

# Flood risk management plans

## Qs and As for Lead Local Flood Authorities, October 2020

### What are flood risk management plans and why do we need them?

The [Flood Risk Regulations 2009](#) (FRR) transposed the EU Floods Directive into English and Welsh law and continue to apply now that we have left the European Union. They set out a process for preparing, reviewing and updating flood risk management plans (FRMPs) over a [six year planning cycle](#). The planning cycle starts with a preliminary flood risk assessment and the identification of flood risk areas following ministerial guidance, followed by flood risk and hazard mapping and finally FRMPs.

The first planning cycle ran from 2009-2015, with our first FRMPs published in England in 2016 (these contain measures for the period 2015-2021). Our current FRMPs are published on [GOV.UK](#).

The second cycle of planning runs from 2016-2021. We must review and update revised FRMPs every six years. Second cycle FRMPs will contain measures for the period 2021-2027.

The national flood and coastal erosion risk management (FCERM) strategy says:

*"Flood risk management plans (under the Flood Risk Regulations 2009) describe current and future risk of flooding from rivers, the sea, surface water, groundwater and reservoirs, including specific actions to manage risk. The first cycle of plans for 2015 to 2021 were developed in partnership with the Environment Agency, lead local flood authorities and water and sewerage companies. The second cycle of flood risk management plans will set out specific actions between 2021 and 2027 and encourage authorities to start to take an adaptive approach to strategic flood risk planning using the 2018 UK climate change projections".*

### Who needs to produce flood risk management plans?

The statutory obligation in the FRR requires the Environment Agency and lead local flood authorities (LLFAs) to prepare FRMPs for the flood risk areas (FRAs) identified in the preliminary flood risk assessment (PFRA) stage of the planning cycle. For the second cycle of FRR work there are both FRAs for river and sea flooding and surface water flooding.

The Environment Agency worked with LLFAs to review first cycle PFRA and identify FRAs for the second cycle in 2017/18. LLFA PFRA are published [here](#). These are different to the FRAs that were agreed in 2011 for the first cycle and more FRAs were identified for the second cycle. They are different because they use more up to date information and the method for defining them and criteria used were different to the first cycle - you can find out more about that process [here](#).

You can find a map that shows the extent of the final second cycle flood risk areas [here](#). You can also find the second cycle flood risk and hazard mapping by following the same link.

**customer service line**      **03706 506 506**

**incident hotline**              **0800 80 70 60**

**floodline**              **03459 88 11 88**

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If a FRA or FRAs for surface water flooding were identified in your 2017 PFRA, then you have a statutory duty to prepare a FRMP in this second planning cycle.

In 2019, we asked all LLFAs if they would like to work together on the development of joint FRMPs, like we did for the first cycle. All LLFAs with an FRA have agreed to work with us and we have not been made aware of any LLFAs that are producing separate FRMPs.

If no FRA or FRAs were identified in your LLFA area in your 2017 PFRA, then there is no statutory obligation for you to prepare a FRMP in this second planning cycle. However, we would encourage you still to participate in the preparation of FRMPs in your LLFA area on a voluntary basis. For example, you may wish to do this to highlight high priority and high profile work you are doing outside of FRAs.

## How are second cycle FRMPs different?

The FRMPs will be more strategic and streamlined than the first cycle plans and the most detailed measures will be set out for FRAs. We are also developing an accessible online map based tool (Flood Plan Explorer) to support the public consultation.

We are working closely with teams producing river basin management plans (RBMPs) to ensure alignment between measures to manage both flood risk and the wider water environment. You can find out more about updates to RBMPs [here](#). It is also a requirement to consider improvements to the wider water environment when developing measures for FRMPs. You can find out more the legal requirements to refer to RBMPs when developing FRMPs [here](#).

We would like to work with LLFAs, other risk management authorities and catchment partnerships to identify measures for both FRMPs and RBMPs that deliver multiple benefits for people, places and nature. For example, these could include measures like retrofitting sustainable drainage systems and implementing nature based solutions to manage flood risk.

## What do I need to do to review measures from the first cycle FRMPs?

Where a LLFA had measures in the first cycle FRMP, they are required to review the FRMP, including a review of progress made in implementing the measures by the 22 June 2021. Your local Environment Agency Partnership and Strategic Overview (PSO) team lead will be able to provide you with a list of FRMP1 measures if this applies to your LLFA area. The measure development guidance has a process for reviewing these measures. You will also need to complete a table showing how the FRMP1 measures have progressed for the FRMP2 report and we will be providing a template for that shortly.

The list of measures will be the same as the list the Environment Agency ask you to report on annually as part of monitoring the implementation of the first cycle FRMPs. However, reviewing if the measures should be transitioned to the second cycle FRMPs is a different task.

It is the opinion of the ADEPT Task and Finish Group and the Environment Agency that reviewing the first cycle measures and preparing second cycle FRMPs for public consultation before 22 June 2021 would constitute a review of the first cycle FRMP. However we do recommend that LLFAs also satisfy themselves that this meets their own legal requirements for the review of first cycle FRMP measures. You can find the FRRs

[here](#). If LLFAs have any concerns regarding their legal requirements in this regard then please provide feedback to your PSO lead by mid-November.

## **What do I need to do if I have a flood risk area for the second cycle?**

We have produced guidance documents, templates and tools to help LLFAs to provide the information needed for second cycle FRMPs. These include:

- A template report. We will coordinate the production of a FRMP for each RBD. You can find a map of the RBDs [here](#). You will need to work closely with your local PSO lead to provide information to help populate the relevant sections.
- A measure development tool, accompanying measure development guidance and a training video. You will need to populate Tab 3 of the measure development tool with your LLFA led measures and return it to your local PSO lead. As a minimum, LLFAs with a FRA will need to develop local measures using this tool.

To support LLFAs, we have also produced:

- A set of National measures that cover day to day LLFA work. We have worked with the ADEPT Flood and Water Group to develop these so that you do not need to replicate these measures in your FRMP. If you have any questions or feedback on these please contact your local PSO lead.
- A national set of objectives for FRMPs that align with the new national FCERM strategy. We advise that each FRA has a minimum of at least 1 objective from each of the five objectives sub-headings associated with it.

All of the above are available from your local PSO lead for FRMPs.

We are also working on:

- A national overview document for FRMPs that covers all RBDs
- An publicly available interactive map based web application called Flood Plan Explorer that will display the measures. This will be ready for the consultation in 2021 and be informed by the information collected from the completed measure development tool returns. We aim to give a demo of Flood Plan Explorer to LLFAs before it goes live.
- Further guidance on how measure information should be provided in GIS format
- A template for each FRMP to show progress on cycle one FRMP measures
- A Strategic Environmental Assessment Environmental Report and where necessary, a Habitat Regulations Assessment to accompany each FRMP. We will contact you if we need any specific further information for these
- A communications and engagement plan to support the consultation on the FRMPs next year. We will provide a further update to LLFAs about this prior to consultation

## **What is the most recent programme for FRMPs?**

The latest national programme for developing FRMPs is below. You should also check with your local PSO lead for any locally agreed programme dates:

- January 15 2021: measure development freeze date. All measures should be developed by this date, with local approval as outlined below

- End of March 2021: LLFAs should complete relevant sections of the RBD FRMP templates
- April to June 2021: Environment Agency and LLFA approvals
- Summer 2021: Consultation on draft FRMPs goes live for three months

We will keep you updated of any further developments.

## **What local authority approval is needed for the consultation on FRMPs?**

Individual LLFA Schedules of Delegation and local democratic arrangements for political approval and scrutiny processes will vary. We recommend that:

- Now - LLFAs consult internally to see what sign off process will be required and make the arrangements to facilitate this by the end of June 2021.
- By the mid-Jan 2021 measure development freeze date that there is sign off of the measures at a level which is equivalent to the Environment Agency's Area Flood and Coastal Risk Manager (this may be at Flood Risk Manager/ Group Manager/ Assistant Director level depending on your Schedule of Delegation)
- Between April and June 2021 (before documents are finalised for consultation) that there is Elected Member sign off. Who signs it off and whether it needs to go to committee will vary between LLFAs and will depend on your local democratic arrangements.

The programme is very tight for developing the consultation FRMPs and so we encourage LLFAs to have an early discussion with their internal teams around what sign off is needed and to schedule Elected Member and/or Committee review of the draft plans at the earliest opportunity. It is unlikely the Environment Agency will be able to delay the consultation going live if any individual LLFAs have not got the necessary approval by those dates.

## **How will FRMPs align with other plans and strategies?**

There is an opportunity to align the measures in FRMPs with the implementation of other plans and strategies such as shoreline management plans, local flood risk management strategies and drainage and wastewater management plans. Detailed guidance on this is available in the measure development guidance.

## **Since the UK has now left the European Union, do we still have to prepare FRMPs?**

Yes. The FRR are in our domestic legislation in England and this continues to be the case following EU exit (unless there is a legislative change e.g. to amend or remove them in the future). As long as the FRR remain in place in England, we are obliged to abide by them.

The Environment Agency are currently working with Defra on the long term outlook for strategic planning for flood risk and water management. This may mean that third cycle FRMPs that are due in 2027 are produced in a different way.