

**Forward Plan reference number:** FP/210/11/21

<b>Report title: Adoption of Essex Flood Risk Management Plans (Anglian &amp; Thames)</b>	
<b>Report to:</b> Councillor Lee Scott - Cabinet Member for Highways Maintenance and Sustainable Transport	
<b>Report author:</b> Sam Kennedy, Director of Environment & Climate Action	
<b>Date:</b> 02/12/2022	<b>For:</b> Cabinet Member Action
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<b>County Divisions affected:</b> All Essex	

## **1 Everyone's Essex**

- 1.1 Everyone's Essex has a strategic aim of creating a high-quality environment. This includes an overarching commitment to levelling up the environment by making communities more resilient to flooding, heat stress and water shortages through the enhancement and delivery of green infrastructure and a reduction in air pollution.
- 1.2 Consistent with achieving these commitments and ECC's statutory duty as a Lead Local Flood Authority, ECC has submitted strategic measures for Flood Risk Areas for inclusion within the Flood Risk Management Plans linking to ECC's statutory responsibilities.
- 1.3 This report seeks approval for the formal adoption of Flood Risk Management Plans for the Anglia/Eastern and Thames regions identifying Flood Risk Areas in accordance with the Flood Risk Regulations 2009.

## **2 Recommendations**

- 2.1 Agree to adopt the Essex Flood Risk Management Plans for the Anglia/Eastern and Thames regions.

## **3 Background and Proposal**

- 3.1 The Flood Risk Regulations 2009 (the Regulations) require the Environment Agency (EA) to work with Lead Local Flood Authorities (LLFAs) to identify Flood Risk Areas (FRAs) arising from flood risk sources. The Regulations also require the EA and LLFAs to prepare Flood Risk Management Plans (FRMPs) for the FRAs they identify.

- 3.2 The FRMP sets out objectives and measures to manage identified flood risk within the Essex Flood Risk Areas as well as proposed timings for delivery and routes for implementation. 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 FRAs. As set out by The Regulations, FRMPs must be reviewed and revised every six years and will contain flood risk mitigation measures for the period 2021-2027.
- 3.3 As a Lead Local Flood Authority, ECC have statutory responsibility for leading the management of risk from surface water, rainfall and groundwater flooding (Flood and Water Management Act 2010). At present there are 36,000 properties at risk in Essex from these sources alone (excluding tidal and main river flooding), this number will only rise due to climate change.
- 3.4 Flood Risk Management Plans (FRMPs) explain the risk of flooding from rivers, the sea, surface water, groundwater and reservoirs. FRMPs set out how Risk Management Authorities (RMAs) will manage flood and coastal erosion risk over 6- yearly planning cycles. RMAs include the Environment Agency, Lead Local Flood Authorities (LLFAs), local councils, internal drainage boards, Highways England and water companies.
- 3.5 The relevant RMAs were briefed at the periodic Executive Flood Officers Group and Flood Board Meetings respectively. The FRMPs, along with the measures and objectives within them, were approved at these meetings.
- 3.6 The FRMPs set out objectives and measures to manage identified flood risk within the Essex Flood Risk Areas as well as proposed timings for delivery and routes for implementation. The FRMPs 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 FRAs.
- 3.7 Within Essex, ECC has identified five FRAs 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
- 3.8 The FRMPs boundaries are defined by the EA's Regional Flood and Coastal Committees (RFCCs) which means that ECC are legally required to adopt two

FRMPs: one for the Anglia/Eastern region and one for the Thames region (Anglia and Thames).

- 3.9 The FRMPs include generic national measures which are highlighted in Appendix 3 attached to this report. These generic measures relate to ECC's statutory responsibilities as LLFA and form part of our Business-as-Usual activities.
- 3.10 Further to the national measures, the FRMPs also include more localised measures and deliverables bespoke to Essex and specifically, the Flood Risk Areas identified. The Essex measures are shown in Appendix 1 attached to this report.
- 3.11 The measures and targets included within the FRMPs aim to manage flood risk from 2021 – 2027 after which they'll be reviewed again with up-to-date hydraulic modelling and climate change data.
- 3.12 In relation to climate change adaptation & mitigation, the measures identified 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.
- 3.13 As part of the FRMP production process, ECC, as the LLFA, was approached by the Environment Agency in 2017/18 to identify any FRAs within Essex. The FRAs were identified as part of the Preliminary Flood Risk Assessment (PFRA) in 2017 which was subject to, and approved through the appropriate ECC internal governance process.
- 3.14 In accordance with the Regulations, 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. No consultation responses or comments were received during this period.
- 3.15 In June 2022, ECC signed an LLFA Approval Form in relation to the publishing of the Essex FRMP to confirm that:
  - a) ECC, as the LLFA, has satisfied the legal requirements of the Regulations in respect of the consultation and production of the FRMP alongside the EA; and
  - b) ECC approves the measures (both ECC-specific and LLFA National) to be included and published within the FRMPs.

- 3.16 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 ECC as the LLFA, over and above ECC's business as usual working practices which support the FRMP measures proposed, and statutory obligations.

## **4 Links to our Strategic Ambitions**

- 4.1 This report links to the following aims in the Essex Vision

- Strengthen communities through participation
- Develop our County sustainably

- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:

- All the people who live, work, and play in Essex understand the climate challenge and its impact on flood risk, and their part in adapting and becoming more resilient to it.

- 4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- **Levelling up the environment**

We will help all our communities to enjoy a high-quality environment, by making them more resilient against flooding, heat stress and water shortages, by enhancing our county's green infrastructure, improving amenity and by reducing air pollution.

## **5 Options**

Two options are outlined below.

- 5.1 **Option A** – Approve the formal adoption of the Essex FRMPs (Anglian & Thames) (recommended).

- 5.1.1 It is recommended that ECC formally adopt and publish the Essex FRMP (Anglian & Thames) given its statutory obligation to produce FRMPs for any Flood Risk Areas (FRAs) identified, in accordance with the Regulations. ECC has already signed the LLFA approval form which confirms it is has satisfied the legal requirements of the Regulations in respect of the consultation and collaborative production of the FRMP with the Environment Agency.

- 5.2 **Option B** – Do not approve the adoption of the Essex FRMPs (Anglian & Thames) (not recommended).

- 5.2.1 This option would mean that the Essex FRMPs would go unadopted and ECC would have to prepare, develop and publish standalone FRMPs for Essex, in accordance with the Regulations. This would require a substantial amount of officer time and resource to complete.

## **6 Issues for consideration**

### **6.1 Financial Implications**

- 6.1.1 The preferred option enables ECC to comply with its statutory responsibility to produce a Flood Risk Management Plan (FRMP). The FRMPs set out objectives and measures to manage identified flood risk within the Essex Flood Risk Areas as well as proposed timings for delivery and routes for implementation. These measures include some that aren't being directly delivered by ECC, along with some that ECC will support as part of business as usual revenue activity. One of the measures may require a contribution from the ECC Flood Capital programme. The guidance from the Environment Agency on completing FRMPs states that a FRMP does not guarantee that specific measures of its proposed outcomes will be achieved. Therefore, there are no penalties or risks should any of the measures not be able to be delivered.

### **6.2 Legal implications**

- 6.2.1 ECC in its role as a LLFA, is responsible for managing flood risk. Under regulation 26 of the Regulations ECC has a duty to prepare FRMPs for relevant flood risk areas. ECC has a duty to consult on the content of the FRMP with the public and other authorities listed in regulation 36(3) that may be affected by the plan in accordance with regulation 27(7) of the Regulations. ECC therefore needs to ensure it has complied with Part 4 (regulation 25 to 30) of the Regulations in preparing, consulting on, and reviewing the FRMPs.

## **7 Equality and Diversity Considerations**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report **will not** have a disproportionately adverse impact on any people with a particular characteristic.

## **8 List of Appendices**

- Appendix 1 (below): ECC specific FRMP measures  
 Appendix 2 (separately attached): Equality Comprehensive Impact Assessment (ECIA)  
 Appendix 3 (separately attached): Environment Agency briefing note, “Lead local flood authority national once measures for second cycle flood risk management plans (FRMP2s)”, March 2021

## **9 List of Background papers**

- The Essex FRMPs (Anglian & Thames) – due to be published 12<sup>th</sup> December 2022.

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date 5<sup>th</sup> December 2022</b>
<b>Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport</b>	

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Mark Ash Executive Director for Climate, Environment &amp; Customer Services</b>	<b>2<sup>nd</sup> December 2022</b>
<b>Executive Director, Corporate Services (S151 Officer)</b>	<b>13.10.2022</b>
<b>Karen Williams on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	<b>15.11.2022</b>
<b>Laura Edwards on behalf of Paul Turner</b>	

## **Appendix 1 – ECC specific FRMP measures**

<b>Measure ID</b>	<b>Measure</b>
0200705059	Between 2021 and 2027, Anglian Water will work in partnership with Essex County Council, Suffolk County Council, Thurrock Council, and Southend-on-Sea Borough Council in the Combined Essex management catchment to manage the risk of surface water flooding in the Combined Essex Management Catchment.
0200705061	Between 2021 and 2027, Essex County Council, the Environment Agency and Anglian Water will work with Thurrock Borough Council, Southend-on-Sea Borough Council, and Suffolk County Council to engage with communities in Essex to help improve the uptake of property level resilience measures to reduce the risk of flooding in the Combined Essex Management Catchment.
0200705064	Between 2021 and 2027, the Environment Agency and Essex County Council will work with Communities Prepared in Essex to undertake flood risk engagement work as part of wider emergency planning engagement, with the aim to help a broader range of communities understand and adapt to their risk of flooding in the Combined Essex Management Catchment.
0200705065	Between 2021 and 2027, the Environment Agency, continuing to work with Essex County Council and Rochford District Council, will progress the flood alleviation scheme, including consideration to utilising nature based solutions, in Rawreth and Rawreth Shot to reduce the risk of fluvial and surface water flooding in the Combined Essex Management Catchment.
0200705066	Between 2021 and 2027, the Environment Agency will work with Essex County Council and Maldon District Council to develop options in Heybridge to reduce the risk of fluvial, tidal, and surface water flooding in the Combined Essex Management Catchment.
0200705075	Between 2021 and 2027, Essex County Council will work with partners to progress its ambitions for tree planting, with a focus on the upper reaches of watercourses in Essex to help reduce the risk of flooding in the Combined Essex Management Catchment.
0200905015	By 2023, Essex County Council will undertake repair works to the town centre culvert in Saffron Walden to reduce the risk of fluvial flooding in the Saffron Walden, Anglian Flood Risk Area.