

**ENVIRONMENT AGENCY REGIONAL AND LOCAL CONSULTATIONS**

**To: Economy and Environment Committee**

**Meeting Date: 19<sup>th</sup> September 2019**

**From: Steve Cox – Executive Director, Place and Economy**

**Forward Plan ref: N/A Key decision: No**

**Purpose: To make the Committee aware of two recent Environment Agency consultations and their links to the County Council's work.**

**Recommendation: To note:**

- a) The outcome from the Regional Flood and Coastal Committee consultation and the need to allocate a new Member to this board from April 2020.**
- b) The consultation response submitted to the National Flood and Coastal Erosion Risk Management Strategy consultation.**
- c) The future need for the Strategy's outcomes and principles to be incorporated into the forthcoming Environment & Climate Change Strategy (in line with the Council's Climate Emergency declaration) and future reviews of the Local Flood Risk Management Strategy**

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## **1. BACKGROUND**

### **Anglian Central Regional Flood and Coastal Committee Constitution Changes**

- 1.1 Regional Flood and Coastal Committees (RFCCs) exist under section 23 of the Flood and Water Management Act (FWMA) 2010. The Anglian Central Committee area in which most of Cambridgeshire sits is shown in Appendix 3.
- 1.2 Along with every other upper tier council in the Great Ouse catchment the council pays a local levy under statute to the RFCC every year in line with the number of Band D equivalent properties that Cambridgeshire has. The local levy is then held centrally for the committee to spend as it sees fit. For example it can be used for additional local maintenance, and all flood risk management partners within the area can also apply to it for capital-type projects.
- 1.3 Members of the RFCC vote on issues as they are brought before the committee, but the most important annual vote relates to the local levy. Local levy is a flood management funding source levied by the RFCC on upper tier councils, which is then used as a discretionary contribution from the RFCC towards flood projects. The vote to determine the percentage change in levy from the previous year takes place annually in October. In 2019/20 the county council paid £362,904.54 in local levy.
- 1.4 The County Council currently has two Anglian Central RFCC members, Councillor Tim Wotherspoon and Councillor Mandy Smith who can vote.

### **National Flood and Coastal Erosion Risk Management Strategy Consultation**

- 1.5 The FWMA 2010 requires the Environment Agency to “develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England”. The original national flood and coastal erosion risk management strategy (“National Strategy”) was prepared in 2011 and the Environment Agency began to review it in 2018, consulting on a draft in June and July 2019.
- 1.6 The ambitions of the new draft National Strategy<sup>1</sup> are themed into:
  - Climate resilient places,
  - Growth and infrastructure and
  - A nation of climate champions (this covers aware, informed and proactive communities and the need for more investment in skills and resources for flood risk management authorities’ workforces)

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<sup>1</sup> [https://consult.environment-agency.gov.uk/fcrm/national-strategy-public/user\\_uploads/fcrm-strategy-draft-final-1-may-v0.13-as-accessible-as-possible.pdf](https://consult.environment-agency.gov.uk/fcrm/national-strategy-public/user_uploads/fcrm-strategy-draft-final-1-may-v0.13-as-accessible-as-possible.pdf)

- 1.7 The National Strategy sets a vision to 2100 and hence is more forward thinking than previous flood strategies. The document is in line with the Climate Emergency declared by Parliament and the County Council.
- 1.8 Council submitted a response by the deadline of 4<sup>th</sup> July in consultation with the Members of the Anglian Central RFCC and the Chair and Vice Chair of the Economy and Environment Committee.

## **2 MAIN ISSUES**

### **Anglian Central Regional Flood and Coastal Committee Constitution Changes**

- 2.1 The consultation proposed changes to the constitution to make the number of Members more aligned to the amount of levy paid by each council. This option would see the number of Cambridgeshire members increase from two to three. The County Council response supported this change to recognise that we do pay more levy to the committee than any other council in the catchment.
- 2.2 The consultation also proposed changing the name of the committee to the “Anglian Great Ouse Regional Flood and Coastal Committee (RFCC)”. The County Council response supported this as the name is more reflective of the catchment covered.
- 2.3 At the RFCC meeting in July 2019 the committee voted and the option recommended by the County Council was taken forward. From April 2020 the Council will therefore need to elect a third Member to attend RFCC.

### **National Flood and Coastal Erosion Risk Management Strategy Consultation**

- 2.4 The National Strategy is a sixty four page strategic document which sets out objectives for the future management of flood risk and to which the council, as a Lead Local Flood Authority, must have due regard in all its work. The consultation set out thirty four questions on specific objectives and measures, requiring detailed consideration.
- 2.5 The Council supported the aims of the strategy and recognises that a lot needs to be done to make our country resilient to flooding and climate change. However, with the National Strategy being a high-level document the ‘devil is in the detail’ in terms of how delivery can be facilitated. Significant increases in resources, improved cross-government working, national policy changes and much greater community engagement and awareness will all be needed. The key issues raised by the National Strategy consultation that could affect Cambridgeshire and/or the council are summarised below.

- 2.6 A move from the concept of protection to resilience. This might be a hard message for communities to accept but we can't stop all flooding especially as climate change and urban creep<sup>2</sup> impacts continue to take their toll. We understand that the Met Office believes there is now a ten percent (10%) risk of unprecedented rainfall anywhere. Property owners should therefore be encouraged, and supported by insurance companies and flood risk management authorities, to build their homes back to a more resilient standard after a flood. This would reduce the impacts of future flooding.
- 2.7 The strategy promotes 'adaptive measures' which are measures that can be put in place to enable communities to better adapt to changes ahead. For example the 'Lifetime Homes Standard'<sup>3</sup> for buildings is an example of an adaptive measure allowing people to remain in their homes as they age and their health changes. In flood risk terms the equivalent would be to enable communities and our environment to adapt to climate change and to become more resilient. Adaptive measures that would help to manage surface water flood risk include installing and adopting sustainable drainage systems; preventing and reversing culverting decisions to ensure all ordinary watercourses still have their own floodplain; and designing all new homes to be flood resilient e.g. by fitting property level protection, raising electrics etc. Adaptive measures need to become a mainstream consideration for planning and highway authorities and need to be incorporated into both the county council's forthcoming Environment and Climate Change strategy and any future reviews of the Local Flood Risk Management Strategy.
- 2.8 When flood events occur the loss of critical infrastructure (electricity, rail and road transport, wastewater collection etc.) can cause many more people to be affected by flooding than just those whose homes have flooded and the cost to the economy can be enormous. Two thirds of properties in England are currently served by infrastructure in areas at risk of flooding Infrastructure<sup>4</sup>. Infrastructure needs to be resilient itself but it also plays an important role in protecting communities. Infrastructure can channel flood flows for better or worse and large infrastructure providers can often own small-scale drainage assets that can be incredibly important in local flood situations. The council supported the call for national and local infrastructure to play its part in climate resilience.
- 2.9 The strategy suggests that flood risk management authorities (RMAs) will need to be engaged in a number of activities in order to help deliver the strategy and the combined additional cost of these to all RMAs is expected to be between £40 and £90 million. The exact scale of the burden on the county council is not yet known but funding will need to be found for LLFAs like the county council to deliver the measures allocated to them. These measures include:

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<sup>2</sup> Urban creep is when the amount of impermeable area increases in urban areas creating increased runoff which contribute to flooding and other problems e.g. through paving over back gardens

<sup>3</sup> <http://www.lifetimehomes.org.uk/index.php>

<sup>4</sup> Environment Agency, 2019, Draft National Flood and Coastal Risk Erosion Management Strategy

- advising local planning authorities on, and planning for, adaptive measures
- incorporating greater environmental and economic benefits into flood projects,
- helping to ensure water bodies are in good condition,
- working with landowners to improve management of local and national drainage infrastructure,
- working with communities to improve their understanding of, and resilience to, flooding and
- investing in planning, engineering and community engagement skills.
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- 2.10 In order to prevent flood damage to properties and infrastructure increasing significantly in the coming years, national investment of £1 billion per year is needed over the next 50 years.<sup>5</sup> The cost of becoming resilient will likely be spread across government, business and people by promoting sustainable investment in infrastructure, housing and the environment. New funding sources will need to be found.
- 2.11 Investigating forward funding of schemes (including by local authorities) is discussed in this context. The council commented that while upfront funding is not uncommon for school provision, this process currently works best where there is a statutory duty, when land is in public ownership and when there is a guarantee that the scheme will present value for money. There would likely also be a need for the planning system to be more flexible towards pooling planning obligations in order that development contributions could be made towards flood defence infrastructure.
- 2.12 Disappointingly the strategy portrays a poor understanding of the roles of non-Environment Agency RMAs such as LLFAs and Highways Authorities. No mention is made in the strategy of the role of those with riparian<sup>6</sup> responsibilities and we know from experience that those with a riparian role play a very important part in managing flood risk. The council's response made it clear that these areas need addressing to ensure efficient cross-partner planning and delivery of flood risk management.
- 2.13 The strategy is to be followed by an Action Plan. It hoped, but not known, that this will develop the measures in the strategy to create more detailed actions with timescales, funding and agreed approaches. The council expressed disappointment that there is no clarity over whether we will be consulted on the Action Plan given that it will need to contain actions for LLFAs.
- 2.14 The Council response is to be found in Appendix 3. The response tackled all of the above areas highlighting the improvements needed, the importance of the aspiration to make our communities resilient to flood risk and climate change, the challenges that are likely to be

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<sup>5</sup> Environment Agency, 2019, Long Term Investment Scenarios

<sup>6</sup> Riparian means relating to the banks of a river. Riparian responsibilities are the responsibilities that anyone owning, or renting the land abutting a watercourse has and include a duty to maintain the watercourse to ensure the flow of water.

experienced in achieving the goals and the importance of consulting RMAs in developing the Action Plan.

### **3 ALIGNMENT WITH CORPORATE PRIORITIES**

#### **3.1 A good quality of life for everyone**

- There is strong evidence linking floods to mental health and wellbeing issues. Estimates from the Environment Agency research suggest that the mental health impacts of flooding are equivalent to £3,000 - £7,000 per household depending on the scale of flooding. Some mental health impacts can be long lasting. Those who have resilient homes, are supported by resilient infrastructure and have been supported to understand, and take action to tackle flood risk, are more likely to have a good quality of life.

#### **3.2 Thriving places for people to live**

- Areas that are resilient to flood risk and climate change are more likely to have strong economies and thriving communities. The National Strategy is line with the Climate Emergency already declared by the county council. The council is aiming to achieve zero carbon by 2050 and prepare an Environment and Climate Change Strategy that sets out:
  - how we will achieve zero carbon by 2050
  - how the council will adapt to the already changing climate
  - how the council will seek to protect the county's natural capital.

#### **3.3 The best start for Cambridgeshire's children**

- There are no significant implications for this priority other than those already listed above under the other priorities.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

As it stands there are no significant specific implications within this category. The National Strategy has not yet been finalised and the Action Plan has not been developed. The Action Plan, once prepared, will have specific future resource implications but these are currently unknown.

#### **4.2 Procurement/Contractual/Council Contract Procedure Rules Implications**

There are no significant implications within this category.

#### **4.3 Statutory, Legal and Risk Implications**

There are no significant implications within this category.

#### **4.4 Equality and Diversity Implications**

There are no significant implications within this category.

#### **4.5 Engagement and Communications Implications**

There are no significant implications within this category.

#### **4.6 Localism and Local Member Involvement**

From April 2019 the council will need to appoint a third member onto the Anglian Great Ouse Regional Flood and Coastal Committee.

#### 4.7 Public Health Implications

There are no significant implications within this category.

Implications	Officer Clearance
<b>Have the resource implications been cleared by Finance?</b>	Yes Name of Financial Officer: Sarah Heywood
<b>Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?</b>	Yes Name of Officer: Gus de Silva, Head of Procurement.
<b>Has the impact on statutory, legal and risk implications been cleared by LGSS Law?</b>	Yes Name of Legal Officer: Debbie Carter-Hughes, Interim Executive Director, LGSS Law
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes Name of Officer: Cathryn Rutangye
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes Name of Officer: Sarah Silk Communications and Marketing Manager
<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes Name of Officer: Quinton Carroll
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Iain Green, Public Health

Source Documents	Location
RFCC Catchment Map – Appendix 1 ACRFCC consultation response – Appendix 2 National Strategy consultation response – Appendix 3	