

# CONSULTATION ON LOCAL FLOOD RISK MANAGEMENT STRATEGY

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<b>Cabinet Portfolio(s)</b>	Residents' Services
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<b>Papers with report</b>	<b><u>Circulated separately</u></b> - Local Flood Risk Management Strategy Local Flood Risk Management Strategy - Consultation Strategy

## HEADLINES

<b>Summary</b>	<p>The Council is designated a Lead Local Flood Authority by the Flood and Water Management Act 2010 (the Act). This is a statutory function that requires the Council to lead on flood risk matters, through collaboration with other providers and within communities. As part of this duty, Section 9 of the Act requires the Council to produce and maintain a Local Flood Risk Management Strategy. 'The Strategy' sets out how the Council will manage flood risk at a local level.</p> <p>Prior to adoption of a Strategy, the Council must embark on a consultation. This report seeks Cabinet approval to submit a draft Strategy for public consultation and in accordance with the attached Consultation Strategy.</p>
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	<p>This report supports our ambition for residents / the Council of: Live in a sustainable borough that is carbon neutral</p> <p>This report supports our commitments to residents of: A Green and Sustainable Borough</p>
<b>Financial Cost</b>	<p>The Local Flood Risk Management Strategy is a statutory requirement with specific requirements. It requires the management of flood risk related to officer time (funded within existing Revenue budgets) and project identification. Project delivery will be dependent on the securing of grant funding and therefore no additional Council funding is expected.</p>
<b>Relevant Select Committee</b>	Residents' Services Select Committee
<b>Relevant Ward(s)</b>	N/A

## RECOMMENDATIONS

**That the Cabinet:**

- 1) Approves the Local Flood Risk Management Strategy to be published for public consultation and;**
- 2) Approves the 6 week consultation to be carried out in accordance with the Consultation Strategy.**

### **Reasons for recommendation**

The Council is designated a Lead Local Flood Authority by the Flood and Water Management Act 2010 (the Act). This is a statutory function that requires the Council to lead on flood risk matters, through collaboration with other providers and within communities. As part of this duty, Section 9 of the Act requires the council to produce and maintain a Local Flood Risk Management Strategy. 'The Strategy' sets out how the Council will manage flood risk at a local level.

It is a key tool in establishing the other relevant authorities, identifying sources of flood risk, and presenting strategic objectives and actions to managing risk. The strategy also provides information on flood prevention, reduction, preparation and response.

The current Strategy was given a 6-year timeframe to reflect the period required for the parent national flood risk strategy. The current Strategy is now due for review based on that timeframe. However, the statutory requirement is for the local Strategy to be maintained and consequently there is no specific statutory timeframe.

The draft Strategy presented to Cabinet is intended to be a 'living document' hosted on a webpage (available in PDF form if requested). It will be collated into sections so that selective changes can be made as and when necessary, as opposed to a holistic resource intensive review. Officers consider this allows for a more dynamic strategy that better serves residents and communities.

In respect of recommendation 1 - the Strategy will be subject to an annual review and status report to ensure it is kept up to date in accordance with legislation. Prior to adoption of a Strategy, the Council must embark on a consultation. The consultation is intended to commence in January 2024 and last for a minimum of 6 weeks. This consultation will help shape the Strategy, so it best reflects the communities it is intended to benefit.

On recommendation 2 - the Consultation Strategy is intended to provide a suitable framework to secure the type of information, response and commentary that will inform the final plan.

### **Alternative options considered / risk management**

As a statutory requirement, combined with the current time limited strategy, a do nothing option would not meet the legislative requirements.

## Select Committee comments

None at this stage. However, the Select Committee will be engaged as part of the consultation.

## SUPPORTING INFORMATION

1. Hillingdon has over 30,000 residential properties currently at risk of flooding. There are over 180km of ordinary watercourses alongside several main rivers which drain predominantly impermeable clay soils. Extensively built urban areas contribute to considerable run-off which is served by an ageing drainage infrastructure. These factors alone create challenging circumstances to manage flood risk.
2. The challenge is further complicated by various bodies, known as Risk Management Authorities, being responsible for different sources of flooding. Whilst most flood risk is a result of excessive rainfall, the actual source of flooding, i.e. river, surface water or groundwater is highly complex. Solutions can generally only be delivered by those responsible for the source of flooding, but understanding the technical factors can be a complicated debate. For example, surface water flooding running without any attenuation into a main river may appear as river flooding, but the true source could be a failing drainage network; in turn a drainage authority may claim that their network is inundated by river flooding. Similarly, flooding from the highways may be because of the council's own systems or the Thames Water network that can also be located on the highways. Finding the exact problem can result in different authorities passing the problem around. After floods across the UK in 2007, Sir Michael Pitt's review found:

*Many of the people affected by the events of summer 2007 did not know who to turn to and their problems were passed from one organisation to another.*

3. The disparate nature of flood risk management continues to cause challenges to finding solutions to protect residents. Although significant progress has been made, the legislative requirements on the various authorities continues to create barriers in further progress.
4. To make matters worse, the climate is changing. Despite considerable effort, including by the council, to reduce carbon emissions to minimise and reduce long term effects, many aspects of climate change are already 'locked in'. Extreme weather events and rainfall being the most widely accepted change already being experienced.
5. Risk is a measurement of 'probability multiplied by consequence'. The factors set out above are all exacerbated by climate change meaning that the probability of flooding occurring has risen. It is also important to note that the consequences of flooding are not just related to those properties directly affected. Flooding of roads, of businesses and of utilities can impact those far beyond those who experience direct flooding. With an increasing population, more people are impacted by flooding. This results in an increase in the consequences from a flood event. With both the probability and consequences increasing, the risk is significantly raised.

6. With flooding comes a great deal of disruption but also has significant bearing on public resources, whether through emergency services' response or interventions to manage flood risk; the cost of managing flooding is also increasing.
7. As Lead Local Flood Authority, Hillingdon Council works to better understand the risk of flooding, investigate significant flood incidents, and implement measures to reduce the risk of flooding. The aim to provide a better management of flood risk at a local level. The increasing risk requires a more creative approach to managing flooding and a greater level of collaboration.
8. With regards to that collaborative work, the Pitt Review (referenced above) advocated for local authorities to be the lead coordinator of flood risk management in the local area. This recommendation manifested itself in the designation of Lead Local Flood Authority status.
9. Part of this role is to set out a Local Flood Risk Management Strategy that provides the framework for effective local management of flood risk. The Strategy presented to Cabinet is intended to set out how the Council will go about working with partners and communities to a) better understand flood risk, b) identify opportunities and projects for risk reduction and removal where possible and c) ensure communities are prepared for flooding.
10. The proposed strategy sets out 6 themes.

Theme	Objective
The Local Flood Risk Management Strategy	Understanding the Local Flood Risk Management Strategy
Sources of Flooding	Improve knowledge of flood risks in the London Borough of Hillingdon
Working with Others	Improve the collaboration of Risk Management Authorities, and understanding of roles and responsibilities, to manage flood risk effectively
Opportunities and Projects	Identify and implement opportunities for flood risk management
New Development and Planning	Ensure that development within the London Borough of Hillingdon accounts for and mitigates flood risk
Local Communities and Flooding	Engage with communities to develop the awareness of flood risk in local areas and improve their resilience

11. Against each objective there is a range of actions that are intended to take leadership and create the framework for meeting the task of managing an increased risk of flooding in a changing climate.

12. Importantly, the Strategy is not just about what the Council will do but also about empowering communities to be better informed and prepared.
13. The Strategy is presented in a form to be published for consultation. The final version will be an online resource which will be a 'one stop shop' for flood risk information including what to do before, during and after a flood event. This model will allow the council to keep the Strategy under review so that it can be subject to smaller scale amendments as opposed to a resource intensive review after a set period of time. This makes the Strategy more dynamic and responsive to the changing climate; it will allow residents, through an annual review, to have more influence on the objectives, actions and ultimately the opportunities and projects contained with the Strategy.
14. The Strategy is also accompanied by statutory screening requests for Strategic Environmental Assessment and Habitats Regulation Assessment in line with statutory requirements. The finding of officers is that the Strategy does not meet the thresholds for triggering assessments under these regulations.
15. The Strategy has been prepared by Metis Consultants in consultation with various Council departments.

## **Financial Implications**

The actions on the Council will take the form of officer time predominantly led by the Flood and Water Management function that makes up the Lead Local Flood Authority. The costs of officer time are included within Service Revenue budgets. Delivery of projects, as at present, are identified in collaboration with partners such as Thames Water, Environment Agency and Thames Regional Flood and Coastal Committee with funding provided by those organisations through bids and applications with no cost for the Council.

## **RESIDENT BENEFIT & CONSULTATION**

### **The benefit or impact upon Hillingdon residents, service users and communities?**

The Local Flood Risk Management Strategy will greatly benefit residents by providing the framework to best manage flood risk for the protection of communities. It will also provide a valuable resource as to how to avoid flooding, prepare for a flood event and what to do if a property floods. The Strategy will ensure the Council fulfils its statutory function and reduces the risk to people and property.

### **Consultation carried out or required**

The strategy was developed in consultation with various departments within the Council through a series of workshops. These included colleagues from Planning, Transportation, Highways, Green Spaces, Emergency Planning, Communications, Housing and those responsible for managing the website. The next stage is to undertake a public consultation, also involving the relevant select committee. A final version will be presented to cabinet for adoption in spring 2024, following a review of the consultation responses.

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting there are no direct financial implications associated with the recommendations contained in this report.

### Legal

Section 9 of the Flood and Water Management Act 2010 (“the Act”) requires the Council as the lead local flood authority to maintain, apply and monitor a strategy for flood risk management in its area (“LFRMS”). Under section 7 of the Act, the LFRMS must be consistent with the national flood and coastal erosion risk management strategy. Prior to adopting the LFRMS, the Council is required to consult with the public and in turn publish a summary of its LFRMS. The Council may issue guidance about the application of the LFRMS, however, must have regard to any guidance issued by the Secretary of State.

There are a set of well-established common law rules which set out the requirements of a lawful public consultation which are known as the Gunning principles. They were endorsed by the Supreme Court in the Moseley case. The principles can be summarised as follows:

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response; and
- The product of consultation should conscientiously be taken into account by the decision maker.

There are a very significant number of judicial review cases which involve successful challenges to the lawfulness of a consultation undertaken by a public authority, so it is imperative that the Gunning principles are closely followed in this process.

### Property

Property and Estates Services confirm agreement in the above proposal.

## BACKGROUND PAPERS

Flood and Water Management Act:

<https://www.legislation.gov.uk/ukpga/2010/29/contents>

Specifically Section 9 of the Flood and Water Management Act for the Strategy:

<https://www.legislation.gov.uk/ukpga/2010/29/section/9>

Current [Local Flood Risk Management Strategy](#) and accompanying [Objective and Measures](#)