause significant flooding. Unlike rainfall, which reaches the soil almost immediately, snow stores the water for some time until it melts. Long periods of snowfall can therefore result in a large volume of water being released in a short space of time (around 1cm of water is released for every 10cm of snow). Snowmelt flooding is made worse when the ground remains frozen and snow melts, as the water cannot enter the ground, and so acts like surface water flooding.

### **Reservoir flooding**

Reservoir flooding is extremely rare. It happens when there is a failure in the dam holding back the water as a result of erosion, accidental damage or water levels rising above/over-topping the dam. Whilst the risk is low, the resulting flooding can be very destructive.

*With thanks to - NERC and Ben Gilliland for the use of the graphics which support this section*

## **Communicating the Risk**

Since 2012 the way in which information on flood risk is shared with the public and partner organisations has also improved. The Environment Agency now offers more information to people about their flood risk and flood maps can now be downloaded free of charge. Part of this is linked to the many recent advances in data and modelling methods.

Many people and organisations need access to flood and coastal erosion risk information. It is important that this information is easily understandable and provides clear instruction on what action to take in the event of flooding. Since 2000 the Environment Agency has published its [National Flood Risk Assessment](#) which is now the main source of information on flooding from rivers and the sea.

The Environment Agency has worked in partnership with local authorities to improve the quality and accessibility of coastal erosion data. The national coastal erosion risk map ([NCERM](#)), published on the Environment Agency website in 2012 uses local authority verified data and provides the first consistent assessment of coastal erosion risk around England. These maps show what is expected to happen where the shoreline management plan (SMP) policies are implemented and what is likely to happen if there is no active intervention along the coast. The Environment Agency worked with local authorities to update the national coastal erosion risk map between 2015 and 2017 and will continue to maintain this information in the future.

## **Surface Water Flood Maps**

One key area of data which has been made available since 2012 is the surface water flood maps. The maps provide information on all the major types of flooding which affect England including, for the first time, the risk of flooding from surface water.

They are presented in a clear, simple and consistent way, making it easier for people, communities and partners to understand flood risk and make decisions about how to manage it.

[To access the maps, please click here.](#)

The Risk of Flooding from Surface Water Map shows the flood risk from surface water from the impact of heavy rainfall. Using the latest data, technology and modelling techniques it shows areas at risk of flooding from surface water and includes potential depth and velocity.

There are four categories of risk:

high - the chance of flooding in any year is greater than 3.3 percent (1 in 30 year chance)

medium - the chance of flooding in any year is 3.3 percent (1 in 30 year chance) or less, but greater than 1 per cent (1 in 100 year chance)

low - the chance of flooding each year is 1 percent (1 in 100 year chance) or less, but greater than 0.1 per cent (1 in 1000 year chance)

very low - the chance of flooding each year is 0.1 percent (1 in 1000 year chance) or less

There are some simple steps you can take to reduce the impact of flooding on your home and business. You can find more information on how to take these actions on the [Environment Agency's website](#).

### **Awareness and Preparing against Flood Risk**

There are various steps that can be taken to help prepare for flood risk from rivers and the sea if you live in a high or medium risk area. These include;

- Sign up for free flood warnings
- Complete a flood plan
- Find out how to prepare your property for flooding

It is important to remember that even if living in a low risk area, the risk of flooding can never be eliminated and there are lots of things that you can do such as those outlined above.

There is no warning service for surface water flooding but you can keep up to date with local weather bulletins to forewarn you of heavy rainfall. There are also simple steps you can take to prepare for this type of flooding.

- Complete a flood plan
- Find out how to prepare your property for flooding
- Check the three-day flood risk forecast

It is always important to keep an eye on what the weather is doing in your local area so you can be best prepared for the days ahead. This becomes even more important if there is severe weather approaching that could lead to flooding in your community or across the county.

The below link will show any severe weather warnings released by the Met Office for the next 5 days as well as any flood warnings from the Environment Agency. If a warning is showing, click on it to find out more.

<https://www.metoffice.gov.uk/public/weather/warnings#?date=2018-11-20>

### **Flood Defences**

It is important to remember that whilst a flood defence may reduce the risk of flooding from rivers or sea, it is less likely that it will reduce the chance of flooding from surface water. While flood defences reduce the level of risk they do not completely remove it. As described above they can be overtopped or fail in

extreme weather conditions, or if they are in poor condition.

If you would like further information on the risk of flooding from rivers, the sea and reservoirs in your area, speak to your local Environment Agency office on 0345 988 1188.

If you would like more information on existing or planned surface water reduction measures in your area then you can contact Lincolnshire County Council's customer services team on 01522 782070.

## **Insurance**

To find out whether you can insure your home for flooding, contact a range of insurers to obtain quotes.

If you live in an area of high flood risk or where there have been previous insurance claims for flooding, you may need to find a specialist insurer, or use a broker to obtain insurance. The National Flood Forum also provides advice on obtaining flood insurance. [National Flood Forum](#)

The Environment Agency makes their flood risk information available to insurers who may use it alongside other information to inform their decisions about provision and cost of insurance. It is worth noting that insurers already have other/their own surface water information, so this is an additional dataset which they may decide to license. The Environment Agency is always clear that the maps estimate flood risk for areas of land, not individual properties.

The Environment Agency and Lincolnshire County Council have no role in determining insurance cover or setting premiums. Insurers are free to use whichever data they like to determine whether to offer insurance and at what price.

If the Risk of Flooding from Rivers and Sea or Risk of Flooding from Surface Water map shows your area to be at risk of flooding, then the flood risk may affect whether flood insurance is available and at what cost. Flood risk in an area is defined as 'significant' according to an agreement between the government and the Association of British Insurers (ABI). The agreement - the 'Statement of Principles' - is about offering insurance, not about pricing.

For more information about what this means got to [www.abi.org.uk](http://www.abi.org.uk).

For more information on the future of flood insurance go to [www.gov.uk](http://www.gov.uk).

## 5 Roles and Responsibilities of Lincolnshire Flood Risk Management Authorities

The Lincolnshire Flood Risk and Water Management Partnership has been a feature of the way Risk Management Authorities work in Lincolnshire for a number of years now. It has successfully driven a partnership approach to working, with particular reference to inland and coastal flood risk and received considerable praise from Central Government and other counties as a result.

Amongst many other things, the partnership has secured a long term common works programme for Lincolnshire that has brought together the work of all relevant partner organisations to allow for more efficient delivery. It has allowed authorities to respond as one to key government challenges and facilitated the delivery of long needed schemes at Louth, Horncastle, Stamp End, Lincoln and Waddingham. It has built partnerships between risk management authorities leading to greater efficiency in working, for instance through IDB consenting and enforcement of ordinary water courses. It has also been instrumental in building resilience in our emergency response through the Local Resilience Forum.

In addition to the strong partnership working arrangements in the county individual Risk Management Authorities have their own roles and responsibilities with regard to their duties and responsibilities under the Flood and Water Management Act. Many of these remain unchanged from those published in the original strategy, however there have been some changes, most notably around sustainable drainage.

### Lincolnshire County Council

Under the [Flood and Water Management Act 2010](#), Lincolnshire County Council as a Lead Local Flood Authority is responsible for managing the following types of flooding:

- **Surface water flooding** – this includes flooding from rainfall run off from surfaces such as roads, roofs, and patios
- **Ordinary Watercourses** – this includes drains which can be easily overwhelmed after heavy rain, but excludes main rivers that are managed by the Environment Agency.
- **Groundwater flooding** – this includes flooding caused by heavy and sustained levels of rainfall capable of increasing the groundwater table.

The Lead Local Flood Authority role includes assessing the risk of surface water flooding across Lincolnshire as well as working with organisations responsible for water management across the county, so that we can bring people and resources together more effectively so that we can reduce the likelihood of flooding happening, and provide the best possible help when it does happen. See [Lincolnshire County Council Flood Risk Management](#)

Specifically, Lincolnshire County Council Highways are responsible for fixing drainage and flooding issues on highways and roads across the county. This includes blocked drains and gullies on the roads, however they are not normally

responsible for ditches alongside roads. In most cases the responsibility is with the adjacent landowner.

Contact LCC Highways to report flooding on a highway, including blocked drains and gullies on roads. [Lincolnshire County Council Highways Drains and Flooding](#)

### **Stamp End Flood Alleviation Scheme**

The Stamp End Flood Alleviation Scheme in Lincoln was completed in March 2018. The £1million project is Designed to protect 119 homes from the type of adverse weather which caused untold damage to homes and local businesses in 2007.



The area suffered flooding after prolonged heavy rainfall, 84 homes were affected, leading to the evacuation of 200 residents. It is estimated that over half a million pounds of damage was initially caused but the knock on economic effect for local businesses and travel infrastructure is likely to be significantly higher.

The flooding closed a local road which was the single means of access to major factories and a Western Power substation.

The project was jointly funded by Lincolnshire County Council, Anglian Water, Witham Third District Internal Drainage Board and a DEFRA grant provided by the Environment Agency as well as numerous local businesses who contributed in kind.

In 2007 the drains and sewers at Stamp End were unable to move the excessive surface water to the nearby River Witham, which itself was over-pouring.

The new scheme provides flood resistance to the residential area with a low flood barrier, whilst the new pump station which has been installed will alleviate pressure at times of heavy rainfall thereby making improvements to the Anglian Water surface water sewers so that they can carry more water to the new pump.

## Environment Agency

The Environment Agency is responsible for coastal management in Lincolnshire, managing the risk of flooding from main rivers and regulating reservoirs. The Agency has a duty to contribute to sustainable development when delivering its statutory functions.

[For more information and advice about flooding please follow this link.](#)

### Louth and Horncastle flood alleviation schemes

Two Flood Alleviation Schemes in Louth and Horncastle collectively reduce flood risk to over 350 properties. Construction on the £6.5m Louth scheme and the £8.1m Horncastle scheme started in summer 2015, and were finalised in July 2017. The two projects were delivered in a partnership of the Environment Agency, Lincolnshire County Council, East Lindsey District Council, Anglian Water and the Lindsey Marsh and Witham Third Internal Drainage Boards. Louth and Horncastle Town Councils will fund ongoing maintenance on the schemes. The development of the two schemes was led by the Environment Agency, with construction being carried out by its contractors.

Communities in Louth and Horncastle were significantly affected by the floods of summer 2007, when over 200 properties in the area were flooded. Close partnership working has since helped fund and made the two Flood Alleviation Schemes possible.

The Horncastle Flood Alleviation Scheme consists of a single flood storage reservoir on the River Bain, upstream of the town of Horncastle. As part of this scheme, a number of residents whose homes are at risk of flooding from the river Waring were offered property-level flood protection, such as air brick covers and flood doors. The Louth Flood Alleviation Scheme consists of a flood storage reservoir on the Northern branch of the River Lud, and one on the Southern branch of the river.

In addition to reducing flood risk to hundreds of properties in Louth and Horncastle, the two schemes also deliver benefits to the environment. In Horncastle, partners have created a large lake and wetland area which will provide a habitat for water voles. At the reservoirs in Louth, additional water vole habitat will also be created.

Over the Easter bank holiday weekend in 2018, 37mm of rainfall fell in two events over both the Louth and Horncastle catchments. Following the second event the reservoir at Louth filled for 12 hours and the reservoir at Horncastle filled for nearly 24 hours before commencing a controlled release with both reservoirs operating as expected.



## **Anglian Water Services and Severn Trent Water**

Water and Sewerage Companies manage the supply and quality of drinking water, as well as the disposal and treatment of sewage and, in urban areas, the disposal of surface water runoff from properties.

All water and sewerage companies maintain a register of properties at risk of flooding due to a hydraulic overload in the sewerage network.

The flooding register is a register of properties and areas that have suffered or are likely to suffer flooding from public foul, combined or surface water sewers due to overloading of the sewerage system more frequently than the relevant period. There are 3 at risk reporting categories: '1 in 20 year', '1 in 10 year' and '2 in 10 year'. The reporting category reflects the frequency of flooding incidents in properties/areas and not the return period of the storm that causes the flooding. A sewer is overloaded when the flow from a storm is unable to pass through it due to a permanent problem (e.g. flat gradient, small diameter). Temporary problems such as blockages, siltation, collapses and equipment or operational failures are excluded from the register, but dealt with immediately when required. It is also worth noting that properties will be removed from the register once a solution is in place.

As part of a Water and Sewerage Companies' business planning process, they will agree with customers their priorities for future work. This may include delivering traditional sewerage capacity schemes, or more likely in the future, managing surface water through the use of sustainable drainage measures. Sustainable drainage schemes will need to be delivered in partnership with risk management authorities and local communities.

For more information please visit;

- [Anglian Water](#)
- [Severn Trent Water](#)

## **Internal Drainage Boards**

Internal Drainage Boards (IDBs) are a type of local public authority that manages water levels in England where there is a special need for drainage. IDBs undertake works to reduce flood risk to people, property and infrastructure, and manage water levels for agricultural and environmental needs. Each IDB has permissive powers to manage water levels within their drainage district, carefully maintaining rivers, drainage channels, culverts, sluices, weirs, embankments and pumping stations. They also play an important regulatory role, using powers to keep watercourses clear of obstructions. They set byelaws to ensure the watercourse network works efficiently, and they scrutinise planning and development in their area to mitigate its impact on the water environment and flood risk. They have statutory duties with regard to the environment and recreation when exercising their functions.

IDBs are defined as a Risk Management Authority within the Flood & Water Management Act 2010 working alongside the Environment Agency, local authorities and water companies to actively manage and reduce the risk of flooding. Their activities and responsibilities are principally governed by the Land Drainage Act 1991 as amended by subsequent legislation.

The 14 Internal Drainage Boards which operate in Lincolnshire manage an extensive network of drainage channels, pumps and sluices which combine to maintain low-lying, high-quality agricultural land, as well as managing water levels across large areas of the county.

More information on Internal Drainage Boards can be found here [ADA - Association of Drainage Authorities](#)

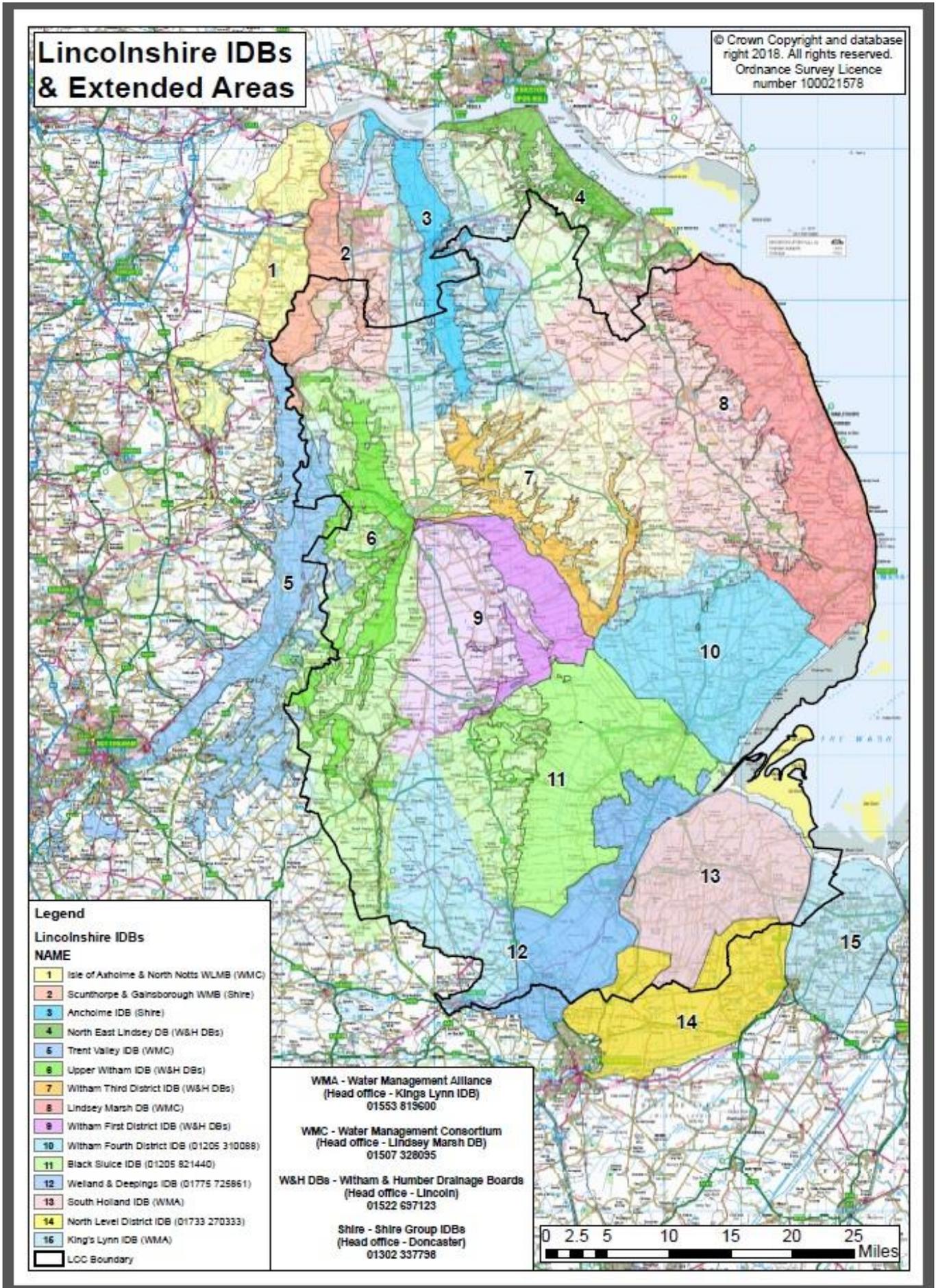
### ***IDB Consenting and Enforcement of Ordinary or Riparian Watercourses***

A riparian watercourse is any natural or artificial channel, above or below ground, through which water flows, such as a ditch, stream, culvert or pipe. If you own land adjoining or above a watercourse, or with a watercourse running through it, you are a 'riparian owner'. This brings with it certain rights and responsibilities which can be found via the following link - [Owning a watercourse](#)

Under the Land drainage Act 1991 you need consent to carry out works to ordinary watercourses, including changes to dams, weirs and other structures, or to pipe or culvert a watercourse. Within IDB Districts it is the relevant IDB which would normally process such applications, and the County Council as Lead Local Flood Authority (LLFA) outside those Districts. However, in Lincolnshire the LLFA has delegated its powers under the Land Drainage Act to the IDBs, who now operate within extended areas for the purposes of consent and enforcement. Further information can be obtained from the appropriate IDB (see **Figure 6** below).

The approach taken in Lincolnshire has been an innovative way in dealing with these powers, implementing the principles of our partnership arrangements to achieve the most effective flood risk and drainage management in the county by the most effective and appropriate partner to deliver it. The Internal Drainage Boards have agreed to undertake these powers across the whole county, establishing extended catchment areas to ensure consistent coverage across Lincolnshire.

**Figure 6** Lincolnshire Internal Drainage Boards and their extended areas



## **District and Borough Councils**

The 7 district and borough councils in Lincolnshire retain existing powers to undertake works on ordinary watercourses, but also obtained new roles and responsibilities under the Flood and Water Management Act. Most recent of these, and a new role established since 2012 is that they now act as the SuDs Approving Body (SAB) for major developments with surface water drainage

## **Lincolnshire Prepared**

Emergency planning in Lincolnshire is co-ordinated by the County Council's Emergency Planning and Business Continuity Service - [Lincolnshire Prepared](#). Preparing for emergencies at the local level is carried out under a piece of legislation called the Civil Contingencies Act (2004). The purpose of the Civil Contingencies Act is to establish a statutory framework for civil protection at the local level. It sets out clear expectations and responsibilities for front line responders to ensure that they are prepared to deal effectively with the full range of emergencies from localised incidents through to catastrophic emergencies.

The Civil Contingencies Act sets out clearly how organisations, particularly local responders, should go about preparing for emergencies and tells us:

- what scale of emergencies we should be preparing for
- what organisations have to be involved in preparing for emergencies
- what these organisations have to do

Under the Act there is a requirement to produce a Community Risk Register as part of the wider work in preparing for, responding to and recovering from emergencies. The register covers all types of risks and this is used as a basis for planning to protect Lincolnshire

### **LINCOLNSHIRE'S TOP RISKS 2018**

1. Pandemic Flu
2. East Coast Flooding
3. Inland Flooding
4. Impacts from disease / contamination
5. Severe Weather
6. Loss of critical infrastructure
7. Fuel shortages
8. Malicious Acts

As can be seen some of the highest risks within the county are from the risks of flooding and the effects of severe weather. Lincolnshire prepared works very closely with the Environment Agency and many other professional partners both in planning to reduce the effects of flooding and in the response to an incident. There is much that can be done in preparing for the risks and effects of flooding such as signing up to flood warnings, making a flood plan and preparing an emergency kit. Much more information is available through the Lincolnshire Prepared [webpages](#).

## **Other organisations and individuals that have an important role in flood risk and water management within Lincolnshire**

### **Highways England**

Highways England is responsible for drainage of a small section of the A roads (trunk roads) in Lincolnshire. These are the A1, A46 (from the Nottinghamshire border to Lincoln bypass Carholme Roundabout) and the A52 west of Grantham to the Nottinghamshire border. Contact Highways England for flooding issues on these roads - [Highways England](#)

### **Town and Parish Councils/Communities**

Town and Parish Councils as well as Communities both play an important role in managing flood risk at the community level. They can help gather information on areas at risk of flooding by reporting any flood incidents.

Communities and individuals at risk of flooding should prepare Community and Household Flood Plans. Residents can also get involved with the community and local councils by becoming a Flood Warden. In addition Communities and Parish or Town Councils can be crucial in raising additional funding for local flood defence measures and for undertaking regular maintenance. [Find your town or parish council](#)

### **Riparian Owners**

All landowners and tenants whose property has a watercourse within or adjacent to the boundaries of their land, are riparian owners of that watercourse. Riparian owners have a responsibility for maintaining the watercourse and bank, clearing debris and keeping any ditches or structures clear to allow water to flow naturally and prevent flooding. This ownership extends to watercourses that are piped (culverted) under the land.

Riparian owners can face legal action if the lack of maintenance of their watercourse causes flooding. Land ownership is sometimes unknown, disputed or difficult to work out. To find out who owns certain parcels of land (and therefore whether or not they have a riparian responsibility), obtain copies of title registers and title plans using the online Land Registry services.

The revised and updated functions of the Lead Local Flood Authority and other Risk Management Authorities are identified in **Table 1** below.

**Table 1 - Key responsibilities of Risk Management Authorities**

Authority	Risk Management Functions
Environment Agency	<ul style="list-style-type: none"> <li>• strategic overview for all forms of flooding</li> <li>• development of National Strategy for Flood and Coastal Erosion Risk Management (FCERM) to cover all forms of flooding</li> <li>• conversion of Regional Flood Defence Committees into Regional Flood and Coastal Committees with new remit to include coastal erosion issues</li> <li>• powers to request information in connection with FCERM functions</li> <li>• power to designate structures and features that affect flooding or coastal erosion</li> <li>• duty to exercise FCERM consistently with the national and local strategies</li> <li>• duty to report to Ministers on FCERM including implementation of the strategies</li> <li>• responsibility for coastal flooding</li> <li>• responsibility for fluvial flooding from main rivers</li> <li>• duty to contribute to sustainable development in discharging their FCERM functions</li> <li>• ability to issue levies to lead local flood authorities: levies can now also apply to coastal erosion issues as well as flooding</li> <li>• duty to have regard to lead local flood authority scrutiny processes</li> <li>• updated provisions for the regulation of reservoirs</li> </ul>
County or Unitary Council  (Lead Local Flood Authority)	<ul style="list-style-type: none"> <li>• development, maintenance, application and monitoring of Local Flood Risk Management (FRM) Strategy</li> <li>• powers to request information in connection with FRM functions</li> <li>• duty to investigate and publish reports on flooding incidents in its area (where appropriate or necessary) to identify which authorities have relevant FRM functions and what they have done or intend to do</li> <li>• duty to maintain a register of assets which have a significant effect on flood risk, in the view of the lead local flood authority</li> <li>• power to undertake works to manage flood risk from surface runoff or groundwater</li> <li>• power to designate structures and features that affect flooding</li> <li>• established as the statutory consultee for major development with surface water drainage</li> </ul>

	<ul style="list-style-type: none"> <li>• regulation of ordinary watercourses under the Land Drainage Act 1991, including consenting and enforcement outside Internal Drainage Board areas: in Lincolnshire these duties have been delegated to Internal Drainage Boards</li> <li>• duty to exercise FCERM functions consistently with the national and local strategies</li> <li>• duty to contribute to sustainable development in exercising FCERM functions</li> </ul>
Internal Drainage Board	<ul style="list-style-type: none"> <li>• regulation of ordinary watercourses under the Land Drainage Act 1991, including consenting and enforcement</li> <li>• power to designate structures and features that affect flooding or coastal erosion</li> <li>• duty to act consistently with local and national strategies</li> <li>• duty to have regard to lead local flood authority scrutiny processes</li> <li>• ability to work in consortia with other Internal Drainage Boards</li> <li>• power to undertake works on ordinary watercourses flooding within their boundary and, with the Environment Agency's consent, the sea</li> </ul>
District Council	<ul style="list-style-type: none"> <li>• power to designate structures and features that affect flooding or coastal erosion</li> <li>• duty to act consistently with local and national strategies</li> <li>• duty to have regard to lead local flood authority scrutiny processes</li> <li>• as local planning authority, responsible for ensuring that development proposals have adequately considered flood risk and sustainable drainage.</li> <li>• power to undertake works on ordinary watercourses and, with the Environment Agency's consent, the sea</li> </ul>
Water and Sewerage Company	<ul style="list-style-type: none"> <li>• provide water supply</li> <li>• remove and treat foul water</li> <li>• drain surface water</li> <li>• duty to have regard to national strategies and to have regard to local strategies</li> <li>• duty to have regard to lead local flood authority scrutiny processes</li> <li>• Stat consultee to local plans</li> <li>• Delivery of Drainage and Wastewater Management Plans (DWMPs)</li> <li>• Business planning</li> <li>• adoption of private sewers</li> </ul>

## 6 Future Look

Overall the Lincolnshire partnership will maintain its key role within the county and build on its ability to galvanise support and consensus around key strategies, economic growth and influence Central Government. The work of the partnership and delivery of the our strategic aims is far from complete and significant challenges and opportunities lie ahead.

### Climate Change

It is widely accepted that climate change is occurring and will affect our weather patterns. Climate change poses a major challenge in our planning, adaptation and resilience to managing flood risk and water resource issues in Lincolnshire. In November 2018 the Met Office published its projections for future climate change - [UK Climate Projections 2018 \(UKCP18\)](#), which are the first major update to the UK's national climate change projections for nearly 10 years. The information available will help government, business and other interested parties to assess the challenges and opportunities we face from our changing climate.

In the most part trends show that the UK climate is continuing to warm and that sea levels continue to rise. We need to take into account however that these latest predictions were released whilst this strategy was being reviewed and therefore due to the complexity of the new projections, it is likely to be some time before clear guidance emerges as to what this may mean for Lincolnshire in respect of both land use planning and scheme/ project development. Some of the headline findings that have been identified are summarised below.

#### Overview

By the end of the 21st century, all areas of the UK are projected to be warmer, more so in summer than in winter.

Hot summers are expected to become more common.

Rainfall patterns across the UK are not uniform and vary on seasonal and regional scales and will continue to vary in the future.

A new set of marine projections show that sea level around the UK will continue to rise to 2100 under all emission pathways.

There is now no doubt the continuation and likely increase in the weather extremes will provide significant challenges in managing flood risk and water resources in the future, with examples of some of the variances highlighted below.

### **Some Key findings from UKCP18**

The average temperature over the most recent decade (2008-2017) has been on average 0.3 °C warmer than the 1981-2010 average and 0.8 °C warmer than the 1961-1990 average. Nine of the ten warmest years have occurred since 2002.

The most recent decade (2008-2017) was around 1 °C warmer than the pre-industrial period (1850-1900). This temperature rise in the UK is consistent with warming that has been observed at a global scale, of around 1 °C since pre-industrial.

Summers in the UK, for the most recent decade (2008-2017), have been on average 17% wetter than 1981-2010 and 20% wetter than the 1961-1990 average. However, very long-period natural variations are also seen in the longer observational record.

Total rainfall from extremely wet days (days exceeding the 99th percentile of the 1961-1990 rainfall) has increased by around 17% in the most recent decade (2008-2017), for the UK overall. However, changes are largest for Scotland and not significant for most of southern and eastern England.

Mean sea level around the UK has risen by about 16 cm since the start of the 20th century (when corrected for land movement).

The pattern of sea level rise is not uniform across the UK. Sea level rise is less in the north and more in the south, this is mainly due to the movement of land, up and down.

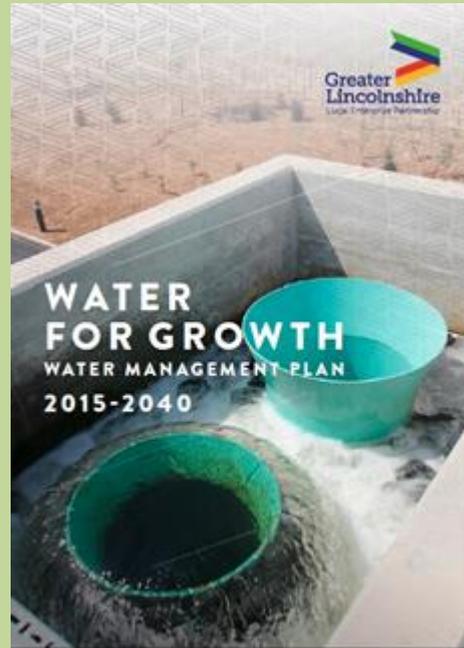
We can continue to expect increases to extreme coastal water levels driven mainly by increases in mean sea level rise, although we cannot rule out additional changes in storm surges.

### **Recent developments in Lincolnshire**

Since 2012 flood risk management has increasingly been recognised as an integral part of 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 (GLLEP) 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 and the visitor economy.

## Greater Lincolnshire LEP's Water Management Plan 2015-2040

The strength of an existing long-standing Partnership working in flood risk management in Greater Lincolnshire provides an opportunity to develop this further and to drive links with organisations responsible for water supply and management. The aim is for Greater Lincolnshire to be seen as a national exemplar for water management, in both flood reduction and water supply, and to act as an incentive for investors in the LEP's priority sectors of Agri-food, visitor economy and manufacturing & engineering. This will enable effective water management to be a positive contributor to economic growth.



In achieving this aim, the LEP believes that close collaboration with the neighbouring Humber LEP, Greater Cambridge and Greater Peterborough LEP, and the New Anglia LEP is essential, as these areas share many important economic challenges and opportunities. Because of this, the Greater Lincolnshire LEP has established a Water Management Board and launched a Water Management Plan.

Greater Lincolnshire faces significant challenges from the risk of flooding and future availability of water. Around 45% (2,843km<sup>2</sup>) of Greater Lincolnshire lies within the floodplain - representing 17% of England's total floodplain area - and has been affected by a number of significant coastal and inland floods, most notably in 1953, 2007, 2012 and 2013.

The Greater Lincolnshire area is also one of the driest in the country and is prone to drought. The two dry winters experienced in 2010/11 and 2011/12 demonstrated the challenges and raised awareness of the need to adapt to this element of our changing climate. In April 2012, the second of these two dry winters was followed by an exceptional summer which led to significant problems for our priority sectors and illustrates the need to prepare for more weather extremes.

The importance of water management in Greater Lincolnshire and its established expertise in managing flood risk, a critical part of the solution, provides an opportunity to explore innovative approaches across the whole range of water management activities. No other part of the country is taking this comprehensive approach or has identified water management as so essential a factor in bringing about economic growth.

Find out more at;

<https://www.greaterlincolnshirelep.co.uk/documents/water-management-plan/>

A related development is the growing importance of water resource management since major droughts (interspersed with significant surface water flooding events) in 2012 and 2013. 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, as reflected in Anglian Waters draft Water Resources Management Plan. These are key elements in supporting economic growth across Lincolnshire, and of direct interest to key economic sectors in Lincolnshire and its neighbouring authorities.

Most recently, future planning for water availability has led to the Water Resources East initiative within the Anglian region and further consideration of potential opportunities for strategic linkage between water resource, flood risk, growth and environmental management. These are key elements in supporting economic growth across Lincolnshire, and of direct interest to key economic sectors in Lincolnshire and its neighbouring authorities.

Water Resources East (WRE) is a collaboration between Partners in the East of England to develop a more integrated approach to water resource planning and management.



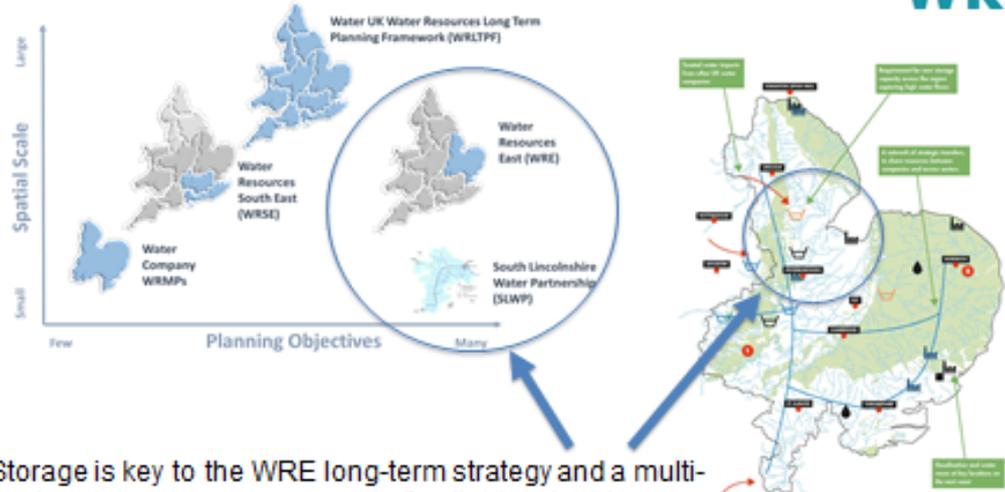
The WRE vision is for a strong economy and a flourishing environment with a purpose to build capacity in the region to deliver this. It operates at a number of different scales (see graphic overleaf):

- a) Regional: the WRE has developed the first multi-sector long-term regional water resource strategy in England using modern planning techniques. The strategy covers an area from the Humber to North London and is designed to meet the needs of the public water supply, environment, power and agricultural sectors in a future where impacts from climate change, growth and severe drought are expected but uncertain. The strategy combines far-reaching demand management, including large reductions in leakage, with a combination of new resource and transfer options. These include a multi-sector winter storage reservoir in South Lincolnshire
- b) Catchment: the WRE is working in South Lincolnshire and elsewhere to develop a partnership based water resource planning process at catchment level. This will use the techniques developed for the regional planning effort, but will apply them at local scale. In South Lincolnshire the aim is to produce a sustainable water resource strategy for an area where water supply, drought and flood risk are constraints on economic development. The project is being delivered by the South Lincolnshire Water Partnership (SLWP) and aims to ensure that future reservoir development in the area meets local economic and environmental needs, as well as the needs of the wider region, and
- c) Sub-catchment level: the WRE also works with landowners at farm and estate level to develop “Water Plans” based on the principle of Integrated Water Resource Management (IWRM). A number of these are being developed in Lincolnshire where water quality issues are being examined, along with measures to capture high flows in streams and rivers so as to reduce flood risk, increase the volume of water available for irrigation and increase the sustainability of irrigation operations

## Where does the WRE fit in?

WRE works at regional and catchment level





Storage is key to the WRE long-term strategy and a multi-sector winter storage reservoir in South Lincolnshire is one of the options - the WRE needs to work at regional and catchment level to best match local and regional needs

The catchment level work of the WRE & SLWP is supporting implementation of the Environment Agency “Water Abstraction Plan”. This programme will reform the current abstraction licensing system, helping maintain abstraction at sustainable levels and improving access to the available resources.

In Lincolnshire, the WRE & the SLWP report through to the Lincolnshire Flood Risk and Water Management Strategy Group.

Emerging initiatives are supporting our approach of improved flood risk that also provides greater water resource sustainability which in turn supports economic growth. These methods also support the catchment approach in managing an area from source to sea rather than in isolation.

This broader integration of water related activities was explicitly recognised when the flood risk and drainage partnership was renamed the Lincolnshire Flood Risk and Water Management Partnership in 2015. The review of partnership during 2017-18 consolidated these developments and confirmed the need to embed a wider approach in its membership and terms of reference. The review of the partnership's Strategy provides the opportunity to continue this process of alignment and co-ordination and be formally recognized as the **Joint Lincolnshire Flood Risk and Water Management Strategy** to reflect the broader scope of our ambitions.

Since 2012 there has been the development and emergence of a number of local, regional and national strategies and initiatives which moving forward as a partnership we will need to take into account when considering our role in managing water more holistically within Lincolnshire. A list of these is provided on page 51 of this document.

The **25 Year Environment Plan**, published in early 2018 sets out the government's ambition to protect and enhance England's natural landscape for now and the long-term. How we manage flood and coastal risk will be a key part of how the plan is implemented and Lincolnshire's Risk Management Authorities are well positioned to take on the challenge. Collaboration between RMAs and their partners in managing all sources of flooding and coastal risk and at all spatial scales is essential if we are to achieve this and increase both the county's and our nations resilience to such pressures. [25 Year Environment Plan](#)

The Environment Agency has is in the process of reviewing its **national strategy for flood and coastal erosion risk management**. It is working in partnership with RMAs and a range of other partners to form a collective vision for the future of flood and coastal risk management. The aim of this coalition of partners is to identify the initial measures needed in order to achieve a shared vision and then to deliver it together. It is encouraging that the ambitions in this emerging national strategy reflects the goals and ambitions which are set out in the Lincolnshire Flood Risk and Water Management Strategy. Formal public consultation is expected to commence in early 2019. [Flood & Coastal Erosion Risk Management National Strategy Information](#)

In a Lincolnshire context the vital work the Environment Agency carry out along the open coast is also being reviewed as part of the **Saltfleet to Gibraltar Point strategy review**. How management of flood risk on the Lincolnshire coastline is undertaken remains vital to over 20,000 homes, approx. 24,500 static caravans, 35,000 hectares of farmland and a bustling tourist industry that lie within the strategy area.

### **Interim Beach Management Lincolnshire Coast 2018 to 2021**

The Environment Agency annually place around 550,000 cubic metres of sand in key locations along a 20km frontage of the east coast of Lincolnshire. The Environment Agency have been artificially supplying sand to recharge the beach in this area since 1994. The beach re-nourishment scheme, in combination with the existing hard defences, reduces the risk from tidal flooding with a 0.5% chance of occurring in any one year. This flood risk management approach benefits 20,000 households, 24,500 static caravans, 1,700 businesses and up to 35,000Ha of agricultural land. The Environment Agency are currently reviewing our strategy for managing tidal flood risk over the next 100 years between Saltfleet to Gibraltar Point with the public and partner organisations. The strategy once approved will recommend the continuation of beach re-nourishment in combination with additional measures to reduce future beach erosion.



A preferred strategy and delivery plan for flood risk management on the Lincolnshire coast over the next 100 years is being developed as the Environment Agency work closely with partners in local and central government to finalise the draft strategy document, which is planned to be taken forward to a public consultation in 2019.

While work is undertaken to finalise the draft strategy, planning continues for the 2019 beach nourishment campaign which will protect the sea defences and to manage the risk of flooding to communities across the Lincolnshire coast. For further information on the revised strategy please see [Saltfleet to Gibraltar Point Strategy](#)

Intrinsically linked to our approach around water management is the provision to enhance amenity benefits and environmental betterment. This approach is demonstrated by the **South Lincolnshire Fenlands Partnership**. The partnership is a group of organisations, land managers and community representatives all with an interest in enhancing and protecting the unique and special qualities of the cultural, natural and historical heritage of the Lincolnshire Fenlands. The area covered by the project lies between Bourne, Spalding, and Market Deeping and includes the villages of Baston, Langtoft, Thurlby Fen, Tongue End and Twenty. The Project Officer facilitates and engages a broad spectrum of people from land owners and local residents to politicians and national statutory bodies to discuss approaches to managing natural assets in a changing world to secure benefits for wildlife and people. This area is low lying with rich farming soils and astonishing amounts of water flowing through courses, some of which are rich in botanical diversity and rare fauna. As the impacts of climate change become more apparent, then the partnership's role in finding solutions of a landscape scale approach to water management for people and wildlife will increasingly become more critical.

Over the past 6 years Lincolnshire Risk Management Authorities and partners have adapted to ever-changing and growing pressures, learning lessons through collaboration and continuously seeking to evolve. Funding will remain one of the key challenges faced in delivering the aspirations of this strategy. The current national 6 year capital investment programme ends in March 2021 and consideration is being given to what a future programme may look like. As this strategy is being reviewed Defra and Treasury are still in discussions, but this will be informed by the next Long Term Investment Scenarios (LTIS) analysis which will provide an updated view on the optimal amount to spend on flood risk management. The new analysis will build on the existing information and address a number of emerging questions and issues including high range climate change scenarios, development controls, standards of protection, property level resistance and resilience, temporary community defences, natural flood management, and risks to infrastructure.

These current uncertainties mean it is as ever important for Lincolnshire organisations to pull together to seek collaborative solutions to address these challenges and continue to seek innovative and forward thinking methods to do so.

## **Wrangle Sea Banks**

This £1.8million project, completed in September 2018, was the first major improvement to coastal flood defences in the area for over 30 years. Over 3,400 hectares of prime grade one farmland, and 460 domestic and industrial properties in this area of the Wash are now better protected, thanks to the co-ordinated efforts of flood risk management authorities and local landowners.

An Environment Agency review in 2012 had identified a 5km stretch of The Wash sea defences near the village of Wrangle, as particularly vulnerable, with the lowest sea banks along the Wash frontage, and only a single line of defence.

Witham Fourth District IDB (W4IDB) agreed to be the lead risk management authority on the project as they were able to deliver efficiencies using local landowner agreements and local contractors. This partnership approach, combined with the number of households and businesses protected, enabled an application of support through £1.3 million of DEFRA and half a million pounds of EU funding.

The project involved re-profiling the sea banks and raising them to over 7 metres high, with a 1 in 3-rear slope leading to a soke dyke to cope with future over-topping. During high tides, these accommodate the water that permeates up through the ground and during heavy rainfall, they enable surplus water to flow to the W4IDB managed pumping stations. This also enabled at least 10 hectares of habitat creation behind the banks including grassland and semi-wetland habitats. Landowners contributed around 40 linear metres of farmland to provide the spoil to re-profile the sea banks.

It was the tidal surge of December 2013, again breaching the main line of defence as it had 60 years earlier, that galvanised farmers and landowners to push for action. W4IDB were by partner representatives from Lincolnshire County Council, landowners, EA and Natural England to deliver the project.



## 7 Delivering the Strategy

### Vision

**Our vision statement for working in partnership to tackle flood risk and water resource issues to 2050**

*"Working in partnership for a resilient future"*

In order to work towards this vision, the Partnership has developed and agreed a new set of high-level aims. These aims take account of changes and developments since 2012 in how we consider the effective management of water and flood risk whilst recognising the ambition to seek wider benefits for Lincolnshire in not only flood risk but broader water resource issues.

In collectively developing these aims the partnership are clear that a 'do nothing' approach is clearly not an option. Climate change will bring significant challenges for both flood risk (such as rising sea levels and more extreme weather events) and water resources issues (i.e. drought). Water is the essential component that brings organisations together to seek a resilient future to the extreme challenges we face. Through partner and stakeholder engagement the following themes are considered key in moving forward to deal with these challenges.

### **Catchment based approach**

Currently when taking a strategic approach to managing water such as management of flood risk, water resources provision and land drainage this is largely looked at in isolation. In adopting a holistic view of the management of water it is possible to provide multiple benefits to the environment, businesses and communities by managing water sustainably through a whole catchment approach. As indicated through the innovative approaches being looked at as part of the WRE initiative in the South Forty Foot catchment and the pilots which formed part of the PACM project the lessons learned will provide a sound evidence base that can be tested on catchments in other areas. Ultimately the ambition is to cover all catchments within the county as well as maximizing opportunities with other neighbouring authorities encouraging cross boundary working.

### **Ecosystem services**

The natural environment is one of Lincolnshire's greatest strengths. If the ecosystem services that the natural environment provides are restored and recreated across the county, and delivered in a sympathetic way, it is possible to combine effective flood risk and water resource management solutions. Multiple benefits can support;

- Sustaining & Growing Business & the Economy
- Protecting & Sustaining the Environment
- Protecting and enhancing the natural & built Environment

In certain situations adaptations to existing, or new, environmental features can improve flood defence through an increase in capacity to store water (both for flood risk management and irrigation), improve connecting habitat, improve water quality and accommodate leisure and tourism activities. All of these have the added value of bringing economic benefits to the area.

### **Strategic thinking on land use planning**

Our approach to land use planning will become even more critical moving forward to balance the challenges faced from flood risk and managing water resources. Planned for, and managed in a sustainable way, this will aid in securing economic growth and environmental enhancement but there are likely to be challenges meeting different government targets. Housing, flood risk and growth will need to be considered collectively across a range of organisations to meet aspirations and manage the cumulative effects of the climatic conditions we will face in the future. The partnership will build on its influencing role and ensure it is in a strong position in negotiating key policy developments.

### **Asset management**

It is recognised there is a need to have a joint approach to resolving issues with obsolete legacy assets such as old navigation assets, weirs, outfalls, embankments and culverts. These are currently maintained by Risk Management Authorities and consideration needs to be given, where appropriate, to decommission or transferring assets to a more appropriate body. The recent Rationalising the Main River Network (RMRN) project highlighted the success of this approach which can lead to the streamlining of operations, make efficiency savings and bring opportunities to achieve more for the environment.

### **Establish an evidence base for Lincolnshire**

Flood Risk Management Authorities in Lincolnshire have been recognised by government as among those leading nationally in the development of partnership and co-ordination through the creation of the Lincolnshire Flood Risk and Water Management Partnership framework. These same authorities, along with other stakeholders, are determined that such recognition is maintained through our broader aspirations around water management in the whole.

To ensure Lincolnshire remains at the forefront of such activities it is essential a sound proof and evidence base is developed to demonstrate how we will collectively face the flood risk and water resource challenges in our region. Agri-food, housing growth, tourism, the environment and energy sectors are all nationally strategically important within the county and will be a priority for investment and infrastructure needs in the future. All are highly reliant on water to function effectively whether it be protection from flood the risk of flooding and

tidal inundation or the need to have a guaranteed supply of water. A supporting evidence base will be key in lobbying government and engaging key stakeholder groups to ensure we achieve the support and backing to deliver against our aims.

As a result of partner and stakeholder engagement, 4 aims have been developed. Outlined below, they will be the key drivers for the delivery of this strategy.

<b>Aim</b>	<b>Key area of focus</b>	<b>How this will be achieved</b>
<b>Aim 1.</b>	To move from flood risk management to cover water management	<p>To have clear objectives for supporting and developing linkages between effective water management and securing economic growth and environmental enhancement</p> <p>To have a greater emphasis on managing water in catchments, both locally and at a strategic level</p> <p>To promote a greater mix of measures including water retention &amp; attenuation and natural flood risk management methods</p>
<b>Aim 2.</b>	To develop a more strategic approach to development and land use planning	<p>To have alignment with major regional and national strategic infrastructure initiatives, particularly involving water resources linking flood risk solutions with improved resilience to drought.</p> <p>To have a greater integration of flood risk and water resource management with local planning policy development</p> <p>To ensure the effects of climate change are included in long term planning for flood risk and water resources</p>
<b>Aim 3.</b>	To build on the existing strong profile of the Lincolnshire Partnership ensuring it has a strong influencing role	<p>To ensure awareness of the partnership is maintained with proactive engagement regionally and nationally in key policy developments</p> <p>To proactively support national</p>

		<p>initiatives that can enhance local approaches to flood risk and water management such as IDB boundary extension</p> <p>To build a proof and evidence base to government and key stakeholder groups that support the ambitions of the partnership</p>
<b>Aim 4.</b>	To build and develop key lines of communication to promote the aims, ambitions and achievements of the Lincolnshire Partnership	<p>To Develop a public and stakeholder communications &amp; engagement strategy</p> <p>To develop a partnership action plan detailing key priorities moving forward</p>

**Collectively our combined aim is that by 2050 Lincolnshire will be an area resilient to flood risk and water resources issues with a long term strategic vision delivering local benefits.**

### **Strategy review process**

Delivery of the Strategy will be managed by the Lincolnshire Flood Risk and Water Management Partnership, with regular progress reports against targets to the Management Group, and from there to Strategy Group and the Scrutiny Committee.

The strategic delivery common works programme will continue to be reviewed annually, and the Strategy as a whole will be subject to a five-yearly review process, including full public involvement, to ensure it is kept up-to-date, takes account of objectives achieved, and continues to maintain a focused forward programme at strategic, tactical and operational levels.

The Lead Local Flood Authority will be responsible for ensuring that monitoring and reviews are undertaken according to plan, but the partnership as a whole will contribute to the review and refresh of the Strategy.

## 8 Find out more

This Strategy is available online at:

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

Hard copies are available on request. Postal enquiries should be sent to:

Joint Lincolnshire Flood Risk and Water Management Strategy  
Lincolnshire County Council  
Environment and Economy  
Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

Email enquiries should be sent to [floodrisk@lincolnshire.gov.uk](mailto:floodrisk@lincolnshire.gov.uk)

For telephone enquiries please contact (01522) 782070

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## Glossary

Assets	Structures or a system of structures used to manage flood risk.
Catchments	An area that serves a river with rainwater. Every part of land where the rainfall drains to a single watercourse is in the same catchment.
Defences	A structure that is used to reduce the probability of floodwater or coastal erosion affecting a particular area (for example a raised embankment or sea wall)
Defra	Department for Environment, Food and Rural Affairs
GLLEP	Greater Lincolnshire Local Enterprise Partnership
Groundwater	Water which is below the surface of the ground and in direct contact with the ground or subsoil.
IDBs	Internal Drainage Boards
LLFA	Lead Local Flood Authority (Lincolnshire County Council)
Local flood risk	Flood risk from sources other than main rivers, the sea and reservoirs, principally meaning surface runoff, groundwater and ordinary watercourses.
LPA	Local Planning Authority
Main river	A watercourse shown as such on the Main River Map, and for which the Environment Agency has responsibilities and powers
NFM	Natural Flood Management
Ordinary watercourses	All watercourses that are not designated Main River, and which are the responsibility of Local Authorities or, where they exist, IDBs.
Resilience	The ability of the community, services, area or infrastructure to withstand the consequences of an incident.
Risk	Measures the significance of a potential event in terms of likelihood and impact.

RMA	Risk Management Authorities
Source	The origin of a hazard (e.g. heavy rainfall, strong winds, surge etc).
Surface runoff	Rainwater (including snow and other precipitation) which is on the surface of the ground (whether or
WRE	Water Resources East

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**Key strategies and initiatives developed since 2012 that will influence our strategic approach within Lincolnshire**

- Current review of National Flood Risk and Coastal Erosion Management Strategy
- Humber Estuary Strategy
- Current national review of Shoreline Management Plans
- Saltfleet to Gibraltar Point Strategy
- Wash Banks Strategy
- Partnership Approach to Catchment Management
- Flood Plan for Lincolnshire (Emergency Response)
- Water Resources Management Plan
- Water Resources East Initiative
- Local Planning Policy – Local Plans
- GLLEP Strategic Economic Plan
- GLLEP Water Management Plan
- GLLEP Energy Strategy for Greater Lincolnshire
- National and Local Industrial Strategies
- Defra 25 Year Environment Plan

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**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>Executive</b>
Date:	<b>08 May 2019</b>
Subject:	<b>Formation of a Company for Legal Services</b>
Decision Reference:	<b>I017879</b>
Key decision?	<b>No</b>

**Summary:**

This Report sets out the rationale and seeks approval for the creation of a company with a view to the company being licenced by the Solicitor's Regulation Authority (SRA) as an alternative business structure.

**Recommendation(s):**

That the Executive:-

- (1) approves the establishment of a company wholly owned by the County Council with the object of the company being licensed by the Solicitors Regulation Authority for the purpose of providing legal advice and services; and
- (2) delegates to the Executive Director – Resources, in consultation with the Executive Councillor for Community Safety and People Management, authority to determine and approve the final form and constitution of the company and the terms of any accompanying legal documentation including the provision of financial support to the company and the nomination of any directors of the company.

**Alternatives Considered:**

1. Not to establish a company with a view to it being licensed by the SRA as an alternative business structure.  
  
Regulatory issues will limit Legal Services Lincolnshire's (LSL) ability to fully meet the legal needs of its partners as they arrange for the exercise of their functions through new structures such as companies. The ability of LSL to attract external income and thereby contribute to the budget positions of its partner councils will be constrained by the same regulatory considerations.

**Reasons for Recommendation:**

The proposal will allow LSL to continue to provide services to its partner Councils when they deliver services through new structures such as companies without risk of it acting contrary to the requirements of the Solicitors Regulation Authority as our professional regulator.

The proposal would also allow LSL to provide services more widely in the future as opportunity arises and capacity allows.

**1. Background****Introduction**

- 1 Legal Services Lincolnshire (LSL) is a shared service between the County Council, Boston Borough Council, East Lindsey District Council, North Kesteven District Council, South Holland District Council and West Lindsey District Council. It was created in 2008 and has been operating on a trading basis since 2010. The service is hosted by the County Council and all staff within the service are employees of the County Council.
- 2 The vast majority of LSL's work is carried out for the County Council and District Partners although some work worth approximately £150,000 is carried out for other external public bodies. Any surplus achieved over and above the costs of the service is distributed back to the partners. There may be opportunities to pursue other external work in future.
- 3 Solicitors are regulated by the Solicitors Regulation Authority and that regulation can impact at two levels. At the level of the individual all solicitors are required to comply with professional codes of conduct. In addition an entity which provides legal services to the public or a section of the public is required to be authorised by the SRA and is regulated by the SRA as an entity.
- 4 As partner councils explore different ways of delivering services, especially through companies, LSL must have regard to the regulatory framework governing it and its solicitors. Guidance issued by the SRA concerning when an in-house team may be required to be licensed as an entity suggests there may be limits to LSL's ability to continue providing services to our partners when they act through other entities such as companies.
- 5 LSL has identified that the creation of an alternative business structure (ABS) would overcome these regulatory concerns and allow LSL to follow its partners work regardless of how they choose to deliver it and to pursue other external work as it arises within a robust regulatory framework. This report explains the background and drivers, briefly identifies and analyses the options, describes how an ABS might work and seeks approval for establishing a company as the first step to progressing an application for a licence to operate as an ABS.

- 6 Partner Councils have indicated their support for the proposals in this Report.

### Drivers

- 7 An ABS is a solicitor's firm generally organised as a limited company licensed by the SRA to provide legal services to the public where the owners of the business include individuals or entities that are not themselves qualified solicitors.
- 8 Under this regime a local authority can own an ABS and there are examples from around the country of local authorities who have pursued this model including Hertfordshire, Warwickshire and Kent County Councils. There have tended to be two drivers for these developments – either to trade commercially to generate income and profit or to manage regulatory risks and enable the Council's in-house teams to continue to provide services to their existing customers as those customers find new ways of delivering their services. There is no inconsistency between these drivers and an entity established to manage regulatory risk can, once created, be used to widen trading activity.
- 9 In the case of LSL both of these drivers are at work. As described above our partner Councils are looking to deliver their services in innovative ways and this is already impacting on our ability to carry out work on their behalf. Equally LSL has traditionally done work for other public bodies as opportunity has arisen and would want to be in a position to continue to do so where that was prudent and sustainable without impacting on the services provided to the partner councils. An ABS would allow LSL to provide its services to a wider range of clients which may enable it to increase the income it achieves to support the budget positions of the partner councils.

### Options

- 10 An options appraisal has been carried out in terms of different ways of setting up an ABS model. The options that have been considered together with brief discussion of their pros and cons, are:-

- a) *No change. Retain solely a local authority shared services partnership structured as an in-house trading unit of Lincolnshire County Council.*

This does not manage the regulatory risk of acting for other entities. This could lead to LSL losing the ability to provide partners with support as they potentially move core work into new ways of working. This would impact on the income capable of being attracted to LCC.

- b) *Create an ABS alongside the in-house trading unit to act for non-partner clients. Staff would be made available to the ABS where*

*necessary to work for clients who can only be provided with services through the ABS.*

This would provide a solution to the regulatory risks of acting for other partner-created entities and enable LSL to manage the wider regulatory risks around existing partners pursuing their activities through new structures and ways of working. This would secure existing income and potentially enable the attraction of additional income from partners. The solution is also scalable, forming a basis on which the Council could pursue wider trading activity where appropriate.

- c) *Create an ABS instead of an existing in-house trading unit as a non-Teckal trading company owned by the Council. All services including those to existing Partners would be delivered through the ABS and all staff would transfer into the ABS and be employed by it. Partner entitlement to surplus shares would need to be secured through the constitution of the company – probably through dividends on shareholdings.*

This would potentially enable an entirely separate legal entity to operate outside local authority pay structures as a means of addressing recruitment and retention difficulties. It would, however, be a significant undertaking, would probably increase costs to the County Council and partners and create procurement issues for the County Council and partners in purchasing legal services from the company. The access of the County Council to legal advice would be dependent on contract rather than direct control and the specialist public sector focus of the service may be lost over time as the ABS responds to commercial pressures and opportunities.

- d) *Create an ABS instead of an existing in-house trading unit as a Teckal trading company owned by the Partners.*

This model and is the same as Option c) except the Partners would exert sufficient control over the company for it to qualify for the Teckal procurement exception so the Partners' own work could be awarded to it without competition. Only 20% of the turnover of the company could be traded activity so the loss of public sector focus referred to in c) above would be minimised. However the capacity of the ABS to respond to opportunities to provide services to third parties would be limited. In order to take advantage of the Teckal exemption all Partners would need to be owners which would increase the complexity of establishing and running the ABS (see below).

- e) *Partner with an existing local authority ABS. Under this option LSL could become a local branch of a wider local authority ABS with ambitions outside its immediate area.*

This would require a period of negotiation and alignment of objectives and appetite for risk which is likely to take time and may not be successful. Such an entity is likely to be one that is driven by commercial, trading objectives with the potential loss of focus referred to in c) above. To deal with the regulatory risk some form of formal shared service arrangement would be necessary or LCC would need to take a share of ownership in the ABS.

11 On the basis of a consideration of these options it is recommended that the Council pursue the establishment of an ABS on the model of option b) above for the following reasons:-

- The priority should be to secure in-house capacity for the County Council and existing Partners rather than to pursue external income for its own sake.
- The model needs to ensure regulatory problems do not prevent LSL providing services expected by the Partners both to them and any new entities they establish.
- The attraction of external income is welcome insofar as it is consistent with the sustainability of the service.
- There are concerns about the capacity of the existing service to accommodate additional external work and about its ability to attract the additional capacity that would be needed to enable trading on any scale.
- While a trading ABS might be able to offer higher pay, such additional costs will either have to be passed on to the Partners in higher rates or covered by new external work. There is no evidence of a widespread market from which those additional costs could be covered by new work.
- Disruption to existing services and the resources required to give effect to any proposal should be minimised. A full trading model would require most resource and be most disruptive.

### **Establishing a Future Model**

12 The precise nature of the model to be established will be subject to detailed discussion with the SRA who will need to be satisfied that any model meets its regulatory requirements before it will licence the entity to provide legal services.

13 The SRA approval process for licensing an ABS is rigorous and wide ranging. In particular the SRA will need to approve:-

- Each owner of the company (i.e. the County Council).
- Each individual who exercises any degree of control over the ABS on behalf of the owner – i.e. any member or officer with decision-making responsibility on behalf of the Council as owner.
- Each individual who acts as a director of the company.
- Each compliance officer of the company – one is required for professional practice and one for finance (they will also be directors).

- Arrangements in place to manage conflict and otherwise to ensure separation between the work carried out on behalf of the ABS and work carried out direct for the County Council and Partners.
- 14 Subject to discussion with the SRA, however, we know that the SRA has licensed an arrangement which would have many of the characteristics we would be looking to implement. In particular, the model operates without the need for existing staff to transfer to the ABS and therefore all staff would remain employed by LSL (Lincolnshire County Council). Suitable arrangements would be put in place between the ABS and the Council so that the ABS could call on the services of the staff within LSL to provide services to the clients of the ABS. This kind of model would be a proportionate response to the drivers identified in this paper which revolve principally around following the work of our existing partners whilst they would also enable appropriate expansion of the services provided by the Council.
- 15 A lot of the work necessary to meet SRA requirements is already in place. In particular a conflict protocol is already followed and case management systems allow files to be restricted to particular lawyers. However, further work will be needed to document this to SRA satisfaction. Specialist input will be needed to ensure compliance with SRA accounting rules and tax issues. Work and conflicts would need to be managed carefully to ensure that work for the County Council and existing partners is not jeopardised.

### **Establishing a Company**

- 16 Although the Council will be the sole owner of the proposed ABS, it is not the Council but the company which must apply to the SRA for a licence to provide legal services. The establishment of a company is therefore the first stage in progressing this matter. This Report therefore seeks approval for the establishment of the company with a view to the company making application for a licence as an ABS.
- 17 To progress this draft Articles of Association and a draft Shareholders Agreement are being developed. A copy of the Articles of Association is attached at Appendix A. These are fairly standard Articles with few issues of principle involved. They have been developed with a view to addressing the issues that are likely to be of concern to the SRA.
- 18 With this in mind it is proposed that there are only two Directors of the company (three at most), one of which will be the Chief legal Officer who will also be the Compliance Officer for Legal Practice (COLP) and the other a suitable person with the necessary financial background to act as the Compliance Officer for Finance and Administration (COFA).
- 19 The Shareholders Agreement will govern the relationship between the Council as owner of the company and the company itself. As is usual with such agreements the main issue of principle relates to the extent of control the Council should exercise over the company as against the Directors. In

relation to the ABS it is proposed that the degree of control would be relatively limited because the ABS is a trading company rather than a Teckal company and because the SRA is likely to be more concerned the more the Council seeks to exercise control over what is a regulated and licensed legal practice.

- 20 Nevertheless some degree of control is appropriate and the Shareholders Agreement will contain reserved matters which would be subject to approval by the Council as owner. The main areas where control will be exercised are set out in Appendix B. As can be seen, the principal area where control is exercised is in approval of the annual business plan and budget supplemented by some specific controls over financial, constitutional and administrative decisions. One of these proposed controls relates to the nature of the clients that the ABS might act for with any decision to act for anything other than public sector bodies being reserved to the Council as shareholder.
- 21 Given that the County Council will be the sole owner of the company it will be a regulated company within the meaning of the Local Authorities (Companies) Order 1995 and Part V of the Local Government and Housing Act 1989. This requires such companies to comply with certain administrative responsibilities relating, for example to the identification of the County Council as owner of the company on its letter head, the provision of information, the appointment of auditors and the remuneration of directors. These requirements will be complied with.
- 22 Financially, the ABS is expected to require very little funding from the Council. This is because the ABS itself is envisaged as having no employment costs although it will need to arrange its own professional indemnity insurance cover and will need to pay its way in relation to any property or support services costs to ensure that there is no State Aid. The principal issue for the ABS is likely to be cash flow caused by any issues with recovery of fees from its clients. This may be alleviated by the provision of a loan facility at commercial rates. The extent to which any such facility may be required will be determined moving forward.

## **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 proposal in this Report is not considered to have any implications for equality and diversity.

### 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 proposal in this Report has no direct impact on the Joint Health and Wellbeing Strategy

### 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

The proposal in this Report has no direct impact on crime and disorder matters.

### **3. Conclusion**

Overall, it is considered that the proposal in this Report provides a proportionate, response to the emerging regulatory issues which would allow LSL to continue with its current scope of work as Partners pursue alternative means of delivering their services. It would also provide a basis for gradually widening the clients LSL can work for.

### **4. Legal Comments:**

The Council has power under section 1 of the Localism Act 2011 to provide legal services as envisaged but must do so through a company if it is acting for a commercial purpose.

The more detailed legal issues to be taken into account in reaching a decision are referred to in the Report.

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

### **5. Resource Comments:**

Establishing an ABS company as per the report recommendation will have little direct impact on the budgets of the Council.

Implications for financial administration and accounting of the company will need to be kept under review as the proposal progresses and prior to a final decision being taken under delegated authority by the Executive Director - Resources in consultation with the Executive Councillor for Community Safety and People Management.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

N/A

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

On 25 April 2019, the Overview and Scrutiny Management Board endorsed the recommendation that the Executive approve the establishment of a company wholly owned by the County Council for the purpose of providing legal advice and services.

The Board also recommended officers further consider and review the proposed 'Articles of Association', including the provision relating to consensus decision-making. The Overview and Scrutiny Management Board also requested additional information on the final form of the company be presented to a future meeting of the Board.

The Board highlighted the following additional points:

- The Board sought assurance that the establishment of an alternative business structure (ABS) would not cause any disruption to existing services or impact the on-going delivery of current operations within Legal Services.
- The Board highlighted the importance of continuing to promote Legal Services Lincolnshire as a shared service between the County Council and district partners in addition to the creation of an ABS.
- The Board requested to receive an annual report on the activity of the proposed company to monitor activity.

**d) Have Risks and Impact Analysis been carried out?**

Yes

**e) Risks and Impact Analysis**

See the body of the Report

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Draft Articles of Association
Appendix B	Draft Reserved Matters

**8. Background Papers**

No Background Papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this Report.

This report was written by David Coleman, Chief Legal Officer, who can be contacted on 01522 552134 or [david.coleman@lincolnshire.gov.uk](mailto:david.coleman@lincolnshire.gov.uk) .

**THE COMPANIES ACT 2006**

**PRIVATE COMPANY LIMITED BY SHARES**

**ARTICLES OF ASSOCIATION**

**OF**

[ ]<sup>1</sup>

**INTRODUCTION**

**1 INTERPRETATION**

1.1 The following definitions and rules of interpretation apply in these Articles

**Act** means the Companies Act 2006

**Appointor** has the meaning given in article 13.1

**Articles** means the company's articles of association for the time being in force

**Business Day** means any day other than a Saturday, Sunday or public holiday in England on which banks in London are open for business

**Controlling Member** means a registered holder for the time being of not less than 75% in nominal value of the equity share capital of the company from time to time

**Eligible Director** has the meaning given in article 3.3

**Model Articles** means the model articles for private companies limited by shares contained in Schedule 1 of the Companies (Model Articles) Regulations 2008 (*SI 2008/3229*) as amended prior to the date of adoption of these Articles.

1.2 Save as otherwise specifically provided in these Articles, words and expressions which have particular meanings in the Model Articles shall have the same meanings in these Articles, subject to which and unless the context otherwise requires, words and expressions which have particular meanings in the Act shall have the same meanings in these Articles.

1.3 Headings in these Articles are used for convenience only and shall not affect the construction or interpretation of these Articles.

1.4 A reference in these Articles to an "article" is a reference to the relevant article of these Articles unless expressly provided otherwise.

1.5 Unless expressly provided otherwise, a reference to a statute or statutory provision is a reference to it as it is in force on the date when these Articles become binding on the company.

1.6 A reference to a statute or statutory provision shall include all subordinate legislation made as at the date on which these Articles become binding on the company under that statute or statutory provision.

1.7 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

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<sup>1</sup> Name of company to be confirmed.

- 1.8 Where the context permits, **other** and **otherwise** are illustrative and shall not limit the sense of the words preceding them.
- 1.9 The Model Articles shall apply to the company, except in so far as they are modified or excluded by, or are inconsistent with, these Articles.
- 1.10 Articles 7, 8, 9(1), 11, 13, 14, 15, 17, 18, 44(2) and 52 of the Model Articles shall not apply to the company.
- 1.11 Article 20 of the Model Articles shall be amended by the insertion of the words "(including alternate directors)" before the words "properly incur".
- 1.12 In article 25(2)(c) of the Model Articles, the words "evidence, indemnity and the payment of a reasonable fee" shall be deleted and replaced with the words "evidence and indemnity".
- 1.13 Article 29 of the Model Articles shall be amended by the insertion of the words ", or the name of any person(s) named as the transferee(s) in an instrument of transfer executed under article 28(2) of the Model Articles," after the words "the transmittee's name".
- 1.14 Articles 31(1)(a) to (c) (inclusive) of the Model Articles shall be amended by the deletion, in each case, of the words "either" and "or as the directors may otherwise decide". Article 31(d) of the Model Articles shall be amended by the deletion of the words "either" and "or by such other means as the directors decide".

## **DIRECTORS**

### **2 DIRECTORS TO TAKE DECISIONS COLLECTIVELY**

- 2.1 The general rule about decision-making by directors is that any decision of the directors must be either a majority decision at a meeting or a decision taken in accordance with article 3.
- 2.2 If:
  - 2.2.1 the company only has one director for the time being; and
  - 2.2.2 no provision of the Articles requires it to have more than one director,

then the general rule does not apply and the director may (for so long as he remains the sole director) take decisions without regard to any of the provisions of the Articles relating to directors' decision-making.

### **3 UNANIMOUS DECISIONS**

- 3.1 A decision of the directors is taken in accordance with this article when all Eligible Directors indicate to each other by any means that they share a common view on a matter.
- 3.2 Such a decision may take the form of a resolution in writing, where each Eligible Director has signed one or more copies of it, or to which each Eligible Director has otherwise indicated agreement in writing.
- 3.3 References in the Articles to **Eligible Directors** are to directors who would have been entitled to vote on the matter had it been proposed as a resolution at a directors' meeting (but excluding any director whose vote is not to be counted in respect of that particular matter).
- 3.4 A decision may not be taken in accordance with this article if the Eligible Directors would not have formed a quorum at such a meeting.

#### **4 CALLING A DIRECTORS' MEETING**

- 4.1 Any director may call a directors' meeting by giving not less than [three Business Days'] notice of the meeting (or such lesser notice as all the directors may agree) to the directors.

#### **5 QUORUM FOR DIRECTORS' MEETINGS**

- 5.1 At a directors' meeting, unless a quorum is participating, no proposal is to be voted on except a proposal to call another meeting.

- 5.2 The quorum for directors' meetings may be fixed from time to time by a decision of the directors and unless otherwise fixed it is two provided that:

5.2.1 if and so long as there is only one director the quorum shall be one; and

5.2.2 for the purposes of any meeting held pursuant to article 8 to authorise a director's conflict, if there is only one director besides the director concerned and directors with a similar interest, the quorum shall be one.

- 5.3 If the total number of directors for the time being is less than the quorum required, the directors must not take any decision other than a decision:

5.3.1 to appoint further directors; or

5.3.2 to call a general meeting so as to enable the members to appoint further directors.

#### **6 CASTING VOTE**

- 6.1 If the numbers of votes for and against a proposal at a meeting of directors are equal, the chairman or other director chairing the meeting shall not have a casting vote.

#### **7 DIRECTORS' INTERESTS <sup>2</sup>**

- 7.1 Except to the extent that article 8 applies or the terms of any authority given under that article otherwise provide, and without prejudice to such disclosure as is required under the Act, a director may be party to, or otherwise interested in, any existing or proposed transaction or arrangement with the company and shall be entitled to participate in the decision-making process for quorum and voting purposes on any resolution concerning a matter in which he has, directly or indirectly, an interest or duty that conflicts or may conflict with the interest of the company.

#### **8 DIRECTORS' CONFLICTS OF INTEREST <sup>3</sup>**

- 8.1 Subject to the provisions of the Act and provided that he has disclosed to the other directors the nature and extent of any material interest of his, a director may, notwithstanding his office or that, without the authorisation conferred by this article 8.1, he would or might be in breach of his duty under the Act to avoid conflicts of interest, be a director or other officer of, or employed by, or a party to any transaction or arrangement with, or otherwise interested in, any undertaking in the same group as the company, or promoted by the company or by any undertaking in the same group as the company, or in which the company or any undertaking in the same group as the company is otherwise interested.

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<sup>2</sup> This article deals with "transactional conflicts" by providing that the directors are entitled to vote and count in the quorum on matters in which they are interested, subject to the director making the appropriate disclosure under article 8.

<sup>3</sup> This article confers a standing authority for directors to be directors of other group companies. In the absence of this provision, the dual loyalty of a director would be a "situational conflict" and require authorisation to enable the director to continue.

- 8.2 No director shall:
- 8.2.1 by reason of his office be accountable to the company for any benefit which he derives from any office or employment, or from any transaction or arrangement, or from any interest in any undertaking, that is authorised under article 8.1 (and no such benefit shall constitute a breach of the duty under the Act not to accept benefits from third parties, and no such transaction or arrangement shall be liable to be avoided on the ground of any such interest or benefit);
  - 8.2.2 be in breach of his duties as a director by reason only of his excluding himself from the receipt of information, or from participation in decision-making or discussion (whether at meetings of the directors or otherwise), that will or may relate to any office, employment, transaction, arrangement or interest that is authorised under article 8.1; or
  - 8.2.3 be required to disclose to the company, or use in relation to the company's affairs, any confidential information obtained by him in connection with any office, employment, transaction, arrangement or interest that is authorised under article 8.1 if his doing so would result in a breach of a duty or obligation of confidence owed by him in that connection.
- 8.3 A general notice given to the directors that a director is to be regarded as having an interest of the nature and extent specified in the notice in any transaction or arrangement in which a specified person or class of persons is interested shall be deemed to be a disclosure that the director has an interest in any such transaction of the nature and extent so specified, and an interest of which a director has no knowledge and of which it is unreasonable to expect him to have knowledge shall not be treated as an interest of his.
- 8.4 The directors may, if the quorum and voting requirements set out below are satisfied, authorise any matter that would otherwise involve a director breaching his duty under the Act to avoid conflicts of interest, and any director (including the director concerned) may propose that the director concerned be authorised in relation to any matter the subject of such a conflict provided that:
- 8.4.1 such proposal and any authority given by the directors shall be effected in the same way that any other matter may be proposed to and resolved upon by the directors under the provisions of the Articles, except that the director concerned and any other director with a similar interest:
    - (a) shall not be counted for quorum purposes as participating in the decision-making process while the conflict is under consideration;
    - (b) may, if the other directors so decide, be excluded from participating in the decision-making process while the conflict is under consideration; and
    - (c) shall not vote on any resolution authorising the conflict except that, if any such director does vote, the resolution will still be valid if it would have been agreed to if his votes had not been counted; and
  - 8.4.2 where the directors give authority in relation to such a conflict:
    - (a) they may (whether at the time of giving the authority or at any time or times subsequently) impose such terms upon the director concerned and any other director with a similar interest as they may determine, including, without limitation, the exclusion of that director and any other director with a similar interest from the receipt of information, or participation in any decision-making or discussion (whether at meetings of the directors or otherwise) related to the conflict;
    - (b) the director concerned and any other director with a similar interest will be obliged to conduct himself in accordance with any terms imposed from time to time by the directors in relation to the conflict but will not be in breach of his duties as a director by reason of his doing so;

- (c) the authority may provide that, where the director concerned and any other director with a similar interest obtains information that is confidential to a third party, the director will not be obliged to disclose that information to the company, or to use the information in relation to the company's affairs, where to do so would amount to a breach of that confidence;
- (d) the authority may also provide that the director concerned or any other director with a similar interest shall not be accountable to the company for any benefit that he receives as a result of the conflict;
- (e) the receipt by the director concerned or any other director with a similar interest of any remuneration or benefit as a result of the conflict shall not constitute a breach of the duty under the Act not to accept benefits from third parties;
- (f) the terms of the authority shall be recorded in writing (but the authority shall be effective whether or not the terms are so recorded); and
- (g) the directors may withdraw such authority at any time.

8.5 Subject to article 8.6, if a question arises at a meeting of directors or of a committee of directors as to the right of a director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the chairman, whose ruling in relation to any director other than the chairman is to be final and conclusive.

8.6 If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the chairman, the question is to be decided by a decision of the directors at that meeting, for which purpose the chairman is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.

## **9 RECORDS OF DECISIONS TO BE KEPT**

9.1 The directors must ensure that the company keeps a record in writing, for at least 10 years from the date of the decision recorded, of every unanimous or majority decision taken by the directors.

9.2 Where decisions of the directors are taken by electronic means, such decisions shall be recorded by the directors in permanent form, so that they may be read with the naked eye.

## **10 NUMBER OF DIRECTORS**

10.1 Unless otherwise determined by ordinary resolution, the number of directors (other than alternate directors) shall not be subject to any maximum but shall not be less than two.

## **11 APPOINTMENT AND REMOVAL OF DIRECTORS**

11.1 A Controlling Member may at any time by notice in writing to the company:

11.1.1 appoint any person or persons as a director or directors of the company; and

11.1.2 remove any director or directors from office.<sup>4</sup>

11.2 Any appointment or removal pursuant to article 11.1 shall take effect when it is delivered to the registered office of the company or, if it is produced at a meeting of the directors, when it is so produced or, if sent by electronic means to an address generally used by the company, when it is sent such removal shall be without prejudice to any claim that a director may have under any contract between him and the company. If the company has no directors and, by virtue of death or

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<sup>4</sup> This article enables the Council as a controlling member to appoint or remove from office a director by written notice.

bankruptcy, no member is capable of acting, the transmittee of the last member to have died or to have had a bankruptcy order made against him has the right, by notice in writing, to appoint a person to be a director.

## **12 TERMINATION OF A DIRECTOR'S APPOINTMENT**

12.1 A person ceases to be a director as soon as:

12.1.1 that person ceases to be a director by virtue of any provision of the Act or is prohibited from being a director by law;

12.1.2 a bankruptcy order is made against that person;

12.1.3 a composition is made with that person's creditors generally in satisfaction of that person's debts;

12.1.4 a registered medical practitioner who is treating that person gives a written opinion to the company stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months;

12.1.5 notification is received by the company from the director that the director is resigning from office, and such resignation has taken effect in accordance with its terms;

12.1.6 notification of the director's removal is received by the company from a Controlling Member pursuant to article 11.1; or

12.1.7 he is otherwise duly removed from office.

## **13 APPOINTMENT AND REMOVAL OF ALTERNATE DIRECTORS <sup>5</sup>**

13.1 Subject to shareholder approval, any director (**Appointor**) may appoint as an alternate any other director, or any other person approved by resolution of the directors, to

13.1.1 exercise that director's powers; and

13.1.2 carry out that director's responsibilities,

in relation to the taking of decisions by the directors, in the absence of the alternate's Appointor.

13.2 Any appointment or removal of an alternate must be effected by notice in writing to the company signed by the Appointor, or in any other manner approved by the directors.

13.3 The notice must:

13.3.1 identify the proposed alternate; and

13.3.2 in the case of a notice of appointment, contain a statement signed by the proposed alternate that the proposed alternate is willing to act as the alternate of the director giving the notice.

## **14 RIGHTS AND RESPONSIBILITIES OF ALTERNATE DIRECTORS**

14.1 Subject to shareholder approval, an alternate director may act as alternate director to more than one director and has the same rights in relation to any decision of the directors as the alternate's Appointor.

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<sup>5</sup> For further consideration

- 14.2 Except as the Articles specify otherwise, alternate directors:
- 14.2.1 are deemed for all purposes to be directors;
  - 14.2.2 are liable for their own acts and omissions;
  - 14.2.3 are subject to the same restrictions as their Appointors; and
  - 14.2.4 are not deemed to be agents of or for their Appointors.

In particular (without limitation), each alternate director shall be entitled to receive notice of all meetings of directors and of all meetings of committees of directors of which his Appointor is a member.

- 14.3 A person who is an alternate director but not a director:
- 14.3.1 may be counted as participating for the purposes of determining whether a quorum is present (but only if that person's Appointor is not participating);
  - 14.3.2 may participate in a unanimous decision of the directors (but only if his Appointor is an Eligible Director in relation to that decision, but does not participate); and
  - 14.3.3 shall not be counted as more than one director for the purposes of article 14.3.1 and article 14.3.2.
- 14.4 A director who is also an alternate director is entitled, in the absence of his Appointor, to a separate vote on behalf of his Appointor, in addition to his own vote on any decision of the directors (provided that his Appointor is an Eligible Director in relation to that decision).
- 14.5 An alternate director may be paid expenses and may be indemnified by the company to the same extent as his Appointor but shall not be entitled to receive any remuneration from the company for serving as an alternate director except such part of the alternate's Appointor's remuneration as the Appointor may direct by notice in writing made to the company.

## **15 TERMINATION OF ALTERNATE DIRECTORSHIP**

- 15.1 An alternate director's appointment as an alternate terminates:
- 15.1.1 when the alternate's Appointor revokes the appointment by notice to the company in writing specifying when it is to terminate; or
  - 15.1.2 on the occurrence, in relation to the alternate, of any event which, if it occurred in relation to the alternate's Appointor, would result in the termination of the Appointor's appointment as a director; or
  - 15.1.3 on the death of the alternate's Appointor; or
  - 15.1.4 when the alternate's Appointor's appointment as a director terminates; or
  - 15.1.5 when the shareholder withdraws its approval to the alternate acting as alternate director.

## **SHARES**

### **DECISION MAKING BY SHAREHOLDERS**

#### **16 POLL VOTES**

- 16.1 A poll may be demanded at any general meeting by any qualifying person (as defined in section 318 of the Act) present and entitled to vote at the meeting.

- 16.2 Article 44(3) of the Model Articles shall be amended by the insertion of the words "A demand so withdrawn shall not invalidate the result of a show of hands declared before the demand was made" as a new paragraph at the end of that article.

## **17 PROXIES**

- 17.1 Article 45(1)(d) of the Model Articles shall be deleted and replaced with the words "is delivered to the company in accordance with the Articles not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate".
- 17.2 Article 45(1) of the Model Articles shall be amended by the insertion of the following words as a new paragraph at the end of that article "and a proxy notice which is not delivered in such manner shall be invalid, unless the directors, in their discretion, accept the notice at any time before the meeting".

## **ADMINISTRATIVE ARRANGEMENTS**

### **18 MEANS OF COMMUNICATION TO BE USED**

- 18.1 Subject to article 18.2, any notice, document or other information shall be deemed served on, or delivered to, the intended recipient:
- 18.1.1 if delivered by hand, on signature of a delivery receipt or at the time the notice, document or other information is left at the address; or
  - 18.1.2 if sent by pre-paid United Kingdom first class post, recorded delivery or special delivery to an address in the United Kingdom, at 9.00 am on the second Business Day after posting; or
  - 18.1.3 if sent by pre-paid airmail to an address outside the country from which it is sent, at 9.00 am on the fifth Business Day after posting; or
  - 18.1.4 if sent by reputable international overnight courier to an address outside the country from which it is sent, on signature of a delivery receipt or at the time the notice, document or other information is left at the address; or
  - 18.1.5 if sent or supplied by email, one hour after the notice, document or information was sent or supplied; or
  - 18.1.6 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website; or
  - 18.1.7 if deemed receipt under the previous paragraphs of this article 18.1 would occur outside business hours (meaning 9.00 am to 5.30 pm Monday to Friday on a day that is not a public holiday in the place of deemed receipt), at 9.00 am on the day when business next starts in the place of deemed receipt For the purposes of this article, all references to time are to local time in the place of deemed receipt.
- 18.2 To prove service, it is sufficient to prove that:
- 18.2.1 if delivered by hand or by reputable international overnight courier, the notice was delivered to the correct address; or
  - 18.2.2 if sent by post or by airmail, the envelope containing the notice was properly addressed, paid for and posted; or

18.2.3 if sent by email, the notice was properly addressed and sent to the email address of the recipient.

## 19 INDEMNITY

19.1 Subject to article 19.2 and shareholder approval, but without prejudice to any indemnity to which a relevant officer is otherwise entitled:

19.1.1 each relevant officer shall be indemnified out of the company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer:

(a) in the actual or purported execution and/or discharge of his duties, or in relation to them; and

(b) in relation to the company's (or any associated company's) activities as trustee of an occupational pension scheme (as defined in section 235(6) of the Act),

including (in each case) any liability incurred by him in defending any civil or criminal proceedings, in which judgment is given in his favour or in which he is acquitted or the proceedings are otherwise disposed of without any finding or admission of any material breach of duty on his part or in connection with any application in which the court grants him, in his capacity as a relevant officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the company's (or any associated company's) affairs, and

19.1.2 the company may provide any relevant officer with funds to meet expenditure incurred or to be incurred by him in connection with any proceedings or application referred to in article 19.1.1 and otherwise may take any action to enable any such relevant officer to avoid incurring such expenditure.

19.2 This article does not authorise any indemnity which:

19.2.1 would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law; and/or

19.2.2 relates to loss or damage or other legal expenses arising from:

(a) fraud, dishonesty or a criminal offence, or other deliberate wrongdoing or recklessness on the part of the relevant officer;

(b) liability in respect of losses certified by the company's external auditor as caused by wilful misconduct on the part of the relevant officer or where unlawful expenditure has been knowingly or recklessly authorised by the relevant officer, and/or

(c) circumstances in which the relevant officer has not acted in good faith.

19.3 In this article:

19.3.1 companies are **associated** if one is a subsidiary of the other or both are subsidiaries of the same body corporate, and

19.3.2 a **relevant officer** means any director or other officer or former director or other officer of the company or an associated company (including any company which is a trustee of an occupational pension scheme (as defined by section 235(6) of the Act), but excluding in each case any person engaged by the company (or associated company) as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor).

## 20 INSURANCE

- 20.1 Subject to member approval, the directors may decide to purchase and maintain insurance, at the expense of the company, for the benefit of any relevant officer in respect of any relevant loss.
- 20.2 In this article:
- 20.2.1 a **relevant officer** means any director or other officer or former director or other officer of the company or an associated company (including any company which is a trustee of an occupational pension scheme (as defined by section 235(6) of the Act), but excluding in each case any person engaged by the company (or associated company) as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor);
- 20.2.2 a **relevant loss** means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the company, any associated company or any pension fund or employees' share scheme of the company or associated company, provided always that the relevant officer has acted in good faith and/or such loss has not arisen as a result of fraud, dishonesty or a criminal offence, or other deliberate wrongdoing or recklessness on the part of the relevant officer; and
- 20.2.3 companies are **associated** if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

## APPENDIX B

Ref	Matter
<b>A</b>	<b>Financial and Business Plan</b>
A1	The approval of the Business Plan and agreeing or approving any material amendments to the Business Plan including any in-year material changes to the Business Plan.
A2	The increase in any Indebtedness of the Company other than in accordance with the Business Plan.
A3	The commencement by the Company of any new business not being ancillary to or in connection with the Business or making any material change to the nature of the Business.
A4	The approval of the annual accounts once signed off by the auditors.
A5	The payment of any dividend to the shareholders
A6	The approval of any expenditure above the value of £[100,000] that is not already approved in the Business Plan (excluding client disbursements)
A7	The approval of indemnities for relevant officers and any insurances in relation to the liabilities of officers
<b>B</b>	<b>Share/ loan capital and constitutional</b>
B1	Any amendment to the Articles.
B2	Any variation of any rights, including class rights, attaching to any shares or loan notes of the Company.
B3	The admission of further shareholders to the Company or agreeing any rights or restrictions attaching to any shares allocated to such new shareholders.
B4	The capitalisation of profits or reserves of the Company.
<b>C</b>	<b>Officers of the Company</b>
C1	The devolution or transfer of management control of the Company to persons outside the Board and, if approved, the terms of such devolution.
C2	The appointment (including the terms and conditions of appointment where such terms depart from Schedule 3) or removal of any Director (including alternate Directors)

<b>Ref</b>	<b>Matter</b>
<b>D</b>	<b>Future direction and development of the Company</b>
D1	Forming any subsidiary or acquiring shares in any other company or participating in any partnership or incorporated joint venture vehicle
D2	Amalgamating or merging with any other company or business undertaking
D3	Acquiring the business and assets of any other company or business undertaking
D4	Selling or disposing of any part of the business of the Company
D5	The commencement of any winding-up or dissolution or of the appointment of any liquidator, administrator or administrative receiver of the Company or any of its assets unless it shall have become insolvent, and no party shall present or cause to be presented or allow any act which would result in the winding up or the presentation of any petition for the winding up of the Company.
<b>E</b>	<b>Management of the business of the Company</b>
E1	A change of name of the Company.
E2	A change of the Company's registered office
E3	Creating or agreeing to create a charge, security or encumbrance over the Company's assets, shares or income
E4	Any matter that is reasonably likely to have an adverse effect on the reputation of LCC
E5	Changing the nature of the business or commencing any new business which is not ancillary or incidental to the business of the Company
E6	Agreeing to enter into or entering into any acquisition or disposal of any material assets by the Company the total value of which the Board reasonably expects will exceed £[20,000]
E7	Giving notice of termination of any arrangements, contracts or transactions the total value of which the Board reasonably expects will exceed £[20,000] per annum or materially varying any such arrangements, contracts or transactions and such termination or variation is likely to have an adverse impact on the financial status of a Company

<b>Ref</b>	<b>Matter</b>
E8	Making any borrowing in excess of £[10,000]
E9	Agree to make or making any loan (otherwise than by way of a deposit with a bank or other institution, the normal business of which includes the acceptance of deposits or in the ordinary course of business) or granting any credit (other than in the normal course of trading or the granting of trade credit to a Company which has been approved under the Business Plan) or giving any guarantee or indemnity (other than in the normal course of trading)
E10	Changing the financial year of the Company
E11	Appointing or removing bankers of the Company.
E12	Appointing or removing auditors of the Company.
E13	Increasing or reduce the amount of its issued share capital, grant any option over or in its share capital, redeem or purchase any of its own shares or otherwise alter, or effect any reorganisation of, its share capital (where applicable)
E14	Entering into any arrangement for the provision of legal services to any person other than a public body

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