

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

Report to:	Councillor C J Davie, Executive Councillor: Economy and Place
Date:	Between 22 and 26 February 2021
Subject:	Lincolnshire Property Flood Resilience Assistance Project
Decision Reference:	I021844
Key decision?	No

Summary:

Lincolnshire County Council, in its role as Lead Local Flood Authority, is developing a project to allow individual householders that find themselves at risk of flooding to benefit from financial support for property flood resilience measures. These measures are designed to protect their property from flooding or, where this is impractical, to speed recovery from a flood event.

This report seeks approval for proceeding with a county-wide Property Flood Resilience Assistance Project.

Recommendation(s):

That the Executive Councillor for Economy and Place:

1. approves in principle proceeding with the County-wide Property Flood Resilience Assistance Project as set out in this report; and
2. delegates to the Executive Director for Place in consultation with the Executive Councillor for Economy and Place the taking of all decisions necessary to give effect to the project up to and including the award of a contract for the works.

Alternatives Considered:

Not progressing with the Property Flood Resilience Project. While the Authority would continue to meet its duties in accordance with the Flood and Water Management Act 2010 through delivering other capital flood alleviation schemes to protect communities, a significant number of individual or isolated properties will remain at significant risk of surface water flooding.

Reasons for Recommendation:

To facilitate the County Council as Lead Local Flood Authority to carry out flood risk mitigation works as part of its duties to manage local flood risk.

1. Background

Lincolnshire County Council (LCC) is the Lead Local Flood Authority for Lincolnshire, with a duty to manage local flood risk – primarily from surface water. This duty includes the requirement to investigate incidents of flooding, regardless of their source. In 2019 alone, following a series of severe storms between June and November, 153 flood investigations were commenced affecting at least 350 properties. Based on recent costs, each flood investigation costs around £7,700 to complete. A further 230 properties were recorded as 'near misses' in 2019. This proposal seeks to add an additional means of managing flood risk so that these costs can be kept under control and reduced further in future.

The nature of surface water flooding, together with the topography of Lincolnshire, means that in many cases individual properties, or small groups of properties are affected, rather than entire communities. These more dispersed flooding incidents often cannot be managed cost effectively by a traditional flood risk management scheme, although left alone the risk will remain, as will the future liability on the County Council to continue to investigate any future flooding incidents.

In response to this, nationally the concept of property flood resilience is increasingly considered an effective tool to be deployed by flood risk management authorities. The new National Flood and Coastal Erosion Management Strategy promotes its use as one among several approaches that can be used by the public sector, while there are also examples of flood risk schemes that have been successfully delivered where property flood resilience is a key component to manage locations where a more traditional approach cannot be justified economically. The Horncastle river defence scheme is a good example of this mixed approach.

As such, the proposal presented in this report seeks to add property flood resilience to the approaches that we already use, deploying it where it is most cost-effective and geographically and financially appropriate. In essence, it would act as an additional tool to achieve the Council's existing capital programme and its duties, responsibilities and commitments as laid out in the Joint Lincolnshire Flood Risk and Water Management Strategy. For this reason, property flood resilience is proposed as a project within the current flood risk capital programme of £1.2m per annum. It will contribute to LCC's flood risk protection performance indicators by an additional 30 high risk properties protected per year, and delivers both local and national flood risk management strategic outputs. It will also be subject to strict, prioritised qualification criteria.

It is recognised that the implementation of property flood resilience is untested as a stand-alone initiative in Lincolnshire, and it is important to demonstrate that outcomes can be achieved in terms of effectively protecting property in a way that

provides value for money to Lincolnshire and at a realistic cost to residents. In order to test the initiative, a proposal to implement the property flood resilience assistance project on a trial basis has been discussed with the Executive Councillor for Economy and Place, who has indicated his support for a 12 month trial period.

As a result tender documents are being prepared for issue to seek bidders for delivery of the Property Flood Resilience (PFR) assistance scheme. This will involve expenditure of up to £100,000 of LCC capital funds at this stage which will cover the 12 month trial period. A progress report will be provided to Executive in September 2021.

It is anticipated that the tender documents will be ready for issue in early March 2021, with a target start date of 1 April 2021. It is envisaged that approval for awarding the contract will be given by way of a non-key Chief Officer decision by the Executive Director for Place in consultation with the Executive Councillor for Economy and Place.

The objective of the trial will be to protect up to 30 properties at significant risk of surface water flooding. Funding for the trial is expected to be on a matched basis using the resources already budgeted for in the Council's 2021/22 Capital Programme, subject to approval by the County Council on 19 February 2021, to attract external funding. Up to £5,000 of financial support per property for the supply and installation of property flood resilience measures will be funded through a combination of DEFRA Flood Defence Grant in Aid and Regional Flood and Coastal Committee Local Levy funding, with the costs of the pre- and post-installation surveys (estimated at no more than £2,000 per property) being funded by LCC. The estimated total contract value will be no more than £250,000 over 12 months.

The willingness of applicants to take responsibility for the total cost of the PFR measures to be installed, making "top-up" financial contributions (where the cost of installing PFR measures is over £5,000) to protect their property, is one of the qualifying criteria, along with being at significant risk of flooding (a greater than 3.3% annual probability of surface water flooding). In terms of cost effectiveness, the current proposal is to seek a typical benefit / cost ratio of 5 to 1, which would equate to roughly £33,500 of damages avoided per property.

All payments of financial assistance by the Council will be made directly to the supplier of the flood resilience measures rather than the householder; this will minimise the administration of the scheme but also manage the risk of funding not being applied to the specified purpose.

By working with community flood leads to pro-actively protect high risk properties, communities and individuals both obtain greater knowledge about local flood risk and are better prepared for flooding. This means that there are considerable potential cost savings to the authority in terms of a reduction in the need for emergency responses, the Council's duty to undertake flood investigations, and improvements in community health and wellbeing, as well as an accelerated

reduction in the overall numbers of properties at significant risk of surface water flooding across the county.

Finally, there is also an opportunity to align the proposal with the emerging priorities in the Council's Green Masterplan, proactively supporting communities to better adapt to future conditions and contributing to the Council's long term commitments towards the environment and the economy.

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 implementation of the PFR service will not result in differential impacts on people with protected characteristics.

A full Equality Impact Assessment is not required in this instance as PFR does not discriminate against protected characteristics. While one of the objectives of the PFR project is to help those less able to help themselves, assessments of the suitability of PFR measures are objective and based on scientifically-derived technical principles.

Applicants will have the opportunity to withdraw their application at any time before the PFR measures are installed.

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 and Wellbeing Strategy (JHWS) in coming to a decision.

By reducing the probability and consequences of flooding, the proposed PFR project will have a positive impact on the health and wellbeing of individuals.

The impacts of flooding on health and wellbeing are well understood. Literature and new work carried out with Public Health England data sets by the Environment Agency proves that there are higher rates of anxiety, depression and post-traumatic stress disorder (PTSD) after a flood has occurred. The costs associated with these illnesses include the treatment costs and the loss of employment. Comorbidity (suffering from more than one condition at the same time) and the proportion of those seeking treatment have also been taken into account in producing cost figures.

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 section 17 matters have been considered but there are not considered to be any direct impacts from the proposed project.

3. Conclusion

The PFR project provides an opportunity to deliver excellent value-for-money flood protection to residents of Lincolnshire who might not otherwise have the ability to protect their property. As well as this direct benefit, residents so protected may be able to benefit from lower insurance premiums. In addition, the outputs of the project will contribute to local and national targets.

Furthermore, by being proactive and including those properties where there have been 'near misses', assistance and support can be given to individuals and communities to prepare for flooding before it happens.

4. Legal Comments:

The Council has the power to pursue the proposed project.

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

5. Resource Comments:

As noted in the body of the report, funding of the proposed project is expected to be on a matched basis using the resources already budgeted for in the Council's approved 2020/21 Capital Programme to attract external contributions such as DEFRA-funded Flood Defence Grant in Aid.

The outputs of the project are scaleable should it be necessary in order to mitigate the Council's exposure if external funding contributions are not secured.

All payments of financial assistance by the Council will be made directly to the supplier of the flood resilience measures rather than the householder, this will minimise the administration of the scheme but also help mitigate the risk of funding not being applied to the specified purpose.

6. Consultation

a) Has Local Member Been Consulted?

N/A – this is a County-wide initiative.

b) Has Executive Councillor Been Consulted?

Yes.

c) Scrutiny Comments

The Environment and Economy Scrutiny Committee is due to consider this report on 16 February 2021. Any comments of the Committee will be reported to the Executive Councillor.

d) Risks and Impact Analysis

See the body of the Report.

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Brookes, who can be contacted on 07787836877 or paul.brookes@lincolnshire.gov.uk.

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