

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

Report to:	Executive
Date:	07 January 2020
Subject:	Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050
Decision Reference:	I018630
Key decision?	Yes

Summary:

The Executive is asked to approve, and adopt, the attached Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050, and supporting Strategic Vision. 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, and a stronger emphasis on the additional economic benefits this can deliver for Lincolnshire.

Recommendation(s):

That the Executive approve, and adopt on behalf of the Council, the Joint Flood Risk and Water Management Strategy 2019-2050 attached at Appendix A and Strategic Vision at Appendix B.

Alternatives Considered:

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| 1. | Not to approve and adopt the Strategy on behalf of the Council. |
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Reasons for Recommendation:

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. In approving the revised and updated Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050 it will allow Lincolnshire County Council as Lead Local Flood Authority, to comply with this obligation and the County Council and the wider Lincolnshire Flood Risk & Water Management Partnership to outline their 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.

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.

Draft Strategy and formal consultation process

The draft version of the strategy was developed with key stakeholders and partners of the Lincolnshire Flood Risk and Water Management Partnership. During January and February 2019 a six-week partner and stakeholder consultation exercise, which included examination of the draft by Scrutiny Committee, was undertaken. This shaped a public consultation version of the strategy for Summer 2019.

In May 2019 approval was received from the Executive to proceed to public consultation with the draft Strategy. A public consultation exercise was then undertaken from 23rd May to 19th July, during which time six public drop-in sessions were made available across the county, staffed by members of the flood risk partnership.

Alongside this an online questionnaire was available for respondents to complete. This was structured in such a way to try and determine awareness of flood risk and flood risk authorities in Lincolnshire, identify their top priorities and concerns when dealing with flood risk and to seek opinion on the flood risk partnerships vision for the strategy. Supporting documents were available to download from the County Council's website and hard copies were also made available.

Engagement with the public consultation exercise was limited but did include residents, business owners and district councillors. Of those who actively engaged with the consultation process, some useful discussions and insights were obtained which have helped shape the version of the draft strategy attached to this report (see Appendix A and B)

Some key elements identified by respondents that the strategy should identify include

- Increased recognition of potential impacts of climate change
- Recognition of the requirements of a strategy as several agencies are involved
- The impact of agricultural practices on flood risk and how they can be improved
- Holding of water for controlled release
- Holistic approach to water management
- Wider use of natural flood prevention methods
- Lobbying for a fairer deal for less populated and rural areas.
- Keeping communities better informed

In addition there were comments regarding availability of funding to support delivery of the strategy's objectives, and whether its aspirations would be delivered in a timely manner. It was also suggested that the local community should be more clearly placed at the heart of the strategy.

Revisions and amendments have been incorporated into the final strategy document with some key inclusions from the consultation draft including;

- Further recognition of the Historic Environment
- Expanded text to paragraphs covering ecosystem service, strategic thinking on land use planning and asset management
- Expansion of Aim 2
- Development of Strategic Outcomes and Strategic Objectives to support the Aims

The changes since the last version included to take account of consultation responses are shown in red in Appendix A and B.

Following the conclusion of the public consultation process and assessment and incorporation of comments into the latest version of the strategy, the draft has been taken through the following processes to seek endorsement prior to being brought before the Executive.

Flood & Water Management Scrutiny Committee	9 September 2019
Environment & Economy Scrutiny Committee	10 September 2019
DLT	12 September 2019
CLT	9 October 2019
Flood & Water Management Scrutiny Committee	25 November 2019
Environment & Economy Scrutiny Committee	26 November 2019

Further engagement has also been undertaken with partners and stakeholders during this same period to seek endorsement of the strategy prior to adoption by the County Council.

Lincolnshire Flood Risk & Water Management Group	23 September 2019
Lincolnshire Flood Risk & Water Management Strategy Group	1 October 2019
Greater Lincolnshire Leaders & Chief Executives Group	4 October 2019
ADA Lincolnshire Branch meeting	17 October 2019
GLLEP Water Management Board	5 November 2019

As indicated above, the local strategy must be consistent with the National Flood Risk and Coastal Erosion Management Strategy of which a national review is underway and a public consultation period has recently concluded. Officers from Lincolnshire County Council and other partner authorities in the area continue to engage in the development of the draft national strategy, which has also been analysed to ensure consistency between it and the local strategy.

It will be incumbent on the Flood Risk & Water Management Partnership to deliver on the aims and objectives of the strategy. It is encouraging however that many of the themes identified by respondents in the consultation process, and emerging from the review of the nation FCERM strategy, are areas already identified by the partnership in dealing with flood risk and water management issues in the county.

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 both the partner and stakeholder consultation and the formal public 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;

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				

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. Potential effects would therefore be seen as beneficial

An Equalities Impact Analysis (EIA) was undertaken to evaluate responses following the consultation phases (see Appendix B). The majority of responses did not identify any form of perceived impact. Two positive impacts were identified but with no supporting evidence and one negative impact was identified for marriage and civil partnerships, but again no supporting information was supplied. As the overall aim of the strategy is to provide positive and beneficial impacts to residents in Lincolnshire on this occasion no mitigating action has been identified.

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 Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050 is intended to provide the County Council and its partners in the Lincolnshire Flood Risk and Water Management Partnership with a means of outlining their collective aspirations for flood risk, water management and future water supply resilience, along with additional economic and social benefits that can be achieved for the county.

The strategy will align closely with other key initiatives such as the Local Industrial Strategy, the Strategic Economic Plan and long term planning for infrastructure and housing provision, as well as environmental improvement and sustainability in the long term.

The Executive are asked to consider this version of the strategy, and strategic vision, suitable for adoption by Lincolnshire County Council in its role as Lead Local Flood Authority.

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:

Approval of the strategy does not have any additional financial implications. Any Council works arising from the Common Works Programme are approved in the normal course of business as part of the Capital Programme.

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 have been consulted throughout the development of the Strategy. Comments by committee were taken on board following the meeting of 17 September 2018 whilst developing the draft version. The pre consultation draft was then presented to committee on 28 May 2019 as part of the development for formal public consultation proposals during summer 2019.

Following conclusion of the formal consultation process an update was provided to both Flood and Water Management Scrutiny on 9 September 2019 and Environment and Economy Scrutiny on 10 September 2019 as to the outcomes and additions incorporated into the draft strategy.

At Flood & Water Scrutiny it was questioned whether the policy statement due to be released by the Department for Environment, Food and Rural Affairs (Defra) in December 2019 would affect the strategy. Officers advised that it would be unlikely anything in the Defra policy statement would directly oppose the strategy set by Lincolnshire, but it may be beneficial to factor in time in the decision making process in case officers proposed further changes following the Defra policy statement.

The committee were in favour of maintaining the timeline set out in the report.

At Environment & Economy Scrutiny, comments by members and the responses by officers included;

- The role of the Environment Agency and whether it had carried out its responsibilities in connection with the River Steeping. Officers stated that all stakeholders had been involved to deliver specific flood risk maintenance works and a management group was examining future management and resilience if the River Steeping catchment.
- The increased protection of agricultural land was welcomed. Officers stated that there was a need to emphasise this issue as water was important in supporting agriculture and tourism.
- An enquiry was made in connection with funding for sustainable Urban Drainage Systems (SuDS). Officers stated that guidance for SuDS was still being prepared.
- SuDS required more maintenance. Local authorities and water companies did not always have the funding for maintenance. Officers agreed that SuDS were not a panacea but were part of a range of options available. Proposals for SuDS to be maintained at a national level were being

investigated.

- Parish Councils in the Ancholme Valley were concerned about the clearance of water courses and the role of Internal Drainage Boards in the past in ensuring that these water courses were maintained had been important and welcomed. Officers stated that the management of water courses had been highlighted following the recent flooding in Wainfleet. Public Sector Cooperation Agreements between the Internal Drainage Boards and the Environment Agency was important in this respect and discussions on this matter were taking place with the Environment Agency.

Comments made by members were noted and would be considered by officers in advance of formal adoption by the council.

The Strategy will be considered by the Flood and Water Management Scrutiny Committee on 25th November 2019. The Strategy will also be taken to the Environment and Economy Scrutiny committee on 26th November 2019 for formal pre decision scrutiny.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

An Equality Impact Assessment was carried out post consultation to evaluate the comments received as part of the formal public consultation held during summer 2019.

The majority of responses did not identify any form of perceived impact. Two positive impacts were identified but with no supporting evidence and one negative impact was identified but again no supporting information was supplied. As the overall aim of the strategy is to provide positive beneficial impacts to residents in Lincolnshire on this occasion no mitigating action has been identified.

A copy of the EIA assessment is attached to this report as Appendix C

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050
Appendix B	Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050 Strategic Vision
Appendix C	Equality Impact Assessment (EIA) Post Consultation - October 2019

7. Background Papers

Document title	Where the document can be viewed
Report to Executive dated 8 May 2019 entitled "Draft Joint Lincolnshire Flood Risk & Water Management strategy 2019-2050"	Democratic Services
Report to Executive dated 4 December 2012 entitled "Joint Lincolnshire Flood Risk and Drainage Management Strategy 2012-2025"	Democratic Services

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