

Subject:	Local Approval of B&HCC Input to Environment Agency Flood Risk Management Plan Cycle 2 (2021-2027)		
Date of Meeting:	21 September 2021		
Report of:	Executive Director Economy, Environment & Culture		
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Ward(s) affected:	All Wards		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks approval for the Brighton and Hove City Council's (in its capacity as a Lead Local Flood Authority [LLFA]) input to the Environment Agency's River Catchment Area Flood Risk Management Plan [FRMP] covering the period 2021-2027.
- 1.2 Under the Flood Risk Regulations 2009 there is a duty on both the Environment Agency [EA] and on LLFAs to produce a Flood Risk Management Plan and for these plans to be reviewed at least every 6-years commencing in 2015. Following the review, a revised flood risk management plan must be prepared. There is agreement that the EA will produce this document on a River Basin District basis and compile input from each LLFA to combine with their own sections to cover all forms of flood risk.
- 1.3 Prior to publication of the consultation document, the EA require local approval of the input provided by each LLFA. The input was provided in January and June 2021, the Consultation Draft is due to be released in October 2021.

2. RECOMMENDATIONS:

- 2.1 That the Committee approve the officer input to the Flood Risk Management Plan as detailed in Appendices 1 and 2 of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 There are a number of strategic flood management documents which the Council in its role as a Lead Local Flood Authority utilises to assess and manage flood risk. Flood Risk Assessments, Management Plans and Strategies help to plan, assess, promote and implement flood alleviation schemes, sustainable drainage solutions and other interventions on a risk and then business case basis. This is undertaken under our powers and duties as a flood authority to manage flood risk in the Unitary Authority Area.

- 3.2 The Flood Risk Management Plan is required by the Flood Risk Regulations 2009. There was agreement at that time for the Environment Agency to lead and co-ordinate the Plans on a River Basin Catchment basis covering all forms of flood risk.
- 3.3 The first cycle Flood Risk Management Plans covered the period 2015-2021 and the Council's proposed measures and reporting were incorporated into the Environment Agency's river basin catchment area (South East) document in 2015.
- 3.4 The sources of flood risk covered by the input produced by the Environment Agency are from rivers and seas. The input from the Council covers flooding from groundwater, surface water and sewers. The Council's input has now been provided for the second cycle covering the period 2021-2027. There are two parts to the B&HCC input; Specific Measures and Reporting attached in Appendices 1 and 2 respectively.
- 3.5 Within our Unitary Authority area there is an identified 'Flood Risk Area' (due to the level of risk and number of properties affected) identified both for the previous cycle (2015-2021) and the coming cycle (2021-2027). This is the focus of the measures and reporting which will be incorporated into the EA's documents due to be issued nationally for consultation in October this year.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The local measures were produced ahead of updating our local flood risk planning documents (Surface Water Management Plan and Local Flood Risk Management Strategy). These documents will inform the Council's flood risk management activities more closely and in more detail.
- 4.2 The proposed measures are not an exhaustive list of what the Council intends to achieve in the six year period but rather an appropriate shortlist which covers each of the EA's criteria / categories to address in accordance with their guidance. This is separate to common activities, measures or day to day management of flooding undertaken by all flood authorities which is recorded by the EA in their 'National Once Measures' attached to this report as Appendix 3 for reference.
- 4.3 The local specific measures are in addition to the common ('National Once') measures and have been agreed with the Environment Agency as suitable to cover each of the categories highlighted in the national guidance which are; Prevention, Protection, Preparedness and Recovery / Review.
- 4.4 The agreed local specific measures are:
- 1) Update the local Flood Risk Management Strategy in Brighton and Hove
 - 2) Update the Surface Water Management Plan in Brighton and Hove
 - 3) Conduct a City Wide Property Flood Resilience Scheme in Brighton and Hove
 - 4) Produce a written protocol to respond to reports of flooding and investigate flood events in Brighton and Hove
 - 5) Implement a flood protection scheme incorporating principles of Sustainable Drainage Systems in Preston Park

- 6) Complete a groundwater and telemetry study in Brighton and Hove.
- 4.5 The updates to the Flood Risk Management Strategy (1) and Surface Water Management Plan (2) are in hand and will analyse the current levels of flood risk within the city and direct the resources of the Authority toward the most effective management and intervention.
- 4.6 The property flood resilience scheme (3) will follow and widen the recently completed Central Hove and Portslade scheme. This is found to be an effective flood management tool where larger localised or neighbourhood flood alleviation interventions are not feasible or cost effective as is often the case in urban catchments.
- 4.7 The protocol for responding to flood instances (4) will formalise and seek opportunities to improve the processes currently undertaken during and after a flood event to investigate and capture data.
- 4.8 The Preston Park Surface Water Management Scheme (5) is currently at feasibility stage having been awarded funding from the Council's Sustainability & Carbon Reduction Investment Fund [SCRIF] fund for that purpose. The scheme will address a known surface water ponding and flooding area on a piece of critical transport infrastructure (A23 London Road) as well as an area of high risk for property flooding.
- 4.9 The groundwater and telemetry study (6) will seek to investigate the requirement for further telemetry in order to improve flood investigation and warning within the City. There are currently three rainfall gauges and two EA monitored boreholes. The feasibility study would investigate the potential to increase our monitoring and understanding of groundwater and surface water flooding in relation to rainfall and groundwater levels.
- 4.10 The measures are all within the Council's power to implement and, where physical works are proposed, on land which the Council controls either as landowner or Local Highway Authority.
- 4.11 The measures proposed do not represent the extent of the activity the Authority would or will undertake in the period or restrict further or other schemes and interventions. These will be partly informed by refreshed strategy documents such as the Surface Water Management Plan and Local Flood Risk Management Strategy.
- 4.12 In terms of the reporting element of the Council's FRMP input, there are no alternative options as the reporting is based upon factual information and data relevant to the Flood Risk Area.
- 4.13 Both the specific measures and the reporting elements have been approved by the EA for incorporation in the combined document.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 As an Environment Agency document, consultation will be carried out by the Environment Agency on the consultation draft which incorporates the B&HCC input. The consultation is scheduled for October 2021.
- 5.2 There has been no specific community engagement or public consultation of the FRMP input. All proposed measures are within pre-existing plans and strategies or will be consulted upon where appropriate as part of the individual project process.

6. CONCLUSION

- 6.1 There is a duty to produce a Flood Risk Management Plan document, following review, every six years under the Flood Risk Regulations 2009. Under agreement with the Environment Agency they are producing river catchment wide plans to which each local flood authority contributes.
- 6.2 Local approval is required by the Environment Agency from the Council for the input provided by us as Lead Local Flood Authority for Brighton and Hove.
- 6.3 The recommended course of action is to approve the measures and reporting which make up the B&HCC input to the EA catchment Flood Risk Management Plan (2021-2027) as appended to this report.

7. FINANCIAL & OTHER IMPLICATIONS:

- 7.1 All costs associated with updating the Flood Risk Management Plan will be funded from existing Flood Risk Management revenue budgets. It is anticipated that any financial implications expected to arise from complying with and implementing elements of the updated Local Strategy will be funded from existing revenue budget and earmarked reserve.
- 7.2 The ongoing revenue budget will be used to fund the cost of local consultation on the flood schemes, studies, ongoing maintenance costs of flood defence structures, preparation of further statutory flood risk management plans and staff costs. Bids for more expensive capital projects will be submitted to the Environment Agency for funding from DEFRA Grant in Aid, which will involve partnership funding from a range of sources potentially including the Local Levy fund, private funding from Southern Water or CIL monies and a necessary proportion of local funding from the Council.

Finance Officer Consulted: John Lack

Date: 26/08/21

Legal Implications:

- 7.3 As noted in the body of the report, the duty to produce a Flood Risk Management Plan (FRMP) is found in the Flood Risk Regulations 2009. Regulation 27 states that a FRMP is a “a plan for the management of a significant flood risk” and which must include details of objectives for the purpose of managing the flood risk and the proposed measures for achieving those objectives.

- 7.4 The Regulations provide that the Environment Agency's first review must be completed before 22 December 2021, and that a lead local flood authority's first review must be completed before 22 June 2021. A revised flood risk management plan must be prepared following the review, which must (inter alia) include an assessment of progress made towards implementing the measures in the previous plan and, if relevant, a statement of the reasons why any measures have not been implemented.
- 7.5 The Council in its role as Lead Local Flood Authority undertakes flood alleviation projects as part of strategic management of flood risk under the Flood and Water Management Act 2010.

Lawyer Consulted: Hilary Woodward

Date: 23/8/21

Equalities Implications:

- 7.6 As an Environment Agency document there will be an equalities assessment undertaken for the document as a whole by the EA where required. No specific Equalities Impact Assessment has been carried out for the local input from this Authority.
- 7.7 The measures within the FRMP benefit the whole City and properties protected are selected on a risk management and cost benefit basis targeting areas of highest risk and worst impact whilst maximising value. There is no equalities implication for the reporting element.

Sustainability Implications:

- 7.8 Flood Risk management and any measures to alleviate flooding help create a more sustainable city in terms of addressing adaption to climate change. There are no other sustainability impacts or implications associated with the proposed FRMP measures and reporting.

Brexit Implications:

- 7.9 The proposed FRMP measures and reporting have no Brexit related impacts or implications.

Any Other Significant Implications:

- 7.10 There are no other significant implications of this report in relation to crime and disorder, risk management and opportunity or corporate/citywide issues.

SUPPORTING DOCUMENTATION

Appendices:

1. BHCC Specific Flood Risk Management Plan (2021-2027) Measures.
2. BHCC Flood Risk Management Plan (2021-2027) Reporting

3. Environment Agency Flood Risk Management Plan (2021-2027) National Once Measures.

Background Documents

1. [South East River Basin District Flood Risk Management Plan 2015-2021.](#)