



Leicester
City Council

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FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet Lead
OSMB

23rd March 2011
7th April 2011

Scrutiny of the Preliminary Flood Risk Assessment (PFRA)

Report of the Head of Highway Maintenance

1. Purpose of Report

- 1.1 To allow the Overview and Scrutiny Management Board to scrutinise the Preliminary Flood Risk Assessment included in Appendix 2 and make their comments

2. Recommendations

- 2.1 It is recommended that OSMB confirms that the Environment Agency's assessment of the indicative Flood Risk Areas in the City are correct and that no significant changes need to be made to the Flood Risk Areas.

3. Summary

- 3.1 Under the Flood Risk Regulations, the City Council as Lead Local Flood Authority (LLFA) must undertake a PFRA identifying Flood Risk Areas by the 22nd June 2011. The process must include the scrutiny of the PFRA by the LLFA and the Environment Agency's advice is that this is best completed by the Scrutiny Committee of the Council – in our case, it should be done by the Overview and Scrutiny Management Board. The Leicester Principal Urban Area (PUA) has been identified by the Environment Agency as one of only ten areas in the country meeting the national criteria as an Indicative Flood Risk Area with over 30,000 people at risk.

4. Report

- 4.1 The Flood Risk Regulations implement the European Floods Directive. This provides a consistent approach to managing flood risk across Europe, through a six year planning cycle based on a four stage process of:
- Undertaking a Preliminary Flood Risk Assessment (PFRA) by the 22nd June 2011.
 - Identifying Flood Risk Areas by the 22nd June 2011.
 - Preparing flood hazard and risk maps by the 22nd June 2013.
 - Preparing flood risk management plans by the 22nd June 2015.

- 4.2. Under the Regulations, and in line with responsibilities under the Flood and Water Management Act 2010, Lead Local Flood Authorities (LLFAs) are responsible for undertaking a PFRA for local sources of flood risk, primarily from surface runoff, groundwater and ordinary watercourses. The PFRA is a high level screening exercise which involves collecting information on past (historic) and future (potential) floods, assembling it into a preliminary assessment report, and using it to identify Flood Risk Areas which are areas where the risk of flooding is significant.
- 4.3. The PFRA is based on existing and available information and should bring together information from national and local sources including the Flood Map for Surface Water and Strategic Flood Risk/Consequence Assessments. Information from the PFRA process will also feed into other assessments including local strategies under the Act. It is important to remember that the Regulations are not the only mechanism for managing local flood risk, or the main route for funding. In many cases the local strategy is likely to be a more appropriate and quicker route to manage risk in an area.
- 4.4. The Environment Agency (EA) has used guidance from Defra and the Welsh Assembly Government (WAG) and nationally available datasets to determine Indicative Flood Risk Areas. The Leicester Principal Urban Area (PUA) has been identified by the Environment Agency as one of only ten areas in the country meeting the national criteria as an Indicative Flood Risk Area with over 30,000 people at risk. We then have to review these areas using local information in the PFRA to determine our proposed Flood Risk Areas.
- 4.5. The PFRA report (part of the Surface Water Management Plan Study (SWMP)) is attached in appendix 2 and OSMB will then have to either confirm or amend the EA's assessment and submit a report to the EA by 22 June 2011.
- 4.6 **Selection of Indicative Flood Risk Areas**
The Regulations require LLFAs to determine whether there is a significant risk in their area based on local flooding and to identify the part of the area affected by the risk i.e. the Flood Risk Area. Defra and WAG have provided guidance on how to select and review Flood Risk Areas by providing criteria for determining significance and thresholds for defining Flood Risk Areas. The Regulations require consideration of significant harmful consequences on:
- a) Human health
 - b) Economic activity
 - c) Environment (including cultural heritage)

However, the extent to which they contribute to defining thresholds varies. In order to provide a starting point for the determination of Flood Risk Areas, the Environment Agency has applied the significance criteria to certain nationally held information such as the Flood Map for Surface Water, Areas Susceptible to Surface Water Flooding and the National Receptor Dataset as well as Areas Susceptible to Groundwater Flood Map to identify where groundwater flooding may be an issue in the indicative Flood Risk Areas.

- 4.7. The indicative Flood Risk Areas are only based on surface water flooding and on a subset of the significance criteria that can be measured at the national level:

Number of people (based on property numbers x 2.34)

Number of critical services
 Number of non-residential properties

4.8 The Environment Agency has supplied LLFAs with maps with the outlines of all the Indicative Flood Risk Areas on CD (see para 4.4 above). This includes information on the number of people, critical services and non-residential properties in each indicative Flood Risk Area. These Indicative Flood Risk Areas will then be reviewed against the PFRA.

4.9 **Review of Indicative Flood Risk Areas**

Before reviewing the Indicative Flood Risk Areas OSMB have to consider the following questions:

- a) Is the Flood Map for Surface Water the most appropriate source of information?
- b) Are the consequences of flooding from other sources e.g. groundwater, ordinary watercourses likely to lead to significant Flood Risk Areas?
- c) Is there information on past floods which had significant harmful consequences?
- d) Is there any other information on the possible harmful consequences of future floods?

4.10 **Amending Flood Risk Areas**

There are three possible reasons (Geography, Past flooding and Future flooding) why Flood Risk Areas may be amended by the City Council and they are outlined in Table 1 below.:

Table 1 – Reasons for changing indicative Flood Risk Areas	
Geography	Minor change in boundary Indicative Flood Risk Area split (where not hydrologically linked) Indicative Flood Risk Areas combined New indicative Flood Risk Area
Past / historic flooding	Indicative Flood Risk Area expanded New indicative Flood Risk Area
Future flooding	New indicative Flood Risk Area Indicative Flood Risk Area expanded Indicative Flood Risk Area reduced in size Indicative Flood Risk Area deleted

Officers are not proposing any significant changes to the Indicative Flood Risk Areas identified by the EA.

4.11 **Internal Review Process**

The City Council has to review and approve their PFRA documents in accordance with their own internal processes and the EA have recommended that we use internal scrutiny ie the Overview and Scrutiny Management Board (OSMB). The purpose of such review is to ensure the City Council as LLFA is satisfied that the contents of the PFRA are a fair assessment in meeting the requirements of the Regulations.

4.12. **Environment Agency Review**

The EA have a duty under the Regulations to review, collate and publish all of the PFRAs once submitted. However, it will also be beneficial for LLFAs to work closely with Environment Agency staff whilst preparing the PFRA and identifying Flood Risk Areas. This should help smooth the process in view of the tight timescales for both delivery by LLFAs and subsequently for our review, resolution of any differences of opinion, collation and publishing. Local Environment Agency staff will review the preliminary assessment reports to ensure they meet the minimum standards required by the European Commission. They will also provide an opinion on the selection of Flood Risk Areas and confirm that appropriate evidence has been provided to support changes to Flood Risk Areas.

5. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

5.1. **Financial Implications**

There are no financial implications of this report

Paresh Radia, Finance Manager, Ext 29 6507.

5.2 **Legal Implications**

Jamie Guazzaroni Solicitor, Legal Services, RAD, Ext 29 6350.

5.3 **Climate Change Implications**

6. **Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

- 7.1 Flood Risk Regulations 2009
Flood and Water Management Act 2010
Preliminary Flood Risk Assessment produced by Scott Wilson – March 2011.

8. Consultations

- 8.1 Legal Services, Finance Team, Staff in Regeneration, Highways & Transportation Division.

9. Report Author

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Appendix1

Suggested questions for OSMB to consider in reviewing PFRA

1. Are appropriate governance arrangements in place to understand and manage local flood risk?
2. Have the relevant internal and external partners been involved in the PFRA process?
3. Has all readily available information been gathered from within the LLFA and other partners?
4. Does the assessment of flood risk identify the receptors and the consequences in terms of human health, economic activity and the environment (including cultural heritage)?
5. Has the evidence been interpreted appropriately in reviewing indicative Flood Risk Areas?
6. Has adequate justification been provided for changes to indicative Flood Risk Areas?
7. Is there sufficient evidence to support Flood Risk Areas?
8. Are the conclusions and recommendations clear and based on suitable evidence?
9. Have the preliminary assessment report and associated spreadsheets been prepared in line with the templates in the guidance?