

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

18th September 2018

REPORT AUTHOR: County Councillor Phyl Davies
Portfolio Holder for Highways, Recycling and Assets

SUBJECT: Flood Risk Management Plan (FRMP)

REPORT FOR: Decision

- 1.
2. **Summary**
 - 1.1 This report is to inform the Executive on the requirement to prepare and develop the Council's Flood Risk Management Plan (FRMP).
 - Background**
 - 1.2 The Flood Risk Regulations 2009 (the "Regulations") implemented the European Union's (EU) 2007 Floods Directive to provide a national framework for managing flood risk.
 - 1.3 The Regulations set out the duties regarding producing preliminary flood risk assessments (PFRAs); flood hazard maps; flood risk maps and flood risk management plans (FRMPs).
 - 1.4 Flood risk management plans (FRMPs) highlight the hazards and risks of flooding from rivers, the sea, surface water, groundwater and reservoirs, and set out how Risk Management Authorities work together with communities to manage flood risk to reduce the risk to human health; the environment; cultural heritage and economic activity; and reduce the likelihood of flooding.
 - 1.5 Risk Management Authorities in Wales are:
 - Natural Resources Wales (to include internal drainage districts)
 - Lead Local Flood Authorities
 - Water Companies
 - Highway Authorities
 - 1.6 Powys County Council is a Lead Local Flood Authority (LLFA).
 - 1.7 FRMPs also meet the aims of the National Flood and Coastal Erosion Risk Management Strategies in Wales.
 - 1.8 The Regulations place a duty on Natural Resources Wales to produce FRMPs for each River Basin District (Dee River Basin District, Western

Wales River Basin District and the Severn River Basin District). These FRMPs must cover flooding from main rivers, the sea and reservoirs.

- 1.9 The Regulations also places a duty on certain LLFAs to produce FRMPs for all Flood Risk Areas covering flooding from local sources (surface water, ordinary watercourses and groundwater). Flood Risk Areas are areas of significant risk identified on the basis of the findings from the Preliminary Flood Risk Assessment (PFRA), national criteria set by the Welsh Minister and guidance provided by National Resources Wales.
- 1.10 PFRAs identified where the risk of flooding from local flood risks is significant. No Flood Risk Areas were identified within Powys and the County Council is not under a duty to produce an FRMP. Along with all other remaining Welsh LLFAs where no Flood Risk Areas exist, Powys agreed with Welsh Government to prepare an FRMP on a voluntary basis to help with coordinated flood management at a local level.
- 1.11 Welsh Government has previously made available grant funding of £50k to cover the preparation of the FRMP.

Content and Purpose of the FRMP

- 1.12 FRMPs are developed for the management of significant flood risk.
- 1.13 The Regulations give the following details about the content of the FRMP.
 - a. Objectives for the purpose of managing flood risk.
 - b. Measures for achieving the objectives.
 - c. Objectives must be set to reduce the adverse consequences of flooding for
 - i) human health,
 - ii) economic activity or
 - iii) the environment (including cultural heritage) and reducing the likelihood of flooding, whether by exercising powers to carry out structural work or otherwise.
 - d. Measures must include measures for
 - i) prevention of flooding,
 - ii) protection of individuals, communities and the environment against the consequences of flooding and
 - iii) arrangements for forecasting and warning.
 - e. Measures must have regard to
 - i) the cost and benefits of different methods of managing flood risk
 - ii) the information included in the flood hazard maps and the flood risk maps
 - iii) the river basin management plan for the area
 - iv) the effect of floodplains that retain flood water
 - v) the environmental objectives

- vi) the likely effect of a flood, and of different methods of managing a flood, on the local area and the environment.
- f. The FRMP must include
- i) a map showing the boundaries of the flood risk area
 - ii) a summary of the conclusions drawn from the flood the flood hazard maps and flood risk maps
 - iii) a description of the proposed timing and manner of implementing the measures, including details of the bodies responsible for implementation
 - iv) a description of the way in which implementation of the measures will be monitored
 - v) a report of the consultation and
 - vi) details of the co-ordination between the measures in the FRMP and the river basin management plan.

Consultation Requirements of the Regulations

1.14 The Regulations state that the County Council must consult the following stakeholders regarding the proposed FRMP:

- other LLFAs
- Highways Authorities
- Water Companies
- Reservoir Undertake
- CADW
- NRW
- The Welsh Ministers, and
- The Public

Proposed timeframe for delivery of FRMP

1.15 The programme for delivery of the FRMP is as follows

- Prepare draft FRMP – 20 week period.
- Consult the Public, all Members, town and community councils and other stakeholders on a proposed draft FRMP –minimum 6 week period.
- Review and update draft FRMP – 6 week period.
- Present final FRMP to Executive for approval – Spring 2019.
- Submit to Welsh Government.

2 Proposal

2.1 The Cabinet Executive is asked to note the content of this report and confirm that Powys County Council as LLFA will continue to produce and update an FRMP in accordance with the existing agreement with Welsh Government.

3. Options Considered / Available

- 3.1 Option 1 – Do not produce a FRMP
There is no legal requirement to produce a FRMP. Welsh Government have provided funding to support the work and if not completed this funding would need to be returned. The FRMP process provides a means to gather, present and consult on flood risk management across the county. The LLFA would still be required to do much of this work in order to discharge other statutory functions.
- 3.2 Option 2 – Produce a FRMP
Preparing a FRMP provides opportunities to collect valuable data and formally consult with key stakeholders on flood risk management. This assists in helping the Council develop strategies and identify priority sites where works may be beneficial.

4. Preferred Choice and Reasons

- 4.1 The preferred choice is Option 2, to produce a FRMP.
An FRMP is complimentary to the work of identifying and managing flood risk that is necessary for the council to discharge its duties as LLFA. Welsh Government have recognised the value of the process even for those authorities where it is not mandatory and have thus provided funding to assist in the development of the plan. Welsh Government continue to provide funding support for prioritised flood management schemes. It is thus likely that a FRMP will be a key supporting document for future funding bids. In addition the plan will help guide the council on funding requirements, pressures and priorities on its own budget allocations.

5. Impact Assessment

- 5.1 Is an impact assessment required? ~~Yes~~ / No
- 5.2 If yes is it attached? Yes /No

6. Corporate Improvement Plan

- 6.1 Production of a FRMP will help to support delivery of Vision 2025, the Corporate Improvement Plan for 2018 – 2023 by helping to ensure that the visions for the Economy; Health and Care; Learning and Skills; Residents and Communities; are not adversely impacted by flood risk issues.

7. Local Member(s)

7.1 The FRMP will be of interest to Members with flood risk areas within their wards. All Members will have the opportunity to contribute during the consultation process.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? ~~Yes~~/ No

If so please provide their comments

9. Communications

Have Communications seen a copy of this report? Yes / ~~No~~

Have they made a comment? If Yes insert here:
No proactive communications action required.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal – The Highways and Enforcement Solicitor has reviewed the report and acknowledges the function undertaken is not a statutory duty. However as funding is provided by Welsh Government to undertake the function Option 2 is endorsed.

10.2 Finance – The Finance Manager Place and Resources notes the contents of the report, the work required will be carried out by the current team and if additional resource is required will be supported by grant funding already received from the Welsh Government.

11. Scrutiny

Has this report been scrutinised? ~~Yes~~/ No?

If Yes what version or date of report has been scrutinised?
Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

12. Statutory Officers

The Head of Financial Services notes the comments of the Finance Manager.

12.2 The Solicitor to the Council (Monitoring Officer) commented as follows : “ I note the legal comments and have nothing to add to the report.”

13. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

| Recommendations: | Reason for Recommendation: |
|--|--|
| <p>(1) That the Council produce a draft Flood Risk Management Plan;</p> <p>(2) That the Public, all Members, town and community councils and other stakeholders be consulted on the draft FRMP, and</p> <p>(3) That following consultation and, subject only to a further report if significant unresolved objections are made, the FRMP be submitted to the Executive for confirmation.</p> | <p>To assist the Council as Lead Local Flood Authority identify, record and manage flood risk in a structured approach to support the discharge of statutory duties.</p> |

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| Relevant Policy (ies): | | | |
| Within Policy: | Y | Within Budget: | Y |

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| Relevant Local Member(s): | All members |
|----------------------------------|--------------------|

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| Person(s) To Implement Decision: | |
| Date By When Decision To Be Implemented: | |

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| Contact Officer: Graham Astley Tel: 01686 611561 Email: graham.astley@powys.gov.uk |
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Background Papers used to prepare Report:

The Flood Risk Regulations 2009,

The Flood and Water Management Act 2010,
The National Strategy for Flood & Coastal Erosion Risk Management,
Powys County Council Preliminary Flood Risk Assessment,
Powys County Council Local Flood Risk Management Strategy and,
Guidance on the preparation of Local Flood Risk Management Plans.