

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	<b>OVERVIEW AND SCRUTINY MANAGEMENT BOARD</b>
2.	Date:	<b>Friday 8 February 2013</b>
3.	Title:	<b>Draft Local Flood Risk Management Strategy for Rotherham</b>  <b>All Wards</b>
4.	Programme Area:	<b>Environment and Development Services</b>

### 5. Summary

To review and scrutinise the Council's Draft Local Flood Risk Management Strategy for Rotherham in accordance with the requirements of the Flood Risk Regulations 2009 and the Floods and Water Management Act 2010, with the aim to develop, maintain, apply, monitor and publish the Final Local Flood Risk Management Strategy.

It is proposed that Rotherham's Final Local Flood Risk Management Strategy will be completed by the end of December 2013 where it will provide a framework to deliver a prioritised programme of works and initiatives to manage flood risk in the area.

### 6. Recommendations (in order of priority)

- 6.1 that the contents of the Draft Local Flood Risk Management Strategy for Rotherham be reviewed (refer to Appendix A).
  - 6.2 that Cabinet is recommended to approve the Draft Local Flood Risk Management Strategy for Rotherham.
  - 6.3 that Cabinet is recommended to forward the Draft Local Flood Risk Management Strategy for Rotherham to Partners, Stakeholders and Communities for consultation and published for public information.
  - 6.4 that the contents of the Final Local Flood Risk Management Strategy for Rotherham be developed and reviewed by the end of February 2014.
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## 7. Proposals and Details

The Flood Risk Regulations 2009 implement the requirements of the European Floods Directive, which aims to provide a consistent approach to managing flood risk across Europe. The regulations impose new duties on the Council as the Lead Local Flood Authority (LLFA) for Rotherham, including the responsibility for managing local flood risk in particular from ordinary watercourses, surface runoff and groundwater.

Under the requirements of the Flood Risk Regulations 2009 and the Floods and Water Management Act 2010, the Council's new roles and responsibilities are as follows:

- Duty to produce a local flood risk management strategy for the Rotherham area.
- Ability to work with other risk management authority regarding flood risk.
- Duty to exercise and carry out works in accordance with the national flood and coastal erosion risk management strategy and relevant local flood risk management strategies.
- Strategic leadership and partnership between lead local flood authorities and other risk management authorities.
- Duty to co-operate and provide information with other risk management authorities.
- Power to carry out works to manage flood risk from surface runoff or groundwater.
- Power to arrange for a flood risk management function to be transferred to another risk management authority.
- Power to request information from other key agencies and landowners in connection with its flood management functions.
- Duty to act as the co-ordinator for the investigation of flood incidents and publish the results on the Council's website.
- Duty to establish and maintain a register of drainage assets/ features and a register of structures/features which it considers are likely to have a significant effect on local flood risk.
- Power to designate features or structures that affect flood risk which places legal responsibilities on the owner of the asset to manage.
- Power to formally consent and/or approve works within Ordinary Watercourses which includes all temporary and permanent works.
- Duty to promote and manage Sustainable Drainage.
- Duty to establish a Sustainable Urban Drainage Approval Body (SAB), which will have the power to approve, supervise, adopt and maintain Sustainable Urban Drainage Systems, and how surface water is managed on new development sites.
- Duty to contribute towards the achievement of sustainable development.

The Flood and Water Management Act requires Lead Local Flood Authorities to ensure that adequate scrutiny arrangements are put in place, including arrangements to review and scrutinise the strategies carried out by risk management authorities with flood risk management functions, which may affect Rotherham's areas.

Risk Management Authorities must comply with a request or recommendations made by the Council's Overview and Scrutiny Management Committee for information and/or a response to a report.

The Council's Overview and Scrutiny Management Committee will review and scrutinise the Local Flood Risk Management Strategy on the six yearly cycle as a minimum. The Strategy will be subject to a consultation process, which will be forwarded onto Partners, Stakeholders and various Communities for comment.

The Local Flood Risk Management Strategy is a 'living' document and it is a duty of the Council to update and amend the Strategy year on year, for example changes in legislation, actual data following a major flood event, new asset data, resource and funding opportunities etc.

## **8. Finance**

In January 2011 the Government's Environment Secretary Caroline Spelman, confirmed that in 2011/2012, grants for the sum of £21 million rising to £36 million for 2012/2013 and subsequent years, would be made available to help Councils protect and support their own community when managing flood risk. In addition the funding will fully support Lead Local Flood Authorities in developing local flood risk management strategies, surface water management plans, priority actions, mapping, and administering consents for private changes to ordinary watercourses.

Defra allocated £120.2K in 2011/2012 to Rotherham which enabled the Council to carry out its new duties under the Floods and Water Management Act 2010. A further £156.3K was allocated to the Council in 2012/2013 and Defra has indicated that further funding will be provided in 2013/2014 to enable the Council to continue its duties under the Act.

Defra has announced that the funding allocated to Lead Local Flood Authorities should be in addition to the funding provided by Defra through the then Formula Grant funding or similar, for Flood and Coastal Erosion Risk Management within the Environmental, Protection and Cultural Services.

Please note any requirements for additional revenue funding are not reflected in the current medium term financial strategy.

## **9. Risks and Uncertainties**

Under the Flood and Water Management Act 2010, the Council as the Lead Local Flood Authority for Rotherham, is committed to carry out its new roles and duties for local flood risk management, including surface water overland flows throughout the Borough. It is likely that there will be additional pressures on the Council's resources to carry out its duties as the Lead Local Flood Authority.

The Government funding provided is part of the £2.1 billion the Government expects to spend on flood and coastal erosion risk management by 2015. Local Authorities also receive funding under formula grants or similar arrangements administered by Communities and Local Government. The Government expects all Local Authorities to spend about £100million on flood and coastal erosion risk management. The grants provided by Defra for Rotherham will be required to fulfil the Council's duties under the Act.

There is some uncertainty that future funding will be provided by Defra after 2015, this could apply additional pressures on the Council to obtain future funding to fulfil its roles and responsibilities under the Act and to continue with its duties in keeping the Local Flood Risk Management Strategy updated.

## 10. Policy and Performance Agenda Implications

- (1) Floods and Water Management Act 2010
- (2) Flood Risk Regulations 2009

## 11. Background Papers and Consultation

- Rotherham Metropolitan Borough Council, Draft Local Flood Risk Management Strategy.
- Appendix A - Action Plans for Rotherham and  
Maps numbered 187/46/DR001 and 187/45/DR002.

The issues contained within this report support the Council's main Corporate Priorities.

Ward Members in the Wards listed above have not been consulted.

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