



CABINET - 24 NOVEMBER 2023

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

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of the outcome of consultation on the updated Leicestershire Local Flood Risk Management Strategy (LLFRMS) and to seek approval for its adoption and publication. The Consultation Summary is attached to this report as Appendix A and the revised LLFRMS and associated documents are attached as Appendices B to K.
2. The update has been coordinated by the Council in its role as the Lead Local Flood Authority (LLFA). The LLFRMS details the roles and responsibilities of the Council, partner organisations and the public, and sets out the objectives and measures by which local flood risk will be managed.

Recommendations

3. It is recommended that the Cabinet:
 - a) Notes the findings of the public consultation, including comments of the Highways and Transport Overview and Scrutiny Committee on the draft updated Leicestershire Local Flood Risk Management Strategy (LLFRMS);
 - b) Approves the updated LLFRMS and associated documents for adoption and publication; and
 - c) Authorises the Director of Environment and Transport, following consultation with the Cabinet Lead Member, to make any further minor amendments to the Strategy in the light of any feedback from the Highways and Transport Overview and Scrutiny Committee and the Cabinet prior to its publication.

Reasons for Recommendation

4. The consultation exercise has informed the revised LLFRMS.

5. The existing LLFRMS was published in 2015 and required a full review. The updated documents address the changes required to align with the current national strategy and associated guidance and incorporate the recommendations of the Flooding Scrutiny Review Panel, previously considered by the Cabinet.

Timetable for Decisions (including Scrutiny)

6. On 9 November 2023 the Highways and Transport Overview and Scrutiny Committee was consulted on the draft updated LLFRMS, associated documents and public consultation summary. The Committee's comments are set out in paragraphs 40 to 45 of this report.
7. Subject to approval by the Cabinet, the LLFRMS, associated documents and the consultation summary will be published in December 2023.
8. Partner organisations will be informed of the publication and have had prior view of the documents and the opportunity to comment.

Policy Framework and Previous Decisions

9. The current LLFRMS was approved by the Cabinet on 11 September 2015.
10. 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 LLFA, and the roles of other flood Risk Management Authorities (RMAs).
11. The Review Panel reported to the Environment and Transport Overview and Scrutiny Committee on 14 January 2021.
12. On 5 February 2021, the Cabinet noted the Final Report of the Flooding Scrutiny Review Panel and approved its recommendations. The first recommendation was for a refresh of the LLFRMS.
13. On 26 May 2023, the Cabinet approved the draft refreshed LLFRMS and associated documents for public consultation.
14. The updated LLFRMS supports work towards achieving the outcomes in the County Council's Strategic Plan 2022-2026, notably those relating to the need to protect and enhance the environment and to ensure that communities are resilient in the face of emergencies.

Resource Implications

15. The review has been delivered through existing resources.
16. There are no additional resource implications for the Council arising from the recommendations in this report, 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.

17. The Strategy Action Plan (Appendix C) details circumstances where the delivery of measures is subject to securing external funding.
18. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

19. None.

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PART B

Background

20. 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. Local flood risk is defined by the Act as flood risk from surface water, ordinary watercourses and groundwater sources.

Why is the Strategy being updated?

21. The first, current, LLFRMS was published in August 2015. The reasons for the review were set out in the previous report to the Cabinet in May 2023. In summary these were:
- a) The need to update the LLFRMS every six years.
 - b) To ensure the LLFRMS was consistent with the National Flood and Coastal Erosion Risk Management Strategy for England.
 - c) To address the recommendations of the Scrutiny Review Panel.
 - d) To reflect improved understanding and management of local flood risk.
 - e) To improve community engagement.
 - f) To reflect changes in ways of working.
22. The report presented to the Cabinet in May 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 (Appendices D to F).
 - e) An updated assessment of local flood risk to support the risk-based approach principle (Appendix G).

Consultation

23. Prior to the public consultation exercise the Leicestershire, Leicester and Rutland Flood Risk Management Board (FRMB) - now the Leicestershire Flood Risk Management Board - considered the proposed review of the Strategy. This was followed by focus groups in the summer of 2022 with FRMB members, following which the draft LLFRMS was produced.

24. Further consultation on the draft documents took place in early 2023 with FRMB members and two community flood groups.
25. The draft updated LFRMS was accepted by the FRMB and other key stakeholders as suitable for public consultation.

Public Consultation Process

26. Public consultation was required by the Flood and Water Management Act 2010 and the Council wanted the views of local stakeholders to inform the final Strategy.
27. The consultation was conducted through the Council's 'Have Your Say' webpage for ten weeks, between 5 June 2023 and 13 August 2023.
28. A summary of the Strategy was produced for the purposes of the consultation (Appendix H) which was published alongside the draft LLFRMS and associated documents on the 'Have Your Say' webpage.
29. The consultation questionnaire was shared directly with the FRMB, County Council members, flood risk community partnerships, parish councils, flood action groups, flood wardens, and neighbouring LLFAs.
30. 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.
31. Targeted communications were 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.
32. Response rates were reviewed periodically, and targeted communications were issued to areas of the County where the response rates were not as high as in other areas.

Responses to the Consultation

33. 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.
34. Responses were received from residents from all districts:

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 and Wigston	32	14%

35. Part way through the consultation process, it was advertised in Leicestershire Matters, the County Council's residents' newsletter. Response rates appeared to significantly increase following this.
36. 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 requiring further investigation by the LLFA have been recorded as enquiries and will be investigated.
37. Several email responses were also received from RMAs and parish councils.

Post-Consultation

38. 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).
39. Some respondents commented that they wished to see more communication in relation to the Strategy and as a result a communications plan will be agreed with the FRMB. This is likely to include disseminating the updated Action Plan and signposting to parts of the Strategy in web-based information and other communications.

Comments of the Highways and Transport Overview and Scrutiny Committee

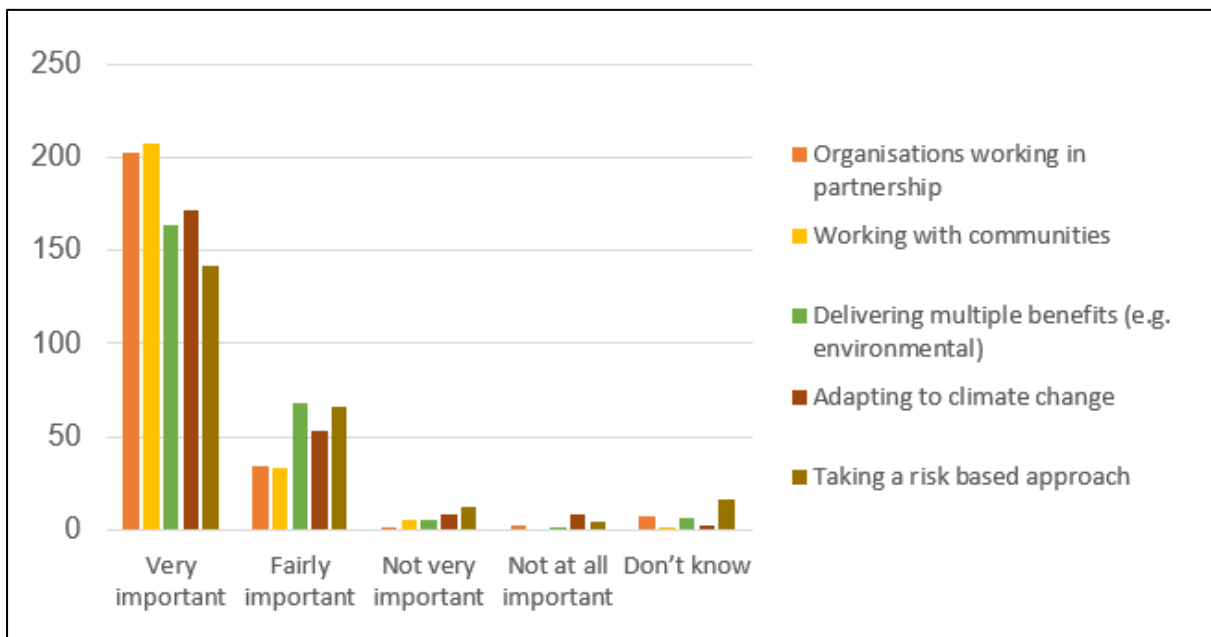
40. The Committee considered a report which provided an overview of the findings of the public consultation undertaken on the draft LLFRMS and sought the Committee's views on the updated Strategy.

- 41. The Committee supported the proposed partnership approach with communities and the online platform, currently being developed, as a useful point of information and guidance for residents.
- 42. In response to questions as to the extent future development and associated land drainage issues had been considered (and how these would be managed/mitigated), the Director said that the LLFA the Council had a role as a statutory consultee. If consulted by the local planning authority, it would make recommendations on flood risk as part of the local plan process and would comment in respect of individual developments as part of the planning process. This applied to residential and (often large) commercial developments.
- 43. In response to a question, the Director said that whilst there was a timetable for cleaning gullies across the County, the Council would consider action if there were reports of blockages in a flood risk area, noting that other issues could be causing the problem.
- 44. Members noted that the Council as LLFA would carry out investigations into the cause(s) of a flooding event which met certain criteria (i.e. number of properties affected, the effect on essential services).
- 45. The Committee welcomed the Strategy and thanked officers for a thorough and comprehensive report. The work done by the Flood Risk Management Team was also commended.

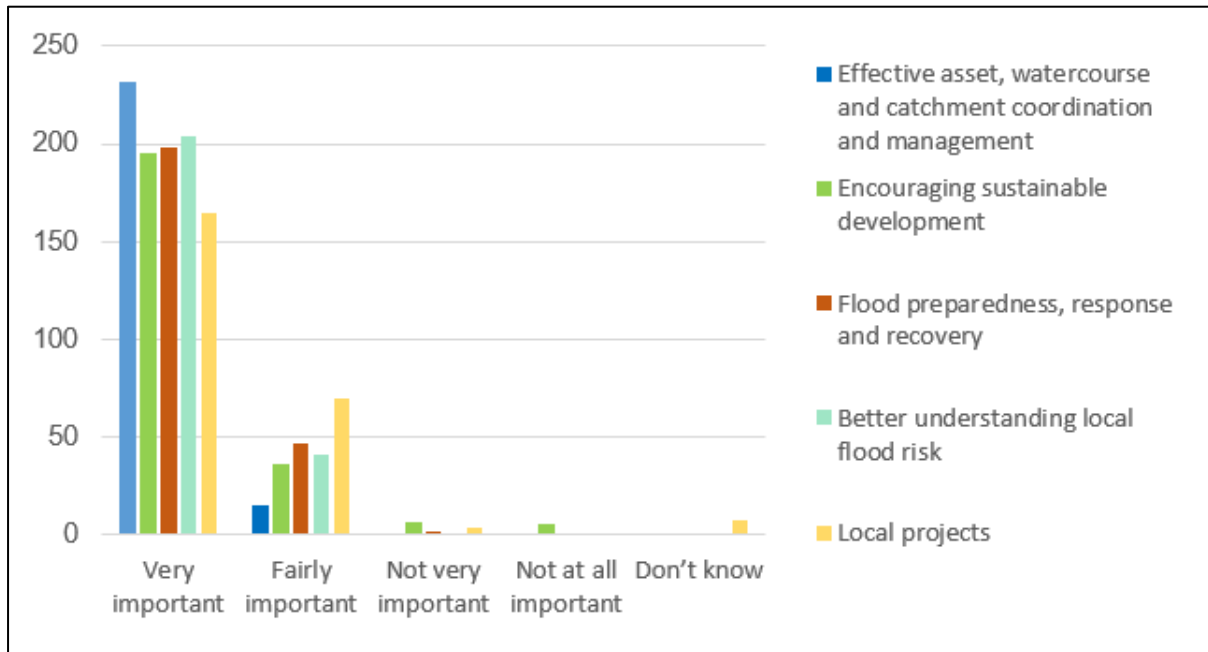
Findings and outcomes

- 46. 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



47. In light of these responses and support from the Highways and Transport Overview and Scrutiny Committee and the Cabinet for the draft Strategy, no significant changes have been made.
48. There were, however, some themes emerging from the 'Have your Say' feedback which has resulted in some minor amendments, including:
- Mention of specific communities: some respondents expressed concern that their community had not been referenced 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.
 - Roles, responsibilities and partnerships: there were comments questioning the efficacy of RMA partnership working. To address this, explanation of the different partnerships has been provided. 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.
 - 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 'risk-based approach' was therefore clarified and the Council will ensure definitions are included alongside principle titles (see Appendix H of this report).
49. Many of the common concerns raised through additional comments are considered to have been addressed sufficiently well through the Strategy

already. Therefore 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.
50. Some comments received were 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.
51. 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.
52. Some comments suggested that the Strategy was too long and too technical. In response, the Strategy has already been shortened significantly, with technical information transferred to appendices and diagrams and case studies added. A summary is also available (Appendix H), and upcoming updates to web-based information will further improve provision of information to communities, particularly on roles and responsibilities.
53. 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.
54. Six responses were received from residents in Rutland which were forwarded to Rutland Council.

Next steps

55. 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.

Equality Implications

56. An Equality and Human Rights Impact Assessment has been completed (Appendix I). 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

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

Environmental and Health Implications

58. An independent Strategic Environmental Assessment has been carried out (Appendix J). 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).
59. Flooding has significant impacts on health and wellbeing. These impacts occur both acutely and over the long term. While the immediate dangers to physical health from flooding events are highly visible, longer-term health effects associated with flooding are harder to identify, and may include effects relating to displacement. Most of the health burden associated with flooding in England is, however, due to impacts on mental health and wellbeing. Measures to reduce the risk and effects of flooding will reduce such impacts. Further details are provided in the Strategic Environmental Assessment (see the Protect and Enhance Human Health and Wellbeing objective).
60. An independent Habitats Regulations Assessment has also been completed (Appendix K). This assessment concluded that the updated LLFRMS will not have significant environmental effects on designated European sites, such as the Mease Special Area of Conservation.
61. During the public consultation, no comments were received on either assessment and no changes were required, as changes to the Strategy were only minor.
62. 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.
63. 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

64. 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.

Background Papers

Current Local Flood Risk Management Strategy and associated documents - <https://bit.ly/41qEdnX>

Report to the Cabinet, 11 September 2015, Approval of current Local Flood Risk Management Strategy - <https://bit.ly/41KjbAN>

Report of the Flooding Scrutiny Review Panel to the Cabinet, 5 February 2021 - <https://bit.ly/3ObNa1v>

Report to the Cabinet, 26 May 2023, Leicestershire Local Flood Risk Management Strategy - Public Consultation - <https://shorturl.at/GLOSV>

Highways and Transport Overview and Scrutiny Committee, 9 November 2023, Leicestershire Local Flood Risk Management Strategy – public consultation outcomes and publication – <https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1293&MId=7176>

Section 9 Flood and Water Management Act 2010, Local flood risk management strategies: England - <https://bit.ly/42TkluY>

River basin management plans: updated 2022 - <https://bit.ly/42Fddm8>

Guidance Flooding and health: executive summary, October 2023, <https://www.gov.uk/government/publications/flooding-and-health-advice-for-frontline-responders/flooding-and-health-executive-summary>

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 - Equality and Human Rights Impact Assessment
- J - Strategic Environmental Assessment
- K - Habitat Regulations Assessment

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