

CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**14<sup>th</sup> JULY 2011**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**CABINET DECISION**

**Environment – Lead Cabinet Member – Councillor David Rose**

**PRELIMINARY FLOOD RISK ASSESSMENT**

1. Summary

This draft Preliminary Flood Risk Assessment (PFRA) Report has been produced to meet the statutory duties placed upon local authorities, to manage local flood risk and deliver the requirements of the Flood Risk Regulations 2009.

The purpose of the PFRA report is aimed at providing a strategic assessment of flood risk from local sources including surface water, groundwater, ordinary watercourses and canals. The Environment Agency continues to manage the flood response to main rivers. This report is a high level screening exercise using readily available data

The report records past flood events and considers potential future flood events that may have a significant consequence on human health, economic activity and the environment including cultural heritage.

National methodology was used by the Environment Agency which was set out by Defra to identify indicative flood risk areas across England. Ten flood risk areas were identified in England, Stockton on Tees Borough Council does not have one of these 'significant' areas as defined by legislation and therefore will not be required to produce flood hazard maps, flood risk maps and flood risk management plans.

2. Recommendations

It is recommended:

1. Members note the response to the Flood Risk Regulations 2009 and that Stockton does not have any indicative flood risk areas as defined by legislation.
2. Members agree the draft Preliminary Flood Risk Assessment for Stockton on Tees.

3. Reasons for the Recommendations/Decision(s)

1. Stockton Borough Council has discharged the statutory duties in response to the Flood Risk Regulations 2009 by production of the Preliminary Flood Risk Assessment Report. As there are no 'indicative' flood risk areas in the Borough,

there is no requirement to complete the flood hazard mapping, flood risk maps and flood risk management plan stages of the regulations.

2. The Preliminary Flood Risk Assessment Report is a high level strategic document based on readily available information and is for the purpose of discharging the statutory duties under the Flood Risk Regulations 2009 which came about from the EC Floods Directive. Further more detailed flood risk management work for Stockton is to be carried out under the Flood and Water Management Act 2010 and the associated statutory duties.

#### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

This draft Preliminary Flood Risk Assessment (PFRA) Report has been produced to meet the statutory duties placed upon local authorities, to manage local flood risk and deliver the requirements of the Flood Risk Regulations 2009.

The purpose of the PFRA report is aimed at providing a strategic assessment of flood risk from local sources including surface water, groundwater, ordinary watercourses and canals. The Environment Agency continues to manage the flood response to main rivers. This report is a high level screening exercise using readily available data.

**RECOMMENDATIONS**

It is recommended that:

1. Members note the response to the Flood Risk Regulations 2009 and that Stockton does not have any indicative flood risk areas as defined by legislation.
2. Members agree the draft Preliminary Flood Risk Assessment for Stockton on Tees.

**DETAIL**

**Background**

1. The Preliminary Flood Risk Assessment (PFRA) is a high level risk assessment of flooding in the Borough of Stockton on Tees. There are no 'significant' flood risk areas as defined by legislation, however all authorities are required to produce a Preliminary Assessment Report under the Flood Risk Regulations 2009.
2. The Flood Risk Regulations which came into force on 10<sup>th</sup> December 2009 and the Flood and Water Management Act 2010 are the main drivers behind the research and preparation of the PFRA Report. Under the Flood and Water Management Act, Stockton Borough Council has been designated as a Lead Local Flood Authority (LLFA) and has a number of new statutory duties and responsibilities.
3. The Flood Risk Regulations 2009 transpose the requirements of the EC Floods Directive into domestic law in England and Wales. The implementation places duties on the Environment Agency (EA) and LLFAs to prepare a number of key documents, these include the following;
  - Preliminary Flood Risk Assessments;

- Flood Hazard Maps and Flood Risk Maps; and
- Flood Risk Management Plans

All LLFAs are to complete the PFRA report, however only LLFAs who have a 'significant' flood risk area i.e. where more than 30,000 houses are affected, must complete the later stages. Stockton is not one of these areas.

4. The report is prepared in accordance with the final guidance from the Environment Agency which was published in December 2010.
5. The PFRA considers past and potential future flooding within Stockton Borough which has significant harmful consequences for human health, economic activity and the environment. LLFAs are required to consider flooding from local sources, which include;
  - Surface Water
  - Ground Water
  - Ordinary Watercourses
  - Canals

The Environment Agency are responsible for flooding associated with the sea, main rivers and reservoirs. This report will not consider flooding sources which are the responsibility of the Environment Agency unless it is considered that it may contribute to flooding from one of the local sources.

6. In order to prepare the report, data was collected from a wide variety of sources including; Northumbrian Water, Environment Agency, Cleveland Fire and Rescue Services, Cleveland Police, Emergency Planning, British Waterways and other Council departments (Planning, Highways, Direct Services.)
7. The Environment Agency and Northumbrian Water who form our partner flood risk management authorities, have been consulted throughout the process and regular meetings take place to discuss flood risk issues. Regular discussions have also taken place with the other Tees Valley Authorities who are also required to produce PFRA reports to ensure any cross boundary issues are taken into consideration.
8. For the purpose of this report and in line with the other Tees Valley Authorities and a number of authorities nationally, the following criteria was used to define locally significant;
  - 5 or more residential properties
  - 2 or more businesses
  - 1 or more critical services
  - 1 or more transport link (impassable for 10 hours or more)

It should be noted that this differs significantly from the national definition of significant provided by Defra, for which 30,000 properties need to be affected.

9. The data used for the potential future flooding section is taken for the Environment Agency dataset "Areas Susceptible to Surface Water Flooding", as this is the most accurate data available for Stockton at present. It should be noted that this map/ dataset only provides a general indication of areas which may be more likely to suffer from surface water flooding and therefore should be treated with caution. No specific detailed modelling has been carried out for Stockton to date, as this was not required for production of the PFRA.

## **The Next Steps**

10. The PFRA is to be sent to the Environment Agency for approval then on to Defra to be submitted as part of the National PFRA for England and Wales.
11. It is proposed that Stockton become Lead Flood Authority over a wider area and take on a number of the new duties on behalf of Middlesbrough Council, Redcar and Cleveland Council and Darlington Council under a lead authority arrangement. This is in the early stages and details are yet to be agreed.

## **FINANCIAL IMPLICATIONS**

12. Stockton Borough is committed to providing the Flood Risk Management Service in house using the new burdens funding made available by the Government in order to discharge the new statutory duties and responsibilities.

## **LEGAL IMPLICATIONS**

13. It is a statutory requirement that this report is submitted to Defra for their approval and published and part of the National PFRA for England and Wales by 22 December 2011. The report was to be submitted to the Environment Agency for prior approval by 22 June 2011 though it has been agreed that this deadline can be extended to the end of July due to delays in issuing the guidance.

## **RISK ASSESSMENT**

14. The report forms a risk assessment for flooding in Stockton, however it should be noted that it is a high level strategic view of areas of higher risk only, the boundaries shown are based on grid squares and should not be considered as a flood prediction tool as this may cause unnecessary concern to residents.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

15. Contributes to the adaptation element of the climate change objectives within the strategy.

## **ECONOMIC REGENERATION AND TRANSPORT**

16. Contributes to the reduction in risk of flooding which can impact upon the economic stability of the area, it will also safeguard the transport infrastructure.

## **SAFER COMMUNITIES**

17. Reduces the risk of flooding thereby creating a safer environment in which to live and work.

## **CHILDREN AND YOUNG PEOPLE**

18. Reducing flood risk can safeguard access to, and risk of damage to our education facilities.

## **HEALTH AND WELLBEING**

19. Flooding from surface water has potentially significant health risks as it is usually contaminated water from the sewerage system that is involved. Therefore to reduce the risk of flooding is to reduce the health impacts as well.

## **ENVIRONMENT AND HOUSING**

20. Contributes to the adaptation element of the climate change objectives within the strategy.

## **EQUALITIES IMPACT ASSESSMENT**

21. Not required at this stage.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

22. Flood risk management has been the subject of regular briefings with the Cabinet Member for Environment.

### **Corporate Director of Development & Neighbourhood Services**

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### Background Papers

Stockton on Tees Borough Council, Preliminary Flood Risk Assessment (Draft)

### Ward(s) & Ward Councillors

All

### Property

Not at this stage.