

Equalities Comprehensive Impact Assessment - originator review

Reference: ECIA442016460

Submitted: 04 October 2022 11:30 AM

Executive summary

Title of policy / decision: Adoption of Essex Flood Risk Management Plans (Anglian & Thames)

Policy / decision type: Cabinet Member Action (CMA)

Overview of policy / decision: This report seeks approval from Essex County Council for the formal adoption of the Essex Flood Risk Management Plan (FRMPs) (Anglian & Thames), once published by the Environment Agency. As the Lead Local Flood Authority, we are responsible for the management of surface water and have submitted strategic measures (actions) for our Flood Risk Areas (FRAs) for inclusion within the FRMPs linking to our statutory responsibilities. We have a legal obligation to adopt the Essex FRMPs as required by The Flood Risk Regulations 2009.

What outcome(s) are you hoping to achieve?: The approval of the adoption of the Essex FRMPs (Anglian & Thames). The adoption of the FRMP will enable ECC, as the LLFA, to continue delivering its statutory duties and responsibilities to mitigate against flood risk and the wider changing climate.

Executive Director responsible for policy / decision: Mark Ash (Climate, Environment and Customer Services)

Cabinet Member responsible for policy / decision: Lee Scott (Highways Maintenance and Sustainable Transport)

Is this a new policy / decision or a change to an existing one?: New policy / decision

How will the impact of the policy / decision be monitored and evaluated?: The Essex FRMPs include a number of measures/deliverables that ECC will be annually evaluated against, the first review will be undertaken in Autumn 2023. The measures outlined in the FRMPs have been developed in response to national objectives, which centre around flood prevention, protection, preparedness and recovery and review. It is not considered that these measures will put any additional pressure on our team or Essex County Council as the Lead Local Flood Authority, over and above our business as usual and statutory obligations.

Will this policy / decision impact on:

Service users: No

Employees: No

Wider community or groups of people: Yes

What strategic priorities will this policy / decision support?: High Quality Environment, A good place for Children and Families to Grow

Which strategic priorities does this support? - Environment: Net zero, Green communities, Levelling up the environment

Which strategic priorities does this support? - Families: Safety

What geographical areas of Essex will the policy / decision affect?: All Essex

Digital accessibility

Is the new or revised policy linked to a digital service (website, system or application)?: No

Equalities - Groups with protected characteristics

Age

Nature of impact: Positive

Extent of impact: High

Disability - learning disability

Nature of impact: None

Disability - mental health issues

Nature of impact: None

Disability - physical impairment

Nature of impact: None

Disability - sensory impairment

Nature of impact: None

Sex

Nature of impact: None

Gender reassignment

Nature of impact: None

Marriage / civil partnership

Nature of impact: None

Pregnancy / maternity

Nature of impact: None

Race

Nature of impact: None

Religion / belief

Nature of impact: None

Sexual orientation

Nature of impact: None

Rationale for assessment, including data used to assess the impact: Essex County Council have a legal obligation to adopt the Essex FRMPs as required by The Flood Risk Regulations 2009. The Essex FRMP will form the basis of a long-term strategic vision for managing future flood risk through the delivery of adaptive approaches to enhance flood resilience within the identified Flood Risk Areas.

There are measures and targets included within the FRMPs that are bespoke to Essex. These will assist with ECC's plan for Levelling Up the environment through the continued delivery of flood alleviation schemes and holistic water practices that will not only reduce flood risk, but provide wider socio-environmental benefits such as habitat creation, biodiversity enhancements and water retention areas to increase water supply in seasons of drought. This approach also adheres to ECC's Levelling Up Essex White Paper (2022).

Further to the measures bespoke to Essex, the FRMPs include generic National measures that relate to the Lead Local Flood Authority's statutory duties including, but not limited to: s19 Flood Investigations, s23 Ordinary Watercourse Consents, and s21's requirements to publish and maintain an up to date assets register (all of which are required by the Flood and Water Management Act 2010).

Given the proposed deliverables and overall aim of the FRMPs, it can be argued that they will have a high, positive impact on the future of Essex residents. By putting in measures and continuing to delivery policy that encourages adaption to the changing climate, the FRMPs are helping to preserve the existing environment and make critical improvements such as: increases in green space and infrastructure through the delivery of woodland and Sustainable Drainage Systems (SuDS); increased wetland and attenuation areas to safeguard water supply for ongoing periods of drought; and continuing to educate Essex residents about flood risk to encourage resilient communities.

What actions have already been taken to mitigate any negative impacts: As part of the FRMP production process, ECC, as the LLFA, was consulted by the Environment Agency in 2017/18 to identify any Flood Risk Areas within Essex and agreed a collaborative approach in relation to the development of the FRMP.

Furthermore, in June 2022, ECC signed an LLFA Approval Form in relation to the publishing of the Essex FRMP. The signing of the Approval Form confirms that ECC, as the LLFA, is happy that it has satisfied the legal requirements of the Flood Risk Regulations 2009 in respect of the consultation and production of the FRMP alongside the EA. The signing of the Approval Form was carried out in consultation with our legal business partner and confirms that ECC is happy with the measures (both ECC-specific and LLFA National) to be included and published within the FRMPs.

By approving the FRMP content, ECC is happy that there will be no negative impact on Essex residents by adopting and delivering the measures outlines in the FRMPs. It should be noted that Essex County Council will never deliver a flood alleviation scheme that increases flood risk residential/commercial properties.

Levelling up - Priority areas & cohorts

Children and adults with SEND, learning disabilities or mental health conditions (taking an all-age approach)

Nature of impact: None

Children on Free School Meals

Nature of impact: None

Working families

Nature of impact: None

Young adults (16-25 who have not been in education, training or employment for around 6-12 months)

Nature of impact: None

Harlow

Nature of impact: Positive

Extent of impact: High

Jaywick and Clacton

Nature of impact: Positive

Extent of impact: Low

Harwich

Nature of impact: Positive

Extent of impact: Low

Basildon (Town) housing estates

Nature of impact: Positive

Extent of impact: High

Canvey Island

Nature of impact: Positive

Extent of impact: High

Colchester (Town) - Housing Estates

Nature of impact: Positive

Extent of impact: High

Rural North of the Braintree District

Nature of impact: Positive

Extent of impact: Low

Rationale for assessment, including data used to assess the impact: Within Essex, ECC has identified five Flood Risk Areas which have been taken into consideration when setting the objectives and measures of the FRMPs, scheduled to be published in Autumn 2022. The five Essex FRAs are:

- Colchester
- Chelmsford
- Harlow
- South Essex
- Canvey Island

Colchester, Canvey Island & Basildon (South Essex) have been identified as Flood Risk Areas as well as priority Levelling Up areas in ECC's Levelling Up Essex White Paper.

The FRMPs and the measures/deliverables included within them will significantly contribute to the levelling up of these priority areas, specifically through the levelling up of the environment by making them more flood & climate

change resilient.

The FRMPs will enable the continued delivery of the LLFA's statutory duties, including its role as statutory consultee for surface water drainage for all new major development. Consequently, all new major planning applications will need to be reviewed by our Development and Flood Risk Team to ensure that surface water run-off is regulated appropriately so as not to increase flood risk elsewhere.

Within the identified Flood Risk and Levelling Up Priority Areas are places also considered to be highly susceptible to surface water flood risk, as highlighted within our Surface Water Management Plans (SWMPs). These are known as Critical Drainage Areas (CDAs) in which we focus the delivery of our Floods Capital Programme. Consequently, Harlow, Colchester & Basildon will see further investment in flood risk resilience over the next 6-year planning cycle as designated by the FRMPs.

As well as SuDS and the Floods Capital programme, these priority Levelling Up areas will also realise further benefits through: increased green infrastructure delivery, increased natural flood management delivery, the regulation of streams and ditches, the maintenance of flood risk assets, delivery of woodland and green corridors, sequestration of carbon, etc.

Consequently, it is considered that the adoption of the FRMPs will significantly contribute to the Levelling Up of the above priority areas.

What actions have already been taken to mitigate any negative impacts: The adoption of the FRMP will enable ECC to deliver a number of key measures to help with the levelling up of the environment and making communities more resilient to flood risk.

Equalities - Inclusion health groups and other priority groups

Refugees / asylum seekers

Nature of impact: None

Homeless / rough sleepers

Nature of impact: None

Offenders / ex-offenders

Nature of impact: None

Carers

Nature of impact: None

Looked after children

Nature of impact: None

Veterans

Nature of impact: None

People who are unemployed / economically inactive

Nature of impact: None

People on low income

Nature of impact: None

Working families

Nature of impact: None

Rationale for assessment, including data used to assess the impact: The decision will positively impact those communities that are susceptible to flood risk through the delivery of different climate adaptation initiatives and flood risk mitigation measures.

What actions have already been taken to mitigate any negative impacts: The adoption of the FRMP will enable ECC to deliver a number of key measures to help with the levelling up of the environment and making communities more resilient to flood risk.

Equalities - Geographical Groups

People living in areas of high deprivation

Nature of impact: Positive

Extent of impact: Low

People living in rural or isolated areas

Nature of impact: Positive

Extent of impact: Low

People living in coastal areas

Nature of impact: Positive

Extent of impact: High

People living in urban or over-populated areas

Nature of impact: Positive

Extent of impact: High

Rationale for assessment, including data used to assess the impact: The FRMPs take into consideration flood risk from coastal sources which is why we have agreed to collaborate on its production with the Environment Agency, who are responsible for managing flood risk from this source.

It is considered that the adoption of the FRMPs will have a positive impact on all geographical groups as it will enable ECC, as the LLFA, to continue to deliver its statutory duties and responsibilities to mitigate against flood risk and the wider impacts of climate change.

What actions have already been taken to mitigate any negative impacts: In relation to climate change adaptation & mitigation, the measures identified in the FRMPs will continue to include the delivery of Green Infrastructure (GI) and Natural Flood Management (NFM) to not only mitigate against flood risk, but realise wider socio-environmental benefits, such as biodiversity enhancement and habitat creation.

Families

Family formation (e.g. to become or live as a couple, the ability to live with or apart from children)

Nature of impact: None

Families going through key transitions e.g. becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities, onset of a long-term health condition

Nature of impact: None

Family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities

Nature of impact: None

Families before, during and after couple separation

Nature of impact: None

Families most at risk of deterioration of relationship quality and breakdown

Nature of impact: None

Rationale for assessment, including data used to assess the impact: There will no impact to the above.

What actions have already been taken to mitigate any negative impacts:

Climate

Does your decision / policy involve elements connected to the built environment / energy?: Yes

Do you know what products, materials, and qualified built environment professionals you will be using?

Are you maximising the opportunity to source materials locally and maximise use of sustainable materials such as wood?: Yes

Are you using a qualified architect / design team / consultant with the experience and capability to design and secure planning permission to deliver to the highest carbon zero building standards?: Yes

Are you clear that the builder, sub-contractor is qualified and capable of delivering climate resilient buildings (noting risks including subsidence, flooding, overheating), to the highest net zero carbon build quality?: Yes

Is your proposed development / building using the best practice guidance and advice on design quality, climate change and health?

Are you using the design quality and advice provided by the Essex Design Guide?: Yes

Are you using the Climate Change guidance and advice provide by the Essex Design Guide?: Yes

Are you providing a policy compliant development which accords with the District Local Plan policies?:
Yes

Are using the Health and Wellbeing guidance provided by the Essex Design Guide?: Yes

Have you provided a costed net zero option for consideration?: N/A

Is your proposed development / building as efficient as possible?

Is the Energy performance Certificate (EPC) rating of the achieving and EPC A+ or net zero carbon standard?: N/A

Have opportunities to reduce energy use through the use of smart digital systems been considered?: N/A

Does your development by design avoid the need for air conditioning?: N/A

Does your new development have water efficiency measures in place?: Yes

Do you know where your energy is coming from and how much of it comes from renewable sources?

Are you maximising opportunities to use onsite renewable energy (e.g. roof top solar panels) to deliver this service?: N/A

Are you maximising opportunities to use onsite renewable energy (e.g. roof top solar panels) to deliver this service?: N/A

Is your new or extended development using a renewable heat source e.g. district heating or a form of heat pump?: N/A

Is your development resilient to climate risks including flooding, overheating and subsidence?

Is your site at risk of coastal erosion? Is there a plan in place to protect the coastline: if the coastline is being allowed to erode, this may impact the lifetime of your site.: Yes

Have you reviewed environment agency to ascertain your flood risk? Do you need to put in place mitigation such as sustainable drainage?: Yes

Water is scarce and needs to be absorbed into the land wherever possible. Are you prioritising nature based flood risk mitigations such as sustainable drainage, water butts, planting and ponds which protect against water scarcity?: Yes

Are you using external planting, green walls and green roofs to insulate the building and provide shading to cut risks of overheating?: N/A

Is your development supporting active travel and minimising pollution?

Does your site allow connection to key public transport and active travel routes?: N/A

Are you using Green Infrastructure to interrupt the pathway of carborne pollutants to the public e.g. use of hedges, shrubs and trees?: Yes

Have you provided space for secure cycle parking, showering, cycle and walking pathways on site etc?: N/A

Does the building have adequate space for recycling and waste separation?: N/A

Does your decision / policy involve designing service provision and procurement to minimise freight and staff travel and enable use of active and public transport options?: No

Does your decision / policy involve elements connected to waste?: Yes

Do you know what products or materials you will be using and where these come from?

Are you maximising the opportunity to source locally?: Yes

Are you specifying goods or materials with a recycled / reused content?: Yes

Are you able to utilise repurposed (second-hand) equipment when delivering this decision?: Yes

Are the materials being used easy to recycle at the end of their life?: Yes

Have you selected materials that minimise environmental impacts e.g. minimising one use plastics?: Yes

Have you considered bulk buying materials to reduce the number of trips?: Yes

How much waste are you expecting this activity to generate?

Are you able to measure the amount of waste being generated and set targets to reduce?: Yes

Can the service be operated in a digital way or redesigned to reduce the use of material resources?: N/A

If purchasing goods, are they durable and long lasting, and can they be easily maintained and repaired?:
Yes

Are you able to share goods and service with others to reduce resource use?: Yes

Are you avoiding over-packaged or difficult to recycle goods and single use items?: Yes

Can you donate or sell materials and products that are no longer required?: Yes

Will any waste be generated by this decision?: Yes

Most of our activities will generate waste so it is important that this waste is managed properly to reduce green house gas emissions. What approaches are in place to maximise reuse, recycling and composting of any waste generated by this decision?: Are you maximising the opportunity to source materials locally and maximise use of sustainable materials such as wood?:

- When delivering flood alleviation schemes, we always utilise sustainable practices and the re-use of materials to minimise disruption and the production of unnecessary carbon, e.g. reusing any excavated material for ground re-profiling or landscaping.

Are you using a qualified architect / design team / consultant with the experience and capability to design and secure planning permission to deliver to the highest carbon zero building standards?:

- We use our own officers to obtain planning permission for schemes to minimise consultant costs and up-skill our team for future projects. However, when using the delivery framework, we have constant communication with successful contractor about sustainable delivery approaches to minimise carbon production and disruption to the local community/environment.

- Another example would be use of local, specialist contractors for Nature-based solutions including the use of heavy horses instead of diggers and traditional methods of transporting material within sensitive environments. Where leaky dams are created, wood is ideally sourced from local woodlands as part of their felling or wider management plan.

Are you using the Climate Change guidance and advice provide by the Essex Design Guide?

- Yes, the Sustainable Drainage Systems Design Guide for Essex is directly accessible from the SuDS and Climate Change page within the Essex Design Guide. SuDS has been a material planning consideration since April 2015 and the LLFA remains statutory consultee for surface water drainage for all major planning applications. Our Development & Flood Risk Team continue to assess planning applications against the most up to date climate change guidance to ensure flood risk is not increased elsewhere as the result of new developments.

Are you providing a policy compliant development which accords with the District Local Plan policies?:

- Although the LLFA does not deliver new development, we are the statutory consultee for surface water drainage for all major planning applications so work closely developers and Local Planning Authorities to influence the layouts and surface water drainage strategies of new developments to accord with Local Plan policies.

- As part of the Capital Programme, we work with the appropriate Risk Management Authorities and District Councils to ensure any scheme adheres to the Local Plan and its policies, including safeguarding land from

development, for example, by utilising it as a multi-functional flood scheme.

Does your new development have water efficiency measures in place?:

- We appreciate that flooding is only one part of the wider mitigation against climate change. Not only do we try to minimise flood risk to properties, but we also explore methods by which we can store water during wet seasons to use during the summer droughts which are becoming more frequent. This can be through the blocking or restricting of culverts to prevent water from escaping downstream which, in turn, lead to the creation of wetland habitat and the enhancement of biodiversity.

Is your site at risk of coastal erosion? Is there a plan in place to protect the coastline: if the coastline is being allowed to erode, this may impact the lifetime of your site.:

- We have worked closely with the Environment Agency in relation to the production of the FRMPs. The protection of the coastline falls within the remit of the EA and we will continue to work alongside them going forward.

Water is scarce and needs to be absorbed into the land wherever possible. Are you prioritising nature based flood risk mitigations such as sustainable drainage, water butts, planting and ponds which protect against water scarcity?

- Yes, as previously stated, we are working to deliver more nature based solutions across the county which will not only mitigate flood risk downstream, but also achieve wider environmental benefits like habitat creation and water quality improvements through the interception and storage of pollutants, etc. This has been achieved previously through the creation of swales as opposed to the installation of culverts used to convey water.

- We look at the holistic approach to water management which also includes storing water during wet seasons to be used during heatwaves and droughts. We will continue to look at suitable locations for the retrofit of SuDS and raingardens as well as encouraging residents to install water butts to save water.

Are you using external planting, green walls and green roofs to insulate the building and provide shading to cut risks of overheating?:

- Yes, during scheme delivery, where space is available, we plant additional Green Infrastructure to absorb water and enhance biodiversity and go above and beyond the out-dated approach to solely reducing flood risk.

Are you using Green Infrastructure to interrupt the pathway of car-borne pollutants to the public e.g. use of hedges, shrubs and trees?:

- Yes, we will continue to deliver the Essex Forest Initiative and Green Infrastructure (GI) Strategy to see 375,000 more trees planted over 5 years, as well as incorporating GI into our nature based solutions when mitigating against flood risk, as previously mentioned.

Have you selected materials that minimise environmental impacts e.g. minimising one use plastics?:

- Yes, we will always look to use sustainable materials where possible to minimise waste and encourage re-use such as using biodegradable tree guards for the Essex Forest Initiatives instead of one-use plastics.

Where is waste being treated and disposed of? Using local disposal points minimises the transportation of waste which is likely to reduce GHG emissions.: Waste will be disposed of at local ECC waste facilities to make savings and reduce GHG emissions through limited transportation of material, however we will always look to re-use/recycle material where possible to minimise waste. For, example, where excavation takes place in scheme delivery, the soil/earth will be re-used where possible or disposed of at a local ECC waste facility to save costs.

Nature of impact

Built Environment / Energy: Positive

Waste: Positive

Extent of impact

Built Environment / Energy: High

Waste: Medium

Rationale for assessment, including data used to assess the impact: The decision will reinforce the need for ECC to continue to deliver flood alleviation schemes across Essex in areas highly susceptible to surface water flooding (Critical Drainage Areas). This will not only have a positive impact on the built environment through the mitigation of flood risk, but also enable Essex to become more resilient to the growing impacts of climate change.

The FRMP will form the basis of a long-term strategic vision for managing future flood risk through the delivery of adaptive approaches to enhance flood resilience within the identified Flood Risk Areas (FRAs). As set out by The Flood Risk Regulations 2009, FRMPs must be reviewed and revised every six years and will contain flood risk mitigation measures for the period 2021-2027.

As previously mentioned, ECC, as the LLFA, was consulted by the Environment Agency in 2017/18 to identify any FRAs within Essex and agreed a collaborative approach in relation to the development of the FRMP. A further consultation period in relation to the draft Flood Risk Management Plans was conducted by ECC over a three-month period from October 2021 – January 2022 via the Consultation page on ECC's website - Essex County Council - Citizen Space. No consultation responses or comments were received during this period.

In June 2022, ECC signed an LLFA Approval Form in relation to the publishing of the Essex FRMP. The signing of the Approval Form confirms that ECC, as the LLFA, is happy that it has satisfied the legal requirements of the Flood Risk Regulations 2009 in respect of the consultation and production of the FRMP alongside the EA. The signing of the Approval Form was carried out in consultation with our legal business partner and confirms that ECC is happy with the measures (both ECC-specific and LLFA National) to be included and published within the FRMPs.

What actions have already been taken to mitigate any negative impacts: ECC will continue to carry out its duties, both statutory and non-statutory, in accordance with best practice whilst continuing to explore innovative means of delivery that not only mitigate flood risk, but achieve wider socio-environmental benefits to enhance local amenity and make Essex more climate resilient.

Action plan to address and monitor adverse impacts

Does your ECIA indicate that the policy or decision would have a medium or high adverse impact on one or more of the groups / areas identified?: No

Details of person completing the form

I confirm that this has been completed based on the best information available and in following ECC guidance: I confirm that this has been completed based on the best information available and in following ECC guidance

Date ECIA completed: 04/10/2022

Name of person completing the ECIA: Marc Inman

Email address of person completing the ECIA: Marc.Inman@essex.gov.uk

Your function: Climate, Environment and Customer Services

Your service area: Climate Adaptation & Mitigation

Your team: Lead Local Flood Authority

Are you submitting this ECIA on behalf of another function, service area or team?: No

Email address of Head of Service: john.meehan@essex.gov.uk