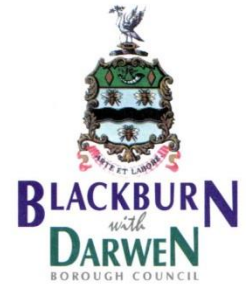


# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Strategic Director of Place

**DATE:** Thursday, 11 November 2021

**PORTFOLIO(S) AFFECTED:** Growth and Development

**WARD/S AFFECTED:** (All Wards);

**KEY DECISION:** Y

## **SUBJECT:**

Approval of Local Flood Risk Management Strategy (LFRMS) 2021 - 2027

### **1. EXECUTIVE SUMMARY**

The Flood and Water Management Act 2010 (FWMA) designates Blackburn with Darwen Borough Council as a Lead Local Flood Authority (LLFA) responsible for managing flood risk from 'local' sources; surface water, groundwater and ordinary watercourses. Section 9 of the FWMA requires LLFAs to 'develop, maintain, apply and monitor a strategy for local flood risk management in its area.'

The previous Local Flood Risk Management Strategy (LFRMS), a Blackburn with Darwen Borough Council only document, was produced in May 2014. Now that the Environment Agency have published the new National Flood and Coastal Erosion Risk Management Strategy for England, it is required that LLFAs update their Local Strategies to ensure they remain compliant with the requirements under Section 9 of the FWMA and wherever possible undertake this on a sub-regional footprint, given cross-boundary connections, hence the production of pan-Lancashire Strategy.

To this end, Blackburn with Darwen Borough Council, Lancashire County Council and Blackpool Council have compiled a joint Lancashire Local Flood Risk Management Strategy (LFRMS) 2021 – 2027, which has been subject to consultation with flood risk management authorities, wider partners and with members of the public (a full consultation report is presented in Appendix B).

Approval is now sought for the final draft of the joint Lancashire Local Flood Risk Management Strategy 2021 – 2027 (Appendix A).

### **2. RECOMMENDATIONS**

That the Executive Board:

Approves the joint Lancashire Local Flood Risk Management Strategy 2021 – 2027 to fulfil the three Council's combined duty under Section 9 of the Flood and Water Management Act 2010.

### **3. BACKGROUND**

Under the Flood and Water Management Act 2010 (FWMA), Blackburn with Darwen Council are designated as a Lead Local Flood Authority (LLFA). The FWMA places several duties and gives powers to LLFAs who are the responsible flood risk management authority (RMA) for managing

flood risk from 'local sources' which are surface water, groundwater and from ordinary watercourses. Section 9 of the FWMA places a duty on LLFAs to develop, maintain, apply and monitor a strategy for local flood risk management in its area (a 'local flood risk management strategy'). The current Local Flood Risk Management Strategy 2014 – 2017 was approved by the Executive Member in May 2014 and the replacement document has been delayed to ensure we combine the aspirations and priorities of the collaborating Councils.

Local flood risk management strategies are required to be consistent with the National Flood and Coastal Erosion Risk Management (FCERM) Strategy which is produced by the Environment Agency under Section 7 of the FWMA. The Environment Agency published the new National FCERM Strategy for England on 25 September 2020 and therefore LLFAs are required to review their local flood risk management strategies to ensure they remain consistent with the new national strategy and therefore compliant with Section 9.

The joint Lancashire Local Flood Risk Strategy 2021- 2027 has been developed in partnership by the three LLFAs within the County of Lancashire; Blackburn with Darwen Borough Council, Lancashire County Council and Blackpool Council. The Strategy has been produced in this way to reflect established FCERM sub-regional governance arrangements of the Lancashire FCERM Partnership. This Partnership includes representatives from all flood risk management authorities and wider partners (e.g. Rivers Trusts) across Lancashire and aims to facilitate effective partnership working on flood risk matters of local importance. A joint Local Flood Risk Management Strategy for Lancashire enables the Partnership to provide an environment in which delivery of the Strategy can be regularly monitored and recorded. It will create an opportunity to consider alignment of approach with other LLFAs within the county of Lancashire doing things once rather than three times, bringing potential for resource efficiency. Where issues/barriers occur working in partnership with other organisations may help to unlock these. As well as effective partnership working, this approach should encourage a catchment-based approach to managing local flood risks consistency across our County as advised by the principles laid out in the National FCERM Strategy. The timescale on the Strategy (2021 to 2027) reflects the six-year flood risk cycle as well as the timescale of the new national FCERM Investment Programme.

All parties have worked in collaboration and there has been a consultation undertaken on the proposed document.

The Lancashire Local Flood Risk Strategy 2021 - 2027 presents our vision under which sits 6 themes and 53 objectives.

Vision: By 2027, Lancashire will be a more flood resilient place that is better prepared for and more adaptive to risks, challenges and opportunities supporting a sustainable future for the people of Lancashire.

- Theme 1: Delivering effective flood risk management locally
- Theme 2: Understanding our local risks and challenges
- Theme 3: Supporting sustainable flood resilient development
- Theme 4: Improving engagement with our flood family
- Theme 5: Maximising investment opportunities to better protect our businesses and communities
- Theme 6: Contributing towards a climate resilient Lancashire

To monitor successful delivery of the strategy LLFAs and other 'action owners', set out in the Business Plan, will report progress to the Lancashire FCERM Partnership where delivery will be closely monitored on a quarterly basis in a way that is transparent and cooperative with our partners. This will be achieved through a progress report provided to the Strategic Partnership Group of the Lancashire FCERM Partnership on a quarterly basis; this is significant as it is chaired by Councillors from the LLFAs. The report will monitor progress of objectives against timescales and expected outputs and outcomes.

It is also proposed that the LLFAs will publish a joint annual monitoring report of the Business Plan, reflecting progress in delivering actions from our Strategy.

#### **4. KEY ISSUES & RISKS**

As a unitary authority, the Council is not only the Highway Authority, but also the Lead Local Flood Authority (LLFA). The Local Flood Risk Management Strategy (LFRMS) outlines the general approach to managing flood risk across the borough consistent with the Flood and Water Management Act 2010 ("the Act"). The Council's primary purpose for this strategy is to ensure that, as far as is reasonably practicable, the risk of flooding to human health and life, the environment, economic activity, infrastructure and cultural heritage arising from surface water, groundwater and ordinary watercourses is minimised.

This strategy will ensure a risk based approach is undertaken for maintenance of all flood risk assets and set objectives and a business plan for long-term growth and development.

The Council have several other policy documents to ensure that we undertake our duties effectively and efficiently, including the gully emptying policy.

#### **5. POLICY IMPLICATIONS**

The strategy complements Council's Local Plan and Highway Asset Management policy.

#### **6. FINANCIAL IMPLICATIONS**

No additional funding is required in the delivery of this policy as the statutory functions are funded by existing revenue streams and annual Capital Local Transport Plan allocations. Funding for drainage improvements to ensure homes and businesses are better protected from flooding is bid for on a 6 yearly cycle through Defra Grant in Aid funding and we are presently in year 1 of this cycle with a £3.6M allocation to deliver flood mitigation schemes.

#### **7. LEGAL IMPLICATIONS**

The Flood and Water Management Act 2010 (FWMA) designates Blackburn with Darwen Borough Council as a Lead Local Flood Authority (LLFA) responsible for managing flood risk from 'local' sources; surface water, groundwater and ordinary watercourses. Section 9 of the FWMA requires LLFAs to 'develop, maintain, apply and monitor a strategy for local flood risk management in its area.'

The Strategy is supported by a Strategic Environment Assessment and Habitats Regulations Assessment; both of these documents screen out any likely significant effects and recommend that any such effects are managed on a project/scheme level.

#### **8. RESOURCE IMPLICATIONS**

None

#### **9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below.**

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

## 10. CONSULTATIONS

Formal external consultation has taken place for five weeks from 12 February to 19 March 2021. The consultation provided an opportunity for other flood risk management authorities, wider partner organisations (such as Rivers Trusts) and the public the opportunity to make comments on every section of the draft Strategy. The consultation was hosted on Council's website and signposted consultees to a survey held on Survey Monkey.

175 responses were received, and a full detailed report of the feedback can be found in Appendix B. The consultation draft Strategy has been amended to take account of this feedback in this final draft Strategy.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	Dwayne Lowe, Head of Highways, Transport and Network, dwayne.lowe@blackburn.gov.uk
<b>DATE:</b>	14 <sup>th</sup> October 2021
<b>BACKGROUND PAPER:</b>	