



HIGHWAYS AND TRANSPORT OVERVIEW AND SCRUTINY
COMMITTEE: 9 NOVEMBER 2023

LEICESTERSHIRE LOCAL FLOOD RISK MANAGEMENT STRATEGY
– PUBLIC CONSULTATION OUTCOMES AND PUBLICATION

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of Report

1. The purpose of this report is to:
 - a) Provide an overview of the findings of the public consultation on the draft updated Leicestershire Local Flood Risk Management Strategy (LLFRMS) attached as Appendix A to this report; and
 - b) Present the updated LLFRMS to the Committee (attached as Appendices B – K to this report). The updated LLFRMS will be presented to the Cabinet for consideration at its meeting on 24 November 2023 to request approval to publish the final documents.

Policy Framework and Previous Decisions

2. The Environment and Transport Overview and Scrutiny Committee considered the draft LLFRMS on 6 November 2014. The LLFRMS was later approved by the Cabinet on 11 September 2015.
3. Following significant flooding events in October and November 2019, the Environment and Transport Overview and Scrutiny Committee set up the Flooding Scrutiny Review Panel on 16 January 2020. The Panel's review considered the role of the Council as the Lead Local Flood Authority (LLFA), and the roles of other flood Risk Management Authorities (RMAs).
4. The Review Panel reported their findings to the Environment and Transport Overview and Scrutiny Committee on 14 January 2021.
5. On 5 February 2021, the Cabinet resolved that the Final Report of the Flooding Scrutiny Review Panel be noted, and its recommendations be approved. The first recommendation was for a refresh of the LLFRMS.

6. Updates on the implementation of the recommendations were then provided to the Highways and Transport Overview and Scrutiny Committee on 20 January 2022 and 26 January 2023. These included updates on the LLFRMS refresh.
7. On 26 May 2023, the Cabinet resolved to approve the draft refreshed LLFRMS and associated documents for public consultation.
8. On 8 June 2023, the Highways and Transport Overview and Scrutiny Committee reviewed the draft updated (LLFRMS), as part of the public consultation. The Committee supported the draft updated LLFRMS.

Background

9. In accordance with the Flood and Water Management Act (2010), the County Council as the LLFA is responsible for developing, maintaining, and monitoring a strategy for local flood risk management in Leicestershire.¹ Local flood risk is defined by the Act as flood risk from surface water, ordinary watercourses, and groundwater sources.
10. The strategy must *inter alia* set out the lead authority's objectives for managing flood risk, proposed measures to achieve its objectives, and timescales for implementation of those measures. The strategy must also identify the costs and benefits of those measures (and required resources), and when the strategy will be reviewed².
11. The LLFRMS does not cover the approach to managing strategic flood risk as this is coordinated by the Environment Agency. This includes flood risk from main river and reservoirs.

Why is the strategy being updated?

12. The first, current, LLFRMS was published in August 2015. A full review and update has been undertaken for the following reasons:
 - a) **Review timescales** - the current LLFRMS states that it is to be updated every six years. As originally intended, this timing aligns well with updates to regional River Basin Management Plans and Flood Risk Management Plans which were published by the Environment Agency in October and December 2022 respectively.
 - b) **National strategy consistency** – an update of the LLFRMS is required in order for it to be consistent with the National Flood and Coastal Erosion Risk Management Strategy for England., which was updated and published in July 2020.
 - c) **By recommendation of the Environment and Transport Overview and Scrutiny Committee** - following significant flooding in 2019, the Environment and Transport Overview and Scrutiny Committee set up a Flooding Scrutiny Review Panel which published its findings in January

¹ Section 9(1) of the Flood and Water Management Act 2010.

² See Section 9(4) of the Flood and Water Management Act 2010.

2021. The Review Panel's recommendations included a full refresh of the LLFRMS.

- d) **Improved understanding** - the Council and partners have an improved knowledge of local flood risk in Leicestershire, and how it is best managed, through better information, and through shared experience of issues across the County.
- e) **Community engagement** - review of the current LLFRMS suggested it could be more useful as a community engagement tool, both in terms of content and format, whilst also achieving other requirements required by legislation, such as defining objectives and measures.
- f) **Changes in approach** - since the existing LLFRMS was published, some ways of working have altered through efficiencies in delivering statutory functions, and through applying lessons learnt, and others are proposed to be updated through the Strategy update.

13. The report to the Committee on 8 June 2023 summarised the key differences between the current and updated LLFRMS. The main aspects include:

- a) A refresh to principles, objectives and action plan (Appendix C) to become more closely aligned to the Council's Strategic Plan 2022-2026, and the National Flood and Coastal Erosion Risk Management Strategy.
- b) A better structured and more engaging document, reflecting the partnership approach required, including the role of communities and individuals.
- c) Better explanation of roles, responsibilities, and partnerships, including the Council's role as LLFA.
- d) New and updated LLFA policies which better explain how the LLFA does and will continue to perform key responsibilities (Appendix D-F).
- e) An updated assessment of local flood risk to support the risk-based approach principle (Appendix G).

Public Consultation

14. The report to the Committee on 8 June 2023 also detailed consultation undertaken prior to the public consultation. This included:

- a) **July – August 2022:** objective focus groups held, attended by members of the Leicestershire Flood Risk Management Board (FRMB), and relevant Council officers.
- b) **January – February 2023:** a four-week consultation on the first draft held internally, with FRMB members, and two community flood groups.
- c) The Council's legal service being consulted on the LLFA policies, and its comments incorporated.

15. Public consultation was required by the Flood and Water Management Act 2010 and the Council's procedural rules. It was also considered to be beneficial to the formulation of the Strategy.

Process

16. The consultation was conducted through the Council's 'Have Your Say' webpage, for ten weeks, between 5 June 2023 and 13 August 2023.
17. The consultation questionnaire was shared directly with the FRMB internally, with County Council members, flood risk community partnerships, parish councils, flood action groups, flood wardens, and neighbouring LLFAs.
18. The consultation questionnaire was also shared on social media, in Leicestershire Matters, and posters were circulated to all libraries. A press release was issued and used by some local media outlets.
19. A summary was produced for the purposes of the consultation (Appendix H). This will be published alongside the Strategy and associated documents on the 'Have Your Say' webpage.
20. Targeted communication was directed towards members of groups who are potentially more vulnerable to flooding (as identified in the Equality and Human Rights Impact Assessments) through the Leicestershire Equalities Challenge Board Summer Newsletter.
21. Response rates were reviewed periodically through the consultation with the Council's Senior Media Officer. The communications strategy was on occasion updated to increase participation in underrepresented areas.
22. As mentioned in paragraph 8 of this report, this Committee was consulted on 8 June 2023 as part of the public consultation and was supportive of the proposals.

Engagement

23. The online consultation received 254 survey responses. Respondents were:
 - a) 94% White and 5% Asian or British Asian;
 - b) 90% aged 45 or above; and
 - c) 17% had a long-standing illness, disability, or infirmity.
24. Responses were received from residents from all district councils:

District of residence	Number of respondents	Percentage of total (%)
Blaby	11	5%
Charnwood	98	42%
Harborough	20	9%
Hinckley	15	7%
Melton	23	10%
North-West Leicestershire	26	11%
Oadby & Wigston	32	14%

25. Part way through the consultation process, it was advertised in Leicestershire Matters, the County Council's residents' newsletter. This particularly appeared to increase response rates.
26. A number of localised flood events occurred during the consultation period, which appeared to increase response rates from areas affected in relation to flooding experiences. The most significant example of this was a flood event affecting Oadby and Wigston on 22 June 2023. Any location specific queries have been recorded as enquiries.
27. Several email responses were also received from RMAs (for example, district councils, Environment Agency, Severn Trent Water, others who have responsibility for the management of flood risk) and parish councils.

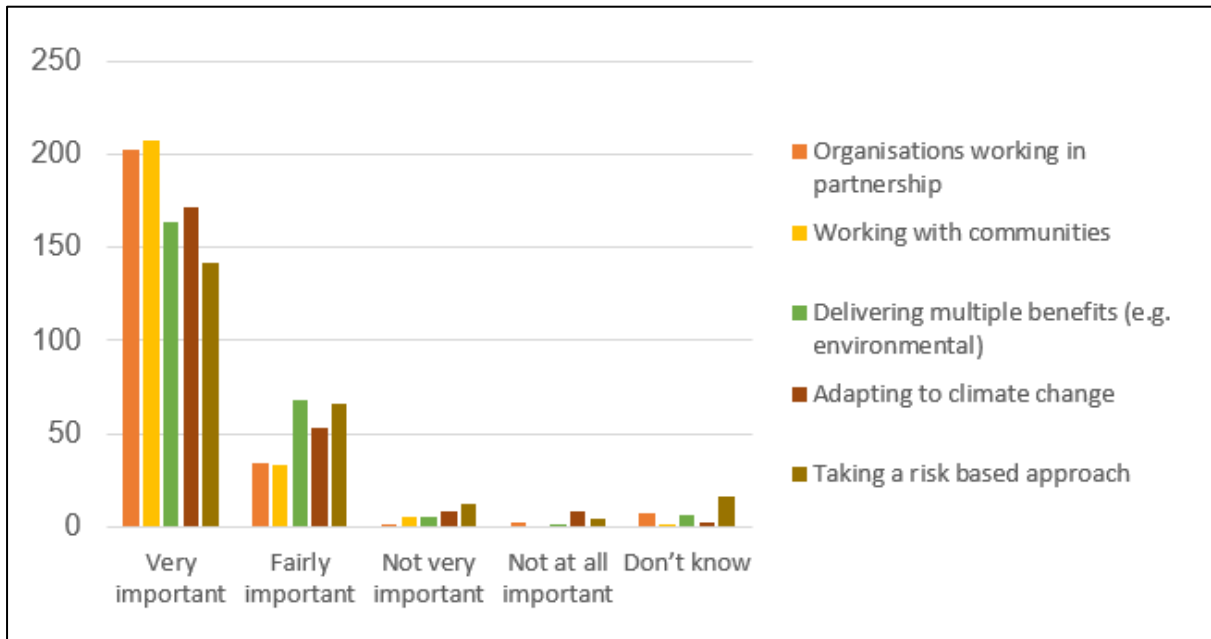
Post-Consultation

28. Following the consultation deadline, the Council met with most RMAs to discuss responses and outcomes relevant to them and agreed content for the Consultation Summary (Appendix A).
29. The Consultation Summary will be disseminated alongside the publication of the Strategy and associated documents, using the same communication channels as were used to advertise the public consultation.
30. Some respondents commented that they would like to see the Strategy communicated more regularly. Therefore, a communications plan will need to be agreed with the FRMB. This is likely to include disseminating the action plan when updated, and signposting to parts of the Strategy in web-based information and other communications.

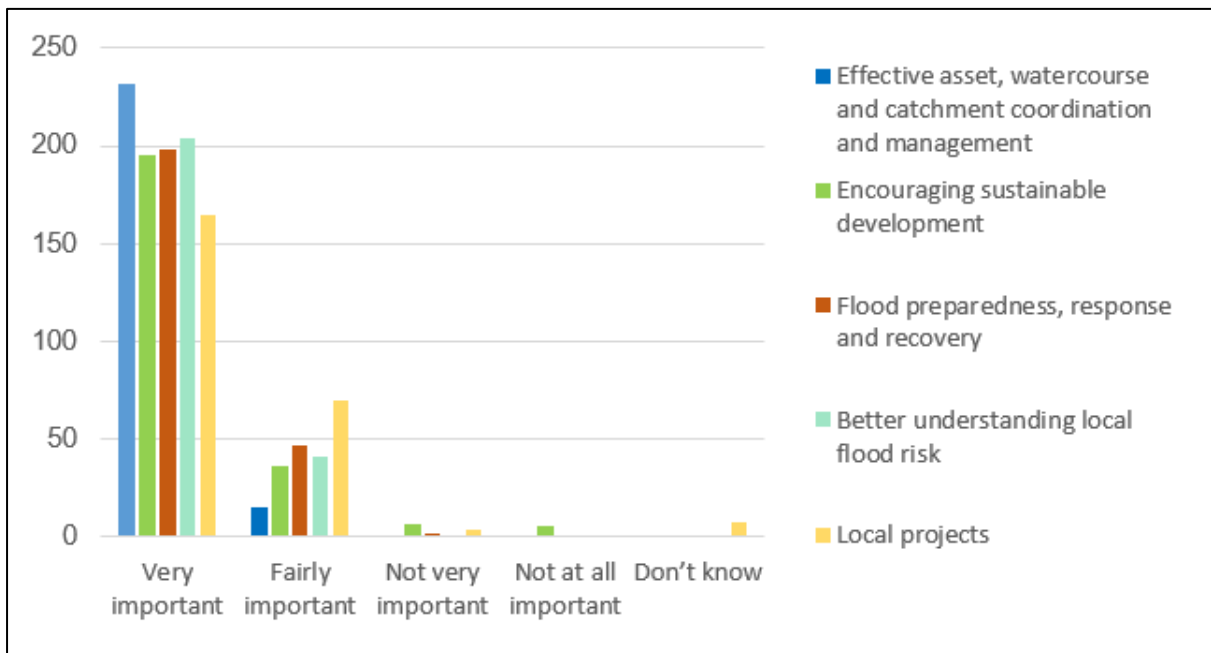
Findings and outcomes

31. The 254 responses to the 'Have Your Say' survey were overwhelmingly supportive of the principles and objectives, with most respondents describing them as either 'very important' or 'important'.

Principles



Objectives



32. In recognition of this support, and previously received support from FRMB members, this Committee and the Cabinet, no major changes have been made.
33. There were, however, some themes to the 'Have your Say' feedback which led to minor updates, including:

- a) **Mention of specific communities:** some respondents expressed concern that their community had not been discussed directly in the Strategy. To address this, some additional text was added to the introduction to better explain that the Strategy is 'strategic' in nature, that all non-location specific measures are applicable to most communities, and that the Strategy should be read in this way.
 - b) **Roles, responsibilities, and partnerships:** there were comments questioning the efficacy of RMA partnership working. To address this, explanation of the different partnerships has been expanded. A new diagram has also been added using Bottesford as a case study, to demonstrate how many different RMAs may have roles in any given location.
 - c) **Risk-based approach principle:** several respondents commented on the 'risk-based approach'. It was clear from the comments that the meaning of this principle had been misunderstood on occasion. The definition of the principle was therefore clarified, and the Council will ensure principle definitions are communicated alongside principle titles (see Appendix H of this report).
34. Many of the common concerns raised through additional comments are considered to have already been addressed throughout the current Strategy. The consultation response document explains how and where the Strategy covers them, for example:
- a) Adapting to climate change – covered by the adapting to climate change principle.
 - b) Consideration of the cumulative impact of development upon flood risk, and other planning control concerns – explained in the sustainable development objective.
 - c) Testing flood response plans – covered in the flood preparedness, response, and recovery objective.
35. Some comments received outside the scope of the Strategy. These included water quality issues which related to water and sewerage companies, and development on floodplains and in fluvial flood zones. Where this was the case, explanations have been provided in the consultation response document, agreeing responses with relevant RMAs.
36. Several comments relate to how RMAs engage with communities. These have been recorded and are being considered as part of the measure to “work together to develop initiatives and web-based information to enhance community preparedness and resilience to flooding”, and generally through the ‘working with communities’ principle.
37. There were some comments suggesting the Strategy was too long and too technical. Following this, the Strategy has been shortened significantly, technical information was transferred to appendices and diagrams and case studies have been added. A summary is also available, and upcoming updates to web-based information will further improve provision of information to communities, particularly on roles and responsibilities.

38. A new measure has been added to the Strategy which relates to personal resilience as well as community resilience, as the Council wants to encourage people to consider what they can do personally to prepare for and be resilient to flooding.
39. Six responses were received from residents in Rutland. These were reported to Rutland Council. Follow up discussions have included the possibility of the Council providing LLFA statutory duties in Rutland through a service level agreement. These discussions are ongoing.

Environmental and Health Implications

40. An independent Strategic Environmental Assessment has been carried out (Appendix I). The Assessment concluded that none of the proposed measures are likely to have negative effects on the environment, population and human health, and material assets. It also concluded that many of the proposed measures are likely to have positive effects for these. This supports the updated LLFRMS principle of delivering multiple benefits (social, economic, and environmental).
41. An independent Habitats Regulations Assessment has also been completed (Appendix J). This assessment concluded that the updated LLFRMS will not have significant environmental effects on designated European sites, such as the River Mease Special Area of Conservation.
42. During the public consultation, no comments were received on either assessment and there were no changes which were required, as changes to the Strategy were only minor.
43. Following anticipated adoption of the updated LLFRMS, the Strategic Environmental Assessment consultants will produce a post-adoption statement. This will summarise the process undertaken, including how environmental considerations have been integrated into the Strategy, and how consultation feedback from both consultees and the public has been considered and incorporated.
44. The Council is also aiming to closely align the updated LLFRMS with the Local Nature Recovery Strategy (LNRS) for Leicestershire, as this develops. On 22 September 2023, LLFA officers met and held positive discussions as to how this can occur with the new LNRS Project Manager.

Partnership Working and Associated Issues

45. A principle for the Strategy is organisational partnership working. Maintaining this principle will be essential for the successful delivery of objectives and measures. Relevant partners have been consulted throughout the update process.

Resource Implications

46. The update has been delivered through existing resources.
47. There are no additional resource implications for the Council, as the remit of the LLFA is currently funded within the Environment and Transport Department budget, and the proposed LLFRMS details the basis for applying these resources.
48. The Strategy Action Plan details circumstances where the delivery of measures is subject to securing external funding.
49. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

50. A report is to be considered by the Cabinet on 24 November 2023. The report will detail the outcomes of the public consultation and seek approval for the publication of the final updated LLFRMS and associated documents intended for December 2023.

Conclusions

51. It is recommended that the Committee notes the results of the public consultation as provided above and in the appended Consultation Summary (Appendix A) and provides any final views on the final draft LLFRMS (Appendix B).

Background papers

Current Local Flood Risk Management Strategy and associated documents
<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/flood-risk-management>

Environment and Transport Overview and Scrutiny Committee – 6 November 2014 – Consultation on current Local Flood Risk Management Strategy
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=3919&Ver=4>

Cabinet - 11 September 2015 – Approval of current Local Flood Risk Management Strategy
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4230&Ver=4>

Environment and Transport Overview and Scrutiny Committee – 14 January 2021 - Report of the Flooding Scrutiny Review Panel.
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=6392&Ver=4>

Cabinet - 5 February 2021 - Report of the Flooding Scrutiny Review Panel Approved
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6440&Ver=4>

Highways and Transport Overview and Scrutiny Committee – 20 January 2022 - Progress Review on Flooding Scrutiny Review Panel

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1293&MId=6732&Ver=4>

Highways and Transport Overview and Scrutiny Committee – 26 January 2023 – Progress Review on Flooding Scrutiny Review Panel

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1293&MId=7171&Ver=4>

Cabinet – 26 May 2023 - Leicestershire Local Flood Risk Management Strategy - Public Consultation

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=7076&Ver=4>

Highways and Transport Overview and Scrutiny Committee – 8 June 2023 - Leicestershire Local Flood Risk Management Strategy - Public Consultation

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1293&MId=7174&Ver=4>

Section 9 Flood and Water Management Act 2010 - Local flood risk management strategies: England <https://www.legislation.gov.uk/ukpga/2010/29/section/9>

River basin management plans: updated 2022 <https://www.gov.uk/guidance/river-basin-management-plans-updated-2022>

Circulation under the Local Issues Alert Procedure

None.

Equality Implications

52. An Equality and Human Rights Impact Assessment has been completed (Appendix K). It was identified that some groups with protected characteristics are potentially more vulnerable to flood risks (for example, elderly, pregnant or disabled persons). Whilst officers were aware of this when preparing updated LLFRMS, there were no discernible opportunities to mitigate the risks for these specific groups other than addressing the risks for the communities in which they live.

Human Rights Implications

53. There are no human rights implications arising from the recommendations in this report.

Appendices

- A. Consultation Summary
- B. Updated Local Flood Risk Management Strategy for Leicestershire
- C. Strategy Action Plan
- D. Asset Register and Record Policy
- E. Formal Flood Investigations Policy
- F. Ordinary Watercourse Regulation and Culverting Policy
- G. Assessment of Local Flood Risk

- H. Local Flood Risk Management Strategy Summary
- I. Strategic Environmental Assessment
- J. Habitat Regulations Assessment
- K. Equality and Human Rights Impact Assessment

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