

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>CABINET</b>	
<b>DATE OF DECISION</b>	<b>31 January 2024</b>	
<b>REPORT TITLE:</b>	<b>Local Flood Risk Management Strategy Consultation Results</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Karen Agbabiaka Director of Streets &amp; Environment</b>	
<b>LEAD OFFICER:</b>	<b>Daisi Osibona Senior Engineer Network Maintenance Email: daisi.osibona@croydon.gov.uk Telephone: 020 8726 6000 x28265 / 07771843015</b>	
<b>LEAD MEMBER:</b>	<b>Councillor Scott Roche Cabinet Member for Streets &amp; Environment</b>	
<b>KEY DECISION? [9223EM]</b>	<b>Yes</b>	<b>REASON: The Strategy will likely result in the Council incurring expenditure of more than £1,000,000 and is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.</b>
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>NO</b>	<b>Grounds for the exemption: N/A</b>
<b>WARDS AFFECTED:</b>	<b>All</b>	

## 1 SUMMARY OF REPORT

- 1.1 This report is for the Executive Mayor to consider the amendments made to the draft LFRMS and 'Action Plan' as a result of the responses to the public consultation carried out between 22 June 2023 and 24 August 2023, and to seek the Executive Mayor's approval to adopt the revised strategy at appendix 1 and publish it on the Council website.

## 2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet, is recommended:

- 2.1 To note the responses to the public consultation about the draft LFRMS, at appendices 3 & 4 to this report.

- 2.2 To consider the amendments to the draft LFRMS and Action Plan as a result of those responses, as outlined at appendix 2 to this report.
- 2.3 To approve adoption of the revised LFRMS and Action Plan, at appendix 1 to this report, as the final version to be published on the Council website.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 The reasons for the recommendations in this report is to enable the Council to comply with the requirements of the FWMA 2010, which places a responsibility on the Council as a LLFA to develop, maintain, apply and monitor a strategy for local flood risk management.

### **4 BACKGROUND AND DETAILS**

- 4.1 Following the extensive flooding in 2007, the government commissioned Sir Michael Pitt to conduct a review into the causes of the flooding and responses to it. The Pitt Review concluded that the majority of the properties which flooded were from local sources, that no one organisation had responsibility for local flood risk management and that there was no obligation on local authorities to co-operate and share information. The Review made ninety two recommendations and these were taken forward in the FWMA 2010.
- 4.2 The FWMA 2010 set new statutory responsibilities for managing flood risk and gives local authorities the lead role for managing local flood risk through the creation of Lead Local Flood Authorities (LLFAs) while the Environment Agency (EA) was given a strategic overview role.
- 4.3 The FWMA under Section 9 places a responsibility on the Council, as a LLFA to develop, maintain, apply and monitor a strategy for local flood risk management. The Act states that the strategy must specify;
  - a) *the risk management authorities in the authority's area*
  - b) *the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area*
  - c) *the objectives for managing local flood risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Regulations 2009)*
  - d) *the measures proposed to achieve those objectives*
  - e) *how and when the measures are expected to be implemented*
  - f) *the costs and benefits of those measures, and how they are to be paid for*
  - g) *the assessment of local flood risk for the purpose of the strategy*
  - h) *how and when the strategy is to be reviewed*
  - i) *how the strategy contributes to the achievement of wider environmental objectives,*

and requires it to be consistent with the National Strategy which was published by the EA (in July 2020) and provides a framework for guiding operational activities and decision making in flood and coastal risk management.

**4.4** The LFRMS will form the basis on which the Council, as LLFA will manage local flood risk in the borough for the next 5 years. The Strategy aligns with the EA's National Strategy while being relevant at local level. Objectives and measures have been drafted in collaboration between Highways, Development Management, Spatial Planning, Corporate Resilience, Parks and Green Spaces, ICT Systems and GIS, Building Control and Environmental, collectively known as the LBC Flood Management Group. These objectives and measures:

- *will identify investment and funding opportunities for local flood risk management in Croydon*
- *ensures new development contribute to improving the resilience of places to flooding using nature based solutions*
- *ensures best practice in managing flood risk management assets*
- *helps residents and business owners with their understanding of flood risk, aids in their preparedness for flooding and helps make properties more resilient to the impacts of flooding*
- *enables sustainable growth while taking account of flood risk opportunities and challenges*
- *helps the Council be at the forefront of understanding current and future flood risk in Croydon improving flood risk management in the borough*
- *facilitate collaboration with other risk management authorities promoting a joined up approach to managing flood risk*

**4.5** In July 2022, a draft LFRMS was prepared using the most up-to-date information available to the Council. This included national and local plans and strategies, legislation and policies for example the EA National Strategy, Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), flood investigation reports, Thames Water's Drainage and Wastewater Management Plan (DWMP) and the Local Plan.

**4.6** The Executive Mayor of Croydon granted approval to proceed with the publishing of the draft LFRMS for the purpose of a public consultation on 5 June 2023. The consultation was conducted online via the Council's GetInvolved Platform between 22 June 2023 and 24 August 2023, with 21 responses received from a target of 50. This target was based on the number of responses received in 2015 which returned a higher number of responses likely due to the severe flooding that happened in 2013/14. For context, the London Boroughs of Wandsworth and Richmond-upon-Thames received 13 and 23 responses to their LFRMS public consultations. The London Borough of Sutton received 20. Appendix 3 includes each of the individual survey responses received and appendix 4 is a summary of the responses received.

**4.7** All responses to the consultation survey were reviewed and addressed where appropriate in the revised LFRMS. Some respondents made general comments or raised points about specific locations which were not appropriate to be addressed in the strategy. A response summary document which addresses or clarifies these points

has been drafted and is included in appendix 2. Appendix 2 also includes the survey questions, changes to the draft LFRMS as a result of the survey and actions to be taken to address comments received. This summary document includes a list of the survey questions, detail on changes made to the draft LFRMS and actions to be taken to address the comments received. It also includes a summary of the consultation including an analysis of the results and actions.

- 4.8** The revised LFRMS and Action Plan includes actions and measures that will allow the Council meet the objectives of the strategy. These include actions that are both one off and ongoing and involve working with a range of partners including other risk management authorities, developers, infrastructure providers and community groups all of whom have an influence over flood risk and flood risk management.
- 4.9** Each of the actions have a lead Council service responsible for the action. In some cases, there are multiple services listed as the lead for a particular action. This will help foster a collaborative and consistent approach to flood risk management across the Council.
- 4.10** The LFRMS is required to be reviewed and updated every 5 years as a minimum. However, the Action Plan will be reviewed and updated quarterly at the LBC Flood Management Group meetings, to provide an update on the current status of the actions. The next review and update of the LFRMS will be 2028. However, the LFRMS and Action Plan may be updated before this date if:
- there are legislative changes that amend the roles and responsibilities of risk management authorities
  - there are significant flood events or developments in funding availability or flood risk understanding that challenge the prioritisation process
  - the continuous review of the Action Plan identifies that the objectives are not being met
- 4.11** The LFRMS was drafted in the period May to September 2022. The public consultation survey and communications plan was drafted in the period February 2023 to April 2023 with a presentation to the Cabinet Member taking place in May 2023. The public consultation ran for the period 22 June to 24 August 2023. Results from the consultation were analysed in September 2023 with the Cabinet Report drafted in October and November 2023. An update was provided to the Cabinet Member in November 2023 with the Report and appendices finalised and uploaded for CMT in November 2023.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1** There were no other options considered.

## **6 CONSULTATION**

- 6.1** Section 9, item (6) of the FWMA states that “A lead local flood authority must consult the following about its local flood risk management strategy –
- a) risk management authorities that may be affected by the strategy (including risk management authorities in Wales), and
  - b) the public
- 6.2** The risk management authorities (EA, Thames Water, Transport for London and neighbouring boroughs) were consulted via email on 1 March 2023 and 14 April 2023 and no comments were received.
- 6.3** A public consultation took place between 22 June 2023 and 24 August 2023 in which residents and business owners were invited to respond to a questionnaire on the ‘GetInvolved’ platform and provide additional comments on the draft LFRMS and appendices. The consultation was publicised via an update with a link to the survey on the Council website and regular Facebook, Twitter and Instagram posts. It was shared into key Facebook groups and was retweeted by Councillors. It was also included in the YourCroydon weekly newsletters four times. Appendix 3 includes each of the individual survey responses received and appendix 4 is a summary of the responses received. Appendix 2 lists the survey questions, changes to the draft LFRMS as a result of the survey, actions to be taken to address comments received and an analysis of the survey responses.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1** The LFRMS will contribute to Outcome 1 (Priority 3) by helping to facilitate partnership working and a collaborative approach to flood risk management in the borough. and 4 (Priority 4).
- 7.2** By managing the risk of flooding and better protecting businesses across the borough the LFRMS will help in the recovery of town and district centres and therefore contribute to Outcome 2 (Priority 1).
- 7.3** The objectives of the LFRMS will help the Council achieve Outcome 4 (Priority 4) by ensuring new development are resilient to flooding through the use of sustainable drainage systems in line with policy and guidance.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

#### **8.1.1 Revenue and Capital consequences of report recommendation**

The draft and revised LFRMS were developed using funding provided by the Department for Environment, Food & Rural Affairs (Defra) This funding is not ringfenced for flood risk management in particular. Funding for flood risk management

can also be secured from various sources including EA Grant-in-Aid, Local Levy or Council capital funding.

### **8.1.2 The effect of the decision**

There are no direct financial consequences to the Council by approving the adoption of the revised strategy. If approved fully costed programmes will be implemented, which will require funding through either council funding or external grants. This funding would be to ensure that the Council fulfils its statutory duties under the FWMA 2010. The scope of such programmes will be determined by the level of funding available.

### **8.1.3 Risks**

Failure to approve adoption of the strategy may affect the Council's ability to attract funding for future flood alleviation measures from Central government and reduce its effectiveness in coordinating and commissioning flood alleviation measures in the borough.

There is the risk that the Secretary of State for risk management authorities may direct another risk management authority to carry out the LLFA functions and may order costs against the Council.

Failure to approve adoption of the strategy would also result in the Council not meeting its duties under the FWMA 2010 as LLFA.

### **8.1.4 Options**

There is no option in the Act to delegate this function to another risk management authority.

There are opportunities to bid for government or external fundings. However, given the strict conditions that are usually attached to these fundings, they are not always guaranteed.

### **8.1.5 Future savings/efficiencies**

Approving adoption of the final strategy would strengthen the Council's ability to attract funding for flood alleviation schemes and flood risk management.

Efficiencies will be realised as the Action Plan has been drafted with current resource in mind. Some actions are a one off while others are ongoing allowing Council officers to manage their workload.

When implemented, the actions will help with preparedness to a flood event and will mitigate the impacts of flooding. This will in turn mitigate against additional costs that will be incurred in response to a flood event.

### **8.1.6 Revenue and Capital consequences of report recommendation**

This table below is a requirement unless the Head of Finance for your directorate confirms it is not needed.

	Current Year	Medium Term Financial Strategy – 3 year forecast		
	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
<b>Revenue Budget Available</b>	377	377	377	377
Expenditure Income	0	0	0	0
<b>Effect of decision from report</b>	377	377	377	377
Expenditure Income	0	0	0	0
<b>Remaining Budget</b>	0	0	0	0
<b>Capital Budget available</b>	1,239	748	748	748
Expenditure Income	0	0	0	0
<b>Effect of decision from report</b>	1,239	748	748	748
Expenditure Income	0	0	0	0
<b>Remaining Budget</b>	0	0	0	0

**8.1.7** Comments approved by Darrell Jones [Acting Head of Finance SCRER, Investment & Risk] on behalf of the Director of Finance and S151 Officer. (20/11/2023).

## **8.2 LEGAL IMPLICATIONS**

**8.2.1** Section 9 the FWMA places a duty on the Council, as LLFA to develop, maintain, apply and monitor a strategy for local flood risk management. Another duty under the FWMA is that the LLFA must consult risk management authorities that may be affected by the strategy and the public. Failure to approve the strategy would mean that the Council are not meeting its duties as LLFA under the FWMA. As stated

under Section 5 above this could result in the Secretary of State directing another risk management authority to carry out the function and such a direction could include provision about the recovery of costs of compliance from the Council.

**8.2.2** Comments approved by Sandra Herbert Head of Litigation & Corporate Law on behalf of the Director of Legal Services & Monitoring Officer. (09/01/2024).

### **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** The revised LFRMS has been developed to manage flood risk from surface water, groundwater and ordinary watercourses across the borough which when it occurs would affect all protected groups. However, people with disability and/or of certain age group would be more affected by the impact of any flooding and the potential to recover. These impacts are always considered when completing flood risk assessments and applications to bid for funding to implement flood alleviation measures. Deprived communities tend to score higher in the cost/benefit calculations when government funding is being allocated for flood alleviation measures. An Equalities Analysis Form has been included at appendix 2.

### **OTHER IMPLICATIONS**

#### **8.4 Human Resources Implications**

**8.4.1** There are no immediate human resources implications arising from this report. If any should arise these will be managed under the Council's Corporate Policies and Procedures.

**8.4.2** Approved by: Jennifer Sankar, Head of HR Housing & SCRER Directorates, for and on behalf of Dean Shoesmith, Chief People Officer.

#### **8.5 Environmental Implications**

**8.5.1** The Strategic Environmental Assessment (SEA) is the process which identifies and evaluates social, environmental and economic objectives for the area in order to fulfil the requirements of the SEA (2001/42/EC) (SEA Directive). The SEA was used during the preparation of the 2015 LFRMS to evaluate options for achieving the flood risk objectives against wider sustainability objectives and remains applicable for this strategy. More information is included with objective 5 in the LFRMS. The full SEA and Habitats Regulation Assessment Reports are available on the Council website.

## **9. APPENDICES**

**9.1** 1 (A, B & C) Revised LFRMS with Appendices

2 Summary and Analysis of LFRMS Consultation

3 Individual Survey Responses

4 Summary of Survey Responses

5 Equality Analysis Form

## **10. BACKGROUND DOCUMENTS**

**10.1** N/A

## **11. URGENCY**

**11.1** N/A