
West Berkshire Local Flood Risk Management Strategy

Committee considering report:	Overview and Scrutiny Management Commission
Date of Committee:	29 November 2022
Portfolio Member:	Councillor Richard Somner
Report Author:	Jon Winstanley
Forward Plan Ref:	OSMC

1 Purpose of the Report

1.1 To:

- Provide Overview and Scrutiny Management Committee (OSMC) with an overview of the West Berkshire Local Flood Risk Management Strategy (LFRMS) 2022-2027;
- Outline the Council's duties and responsibilities under the Flood and Water Management Act;
- Update OSMC on activities undertaken in the last 12 months and on planned flood alleviation and drainage works programmed for the 2022/23 financial year;

2 Recommendation(s)

That the content of this report be noted.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications for the council. Duties, responsibilities and capital works proposed are funded as part of the current Medium Term Financial Strategy (MTFS).
Human Resource:	There are no direct human resource implications at present, however, the enactment of Schedule 3 of the Flood and Water Management Act (FWMA) may require additional resources. The council employs engineering consultants to assist with the design of flood defence schemes and to meet peaks in

	workload from our duties under the Flood and Water Management Act.			
Legal:	Legal assistance is required with land purchases for flood defence schemes.			
Risk Management:	As Lead Local Flood Authority under the Flood and Water Management Act (FWMA) the Council has a duty to manage the risk of flooding from ordinary watercourses, surface water and groundwater. The Local Flood Risk Management Strategy (LFRMS) is essential to set the framework for managing these risks. Reputational harm would be caused by a failure to implement the actions contained in the LFRMS and our duties under the FWMA.			
Property:	It is sometimes necessary to purchase private land to construct major flood defence schemes and to serve notice on private landowners to ensure riparian responsibilities are adhered to.			
Policy:	The LFRMS supports HM Government Policy Statement 'Flood and coastal erosion risk management', the National Planning Policy Framework and the EU Floods Directive.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		There are no Equalities impacts associated with the LFRMS.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		There are no Equalities impacts from this report.
Environmental Impact:	x			<p>Whenever possible, all flood defence schemes, sustainable drainage systems and land drain works undertaken or approved by the council aim to achieve biodiversity, water quality and amenity benefits.</p> <p>Adaptation and protecting the District against the impacts of climate change is an integral part of the Council's Environment Strategy.</p>
Health Impact:	x			Flooding can have a significant impact on Health and Wellbeing of those residents that have been affected. Reducing the risk of flooding will therefore lead to healthier communities.
ICT Impact:		x		No impact.
Digital Services Impact:		x		No impact.
Council Strategy Priorities:	x			The LFRMS and Council's flood risk activities are in line with the Council Strategy Priorities of 'maintaining a green district' and 'developing local Infrastructure to support and grow the local economy.
Core Business:	x			The LFRMS supports the council's Environment Strategy.
Data Impact:		x		No impact.

Consultation and Engagement:	<p>The draft LFRMS was published on the council's web-site from 23 August 2021 with comments invited by 3 October 2021. In total 101 responses were received from a mixture of residents, Local Ward Members, Parish Councils and Local Flood Forums. A wide range of feedback and comments were received.</p> <p>The feedback from the consultation was on the whole constructive and supportive. The general consensus was that the document is welcomed and the objectives are appropriate to reducing flood risk within the district.</p> <p>Details of the responses along with an officer comment was reported to the Council's Executive in February 2022.</p>
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4 Executive Summary

4.1 The Flood & Water Management Act 2010 places a number of duties on West Berkshire Council, as Lead Local Flood Authority including:

- To prepare and maintain a strategy for local flood risk management in their areas (a Local Flood Risk Management Strategy – LFRMS);
- Carrying out works to manage local flood risks in their areas;
- Maintaining a register of flood risk assets;
- Investigating significant local flooding incidents and publish the results of such investigations;
- Powers under the Land Drainage Act 1991 to regulate ordinary watercourses (including issuing consents for works on ordinary watercourses).
- To undertake a statutory consultee role providing technical advice on surface water drainage (or Sustainable Drainage – SuDS) to local planning authorities on major developments;
- To co-operate with other Risk Management Authorities;
- To play a lead role in emergency planning and recovery after a flood event.

4.2 The LFRMS forms the framework to which the Lead Local Flood Authority carries out the above duties. The latest version of the strategy 2022 – 27 was approved at Executive in February 2022 and can be found [here](#). The Strategy encourages effective flood risk management by enabling people, communities, businesses and the public sector to work together to ensure a clear understanding of the risks of flooding so that investment in flood risk management can be prioritised more effectively.

- 4.3 An update on other duties the Council has as Lead Local Flood Authority is covered in the supporting information.

5 Supporting Information

Introduction

- 5.1 The Flood and Water Management Act (FWMA) 2010 was enacted as a direct result of an independent review (The Pitt Review) following the widespread flooding in 2007. The review put forward a number of recommendations, including the need for a "wider brief for the Environment Agency" and for local councils to be given powers and responsibilities to "protect communities through robust building and planning controls".
- 5.2 The FWMA 2010 establishes a role of Lead Local Flood Authority for upper tier or Unitary Authorities with a responsibility for reducing the risk of flooding from surface water, groundwater and ordinary watercourses. The LLFA essentially has responsibility to investigate, mitigate and plan for flooding that does not come from statutory main rivers or reservoirs.
- 5.3 Within West Berkshire Council the LLFA duties predominantly sit within the Drainage and Flood Risk Team within the Environment Department. However duties that relate to emergency planning and recovery are led by the Council's Joint Emergency Planning Unit.

Overview and Scrutiny

- 5.4 The Flood and Water Management Act has made an amendment to the Local Government Act, under Section 21F, introducing powers for Overview and Scrutiny Committees to review and scrutinise the activities of the flood risk management authorities. In addition, under the Flood Risk Management Overview and Scrutiny (England) Regulations 2011, the lead local flood authorities Overview and Scrutiny Committee is empowered to request reports or the attendance at meetings of any flood risk management authority, to enable the scrutiny of the delivery of their flood risk management functions.

Update on Flood Risk Management Activities

- 5.5 The following table gives a breakdown of activities undertaken in the last 12 months and planned works in the 2022/23 financial year.

Duty	Activity
To prepare and maintain a strategy for local flood risk management in their areas (a Local Flood Risk Management Strategy – LFRMS).	West Berkshire Local Flood Risk Management Strategy 2022 – 27 can be seen here .

<p>Carrying out works to manage local flood risks in their areas.</p>	<p>The Council has a programme of major flood risk management projects and a minor works programme. The major works are predominantly funded through bids from the Environment Agency's Grant in Aid funding route, through which the Council has been particularly successful over the years. In the last 10 years the Council has successfully bid for and delivered schemes to the value of £9.75m. In addition, funding for flood alleviation has been raised through local businesses, Thames Water, Parish/Town Councils and in some instances from residents via flood forums and flood groups.</p> <p>The minor works programme is funded through the Council's Capital Programme. Both programmes for the 2022/23 financial year can be seen in Appendix B.</p> <p>In addition to these planned works the Drainage and Flood Risk Team responds to requests for service and reports of local flooding throughout the District. 758 such requests were responded to in the 2021/22 financial year.</p>
<p>Maintaining a register of flood risk assets.</p>	<p>The Council maintains a register of flood risk assets within its Highways, Structures and Drainage Asset Management System.</p> <p>The asset register is being constantly updated when new works take place and when we undertake maintenance work on historic drainage assets.</p>
<p>Investigating significant local flooding incidents and publish the results of such investigations.</p>	<p>Under Section 19 of the FAWMA, the Council has a duty to investigate flood incidents.</p> <p>Appendix 3 of the Local Flood Risk Management Strategy details the policy and threshold levels for investigations.</p> <p>There have been no flood incidents in the last 12 months that have reached the threshold for a section 19 investigation.</p>
<p>Powers under the Land Drainage Act 1991 to regulate ordinary watercourses (including issuing consents for works on ordinary watercourses).</p>	<p>The two main activities under this section of the act are serving notice on landowners (riparian owners) to clear blockages in ditches and ordinary watercourses and to approve any requested changes to ordinary</p>

	<p>watercourses (ordinary watercourse consents (OWC's).</p> <p>Formally serving notice under the act is rare and most works are undertaken by riparian owners through negotiation. No formal notices have been served in the last 12 months.</p> <p>14 OWC's have been issued in the last 12 months.</p>
To undertake a statutory consultee role providing technical advice on surface water drainage to local planning authorities on major developments.	A total of 418 planning consultations have been responded to by the Drainage and Flood Risk Team in the 2021/22 financial year.
To co-operate with other Risk Management Authorities.	<p>Council Officers hold regular meetings with the Environment Agency to discuss major flood risk management projects within the District.</p> <p>Council Officers also attend and support the following flood forums which generally meet quarterly:</p> <ul style="list-style-type: none"> • Pang Valley; • Lambourn Valley; • Thatcham. <p>The Pang and Lambourn Valley flood forums are also attended by the EA and Thames Water. Council Officers also recently attended the inaugural Newbury Flood Forum meeting and will offer support going forward.</p>
To play a lead role in emergency planning and recovery after a flood event.	There have been no major flood events in the last 12 months.

6 Other options considered

Not applicable.

7 Conclusion

- 7.1 Flooding can have severe detrimental impacts on people's lives, from short duration nuisance flooding of highways, open space and river corridors to flooding of people's homes and businesses leading to damage, loss of personal possessions,

displacement during remedial works and environmental impacts from pollution. The effects can also lead to physical and mental health issues and increased strain on people's lives.

- 7.2 Becoming more resilient to climate change is a key objective of the Council's Environment Strategy. Our flood risk management activities are central to our ability to adapt to climate change and the Drainage and Flood Risk Management Team has been proactive in introducing biodiversity and carbon reduction measures in exercising its duties under the FAWMA.
- 7.3 The Council is committed through its Local Flood Risk Management Strategy and other powers and duties as Lead Local Flood Authority to working with partners to understand local flooding, communicate risks and manage unacceptable risks now and in the future.

8 Appendices

- 8.1 Appendix A – Equality Impact Assessment (EqIA) - Stage One.
- 8.2 Appendix B - Major and minor drainage and flood risk works programmes 2022/23.

Corporate Board's recommendation

Background Papers:

Local Flood Risk Management Strategy 2022-27

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input checked="" type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All Wards

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Document Control

Document Ref:		Date Created:	Aug 22
Version:	1.0	Date Modified:	-
Author:	Jon Winstanley		
Owning Service	Environment		

Change History

Version	Date	Description	Change ID
1	05/08/22	Draft Issued to Sue Halliwell for comment	
2	24/08/22	CB comments included	

Appendix A

Equality Impact Assessment (EqIA) - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:*
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:*
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.*
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.*

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approval of the Local Flood Risk Management Strategy 2022-2027
Summary of relevant legislation:	The Local Flood Risk Management Strategy is a requirement of the Flood and Water Management Act 2010.
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Andrew Reynolds
Name of Service/Directorate:	Transport and Countryside
Name of assessor:	
Date of assessment:	
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The LFRMS sets out the aims and priorities to reduce flood risk over the 5 year period ending in 2027.
Objectives:	Develop plans and identify measure to reduce existing flood risk. Improve the understanding of flood risk in West Berkshire and increase public awareness.

Outcomes:	Raising public awareness of flooding and reducing flood risk.
Benefits:	The primary beneficiaries are the residents and businesses in West Berkshire effected by flooding from surface water, groundwater and ordinary watercourse.

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)

Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments:		

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

Yes ☐ No ☒

Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?

Yes ☐ No ☒

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Stuart Clark

Date: 6 December 2021

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.