



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

29th NOVEMBER 2022

**COMMENCEMENT OF THE AUTHORITY'S REVIEW OF THE LOCAL
FLOOD RISK MANAGEMENT STRATEGY AND ACTION PLAN**

**REPORT OF DIRECTOR OF FRONTLINE SERVICES IN DISCUSSIONS
WITH THE RELEVANT PORTFOLIO HOLDER; THE LEADER OF THE
COUNCIL; CLLR ANDREW MORGAN.**

AUTHOR(s): Andrew Stone, Head of Flood Risk Management and Strategic
Projects
Catrin Evans, Flood Risk Management Officer

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to advise members of the requirements to review and produce a revised Local Flood Risk Management Strategy and Action Plan (formerly known as a Flood Risk Management Plan), as required under Section 10 of the Flood and Water Management Act (FWMA) 2010.
- 1.2 The Report will further advise members of the program of work required to deliver the review of the LFRMS and Action Plan, in accordance with the statutory timeframe stipulated by Welsh Government.

2. RECOMMENDATIONS

- 2.1 To commence the review of the Local Flood Risk Management Strategy and Action Plan.
- 2.2 To note the indicative timescales, actions and reports being brought to Cabinet and Climate Change, Frontline Services & Prosperity Scrutiny Committee in Appendix 1.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The review of the Local Flood Risk Management Strategy and Action Plan meets the requirements under Section 10 of the Flood and Water Management Act 2010.

4. BACKGROUND

- 4.1 Following the significant flooding in England and Wales in 2007, the UK government appointed Sir Michael Pitt to undertake an independent and detailed review of flood risk management in England. Pitt's recommendations were wide ranging and recognized the public did not understand nor particularly care what type of flooding they were suffering. He also noted that they were not bothered which organisation took the lead in dealing with the flooding as long as someone acted in order to prevent its reoccurrence.

- 4.2 The Flood and Water Management Act 2010 came into force in April 2010, generally incorporating Pitt's recommendations.

- 4.3 Under the Act, the Council has been given the additional responsibility of dealing with flooding from local sources (ordinary watercourse, surface water and groundwater) as the Lead Local Flood Authority (LLFA).

- 4.4 Under Section 10 of the Act, RCTCBC must "develop, maintain, apply and monitor a strategy for local flood risk management". RCTCBC must:

- ensure the strategy is consistent with the National Strategy
- consult other risk management authorities and the public on the LFRMS
- publish a summary of its LFRMS
- consider issuing guidance about the application of the LFRMS
- submit a draft of the LFRMS to the Welsh Ministers for review

Welsh Government (WG) may approve with or without modification or reject it.

5. NATIONAL STRATEGY

- 5.1 The second iteration of the National Strategy on Flood and Coastal Erosion Risk Management (FCERM), replacing the 2011 version, was published by the Welsh Ministers in October 2020¹.

¹ [National Strategy for Flood and Coastal Erosion Risk Management in Wales \(English\) \(gov.wales\)](https://www.gov.wales)

- 5.2 The aim of the National Strategy is to '*reduce the risks to people and communities from flooding and coastal erosion*'. To facilitate the overarching aim, the strategy sets out 5 core objectives which require the following:
1. Improving our understanding and communication of risk
 2. Preparedness and building resilience
 3. Prioritising investment in the most at risk communities
 4. Preventing more people becoming exposed to risk
 5. Providing an effective and sustained response to events
- 5.3 The publication of the National Strategy for FCERM in Wales triggers the requirements under Section 10 (5) of the FWMA 2010 for the Council as LLFA to review its current LFRMS and publish a revised version within 2 years of the National Strategy publication. It has been advised by the WG, however, that the date for publication of the revised LFRMS is October 2023.
- 5.4 At the time of writing, the Welsh Local Government Association (WLGA) has suggested that due to delays in the production of Natural Resources Wales's updated Flood Risk Assessment Wales dataset and WG guidance, the publication date for the LFRMS and Action Plan may be delayed to March 2024.
- 5.4 The revised LFRMS must be consistent with the objectives outlined within the updated National Strategy.

6. THE LOCAL FLOOD RISK MANAGEMENT STRATEGY

- 6.1 RCTCBC published their initial LFRMS in January 2013² in accordance with Section 10 of the FWMA 2010. The LFRMS defines who the Risk Management Authorities (RMA) are, what their function is and what their responsibilities are. The strategy further identifies the Local Objectives and Measures being implemented for the short, medium and long term to manage flood risk from local sources (ordinary watercourses, surface water and groundwater) within the authority.
- 6.2 RCTCBC is also required to produce a Flood Risk Management Plan (FRMP), under the 2009 Flood Risk Regulations. RCTCBC published their FRMP in November 2015³ in accordance with Flood Risk Regulations 2009. The FRMP developed the objectives and high-level actions outlined in our 2013 LFRMS into a detailed plan for managing local flood risk in our communities.

² [Local Flood Risk Management Strategy, January 2013](#)

³ [Flood Risk Management Plan, November 2015](#)

- 6.3 To assist LLFAs when producing their revised LFRMS and to provide clarity and consistency across Local Strategies produced in Wales, the WLGA have, in consultation with a focus group of Local Authorities including this council, prepared a LFRMS template and guidance.
- 6.4 The general structure of the LFRMS will be as follows:
1. Introduction
 2. How the strategy responds to climate change
 3. Coordination with other strategic plans, key stakeholders / RMAs
 4. Roles and responsibilities for managing flood risk in RCT
 5. Strategic Objectives for Managing Flood Risk in RCT
 6. What is the risk of flooding in RCT?
 7. Funding and Prioritisation
 8. Flood Measures
 9. Flood Action Plan
 10. Environmental assessments
 11. Monitoring Progress
- 6.5 At the time of the writing, the updated guidance on the structure of the LFRMS has not yet been published by the Welsh Government. Whilst the Council previously published the LFRMS and FRMP separately, the guidance will likely outline that the revised LFRMS will consolidate the two documents into one single document. This will reduce complexity and enable the LLFA to communicate and manage local flood risk more effectively.
- 6.6 It has been established that the LFRMS requires a Strategic Environmental Assessment (SEA) and a Habitat Regulations Assessment (HRA). These will be developed alongside the LFRMS.
- 6.7 An initial non-statutory “initial public Consultation” via a questionnaire will be published prior to the drafting of the revised LFRMS; however, the Draft LFRMS and accompanying environmental reports (SEA and HRA) will require an additional statutory 6-week consultation. The initial public consultation will identify what is important for the constituents of RCT.
- 6.8 A high-level programme and timeline for the implementation of the review of the LFRMS and Action Plan is included in Appendix 1 and reflects the current known completion date of October 2023. However, as stated in 4.4 there are continuing delays to some essential information that may push this back the required completion date to March 2024.

7. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

- 7.1 An Equality and Socio-Economic Impact Assessment screening form will be prepared alongside the drafting of the LFRMS and the associated statutory consultation.

8. WELSH LANGUAGE IMPLICATION

- 8.1 A Welsh Language Impact Assessment (WLIA) will be prepared alongside the drafting of the LFRMS and the associated statutory consultation.

9. CONSULTATION / INVOLVEMENT

- 9.1 It is a requirement of the Flood and Water Management Act 2010 for the LLFA to consult on the LFRMS and accompanying environmental documents (SEA and HRA) with the public and risk management authorities that may be affected by the strategy.
- 9.2 An initial non-statutory “initial public consultation” via a questionnaire will also be published prior to the drafting of the LFRMS.

10. FINANCIAL IMPLICATION(S)

- 10.1. The costs associated to the review of the LFRMS and Action Plan, and to facilitate the consultations, is supported by Revenue grant funding provided by the WG.
- 10.2 The measures and actions placed as part of the LFRMS and Flood Action Plan will incur costs over the life cycle of the LFRMS. In developing the LFRMS and Action Plan, the costs and benefits of the measures and actions will be reviewed as part of the drafting process and submitted to Cabinet for approval as part of report for Draft LFRMS, SEA & HRA, Appendix 1 item 8.

11. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 11.1 There are legal implications, and the relevant legislation has been considered in Section 4-6.

12. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 12.1 The development of the LFRMS will identify how the detailed flood risk objectives, measures and actions align with local policies such as the Council's Corporate Plan "Making a Difference" 2020-2024, the Council's former LFRMS and FRMP produced in 2013 and 2015, respectively and reflect the sustainable development principles of the Well-being for Future Generations Act and will contribute to all seven national goals.
- 12.2 The development of the LFRMS will also identify opportunities to align with emerging local policies such as the Council's revised Local Development Plan and the Council's Tackling Climate Change Strategy.

13. CONCLUSION

- 13.1 Since the adoption of our LFRMS in 2013, RCTCBC has been subject to significant rainfall and widespread flooding. This includes the storm events of February 2020, which saw over 1500 properties flooded, damages to critical highway and drainage infrastructure and major disruption to the communities of RCT.
- 13.2 Following the publication of the Welsh Government's National Strategy on FCERM in October 2020, triggering the requirement under S10 of the FWMA for the Council as LLFA to review and update its LFRMS, there is now a huge opportunity within this review to set a sustainable strategy to manage flood risk and build resilience and facilitate adaptation for future generations. This will be progressed over the next 12-18 months.
- 13.3 Although the review of the LFRMS is a statutory requirement, there is significant opportunity to review the current LFRMS alongside development of the revised Local Development Plan and the Council's Tackling Climate Change Strategy to ensure a cohesive response to the future challenges presented by increasing flood risk due to climate change.

Other Information: -

Relevant Scrutiny Committee

Contact Officer

Appendix 1: High-level Programme & Timeline

ID	Task Name	Description	Timescale
1	Report to SLT/Cabinet - Commencement of the Authority's revised Local Flood Risk Management Strategy & Action Plan	To advise members of the requirements to produce a revised LFRMS and Action Plan, as required under Section 10 of the Flood and Water Management Act 2010, and to acknowledge the commencement of the revised LFRMS and Action Plan.	Oct – Nov 2022
2	Initial Public Consultation for the LFRMS (non-statutory)	The initial public consultation for the LFRMS is intended to understand what key themes the public want the revised LFRMS to focus and improve on. The consultation will also provide the LLFA with an understanding of the public's perception of flood risk in RCT. The consultation period will last 4-6 weeks.	Dec – Jan 2023
3	Consider consultation responses	The responses received by the public will help inform the drafting of the revised LFRMS and Action Plan.	Jan 2023
4	Draft LFRMS & Action Plan	The drafting of the revised LFRMS and Action Plan	Jan – Apr 2023
5	Scoping Report for Strategic Environmental Assessment (SEA)	The drafting of the revised SEA	Jan – Apr 2023
6	Habitats Regulations Assessment (HRA)	The drafting of the revised HRA	Jan – Apr 2023
7	Report to Climate Change, Frontline Services & Prosperity Scrutiny Committee	To provide the committee with an overview of the consultation responses and show how they will be included in the Draft LFRMS	March- April 2023
8	Report to Cabinet for Approval for Draft LFRMS, SEA & HRA	To commence formal statutory consultation on the Draft Local Flood Risk Management Strategy, the Environment Report and the Habitats Regulations Assessment.	May – Jun 2023
9	Statutory Public Consultation on Draft LFRMS, SEA, HRA & EIA	Following approval from Cabinet, the draft LFRMS and Action Plan, along with accompanying documents, will be published for statutory consultation for a period of 6 weeks.	Jun – Jul 2023

Appendix 1: High-level Programme & Timeline (Continued)

ID	Task Name	Description	Timescale
10	Consider consultation responses	The responses received inform the re-drafting of the revised LFRMS and Action Plan (if required).	Jul 2023
11	Final LFRMS, SEA, HRA & EIA	Complete the final LFRMS and accompanying documents.	Aug 2023
12	Report to Cabinet for Approval for Final LFRMS, SEA, HRA, EIA	To adopt the LFRMS and to submit the LFRMS and accompanying reports to the WG for Ministerial approval.	Sep – Oct 2023
13	Submit Final LFRMS for Welsh Government approval	Submit the LFRMS and accompanying reports to the WG for Ministerial approval.	Oct 2023
14	Publish Final LFRMS	Publish LFRMS onto the Council's website.	Oct 2023
15	Potential revised publication date for final LFRMS	Revised date for submission and publication of final LFRMS	Mar 2024

Note: that due to the non-published WG guidance and the potential for an extension by WG to March 2024 the high level programme & timescales may need to be flexible. This will be reported in all future reports to Cabinet.