

**North Yorkshire County Council**  
**Business and Environmental Services**

**Executive Members**

**23 July 2021**

**Introduction of a Flood Risk Management (FRM) Reactive Budget for minor works**

**Report of the Assistant Director – Highways and Transportation**

**1.0 Purpose of Report**

- 1.1 To seek the approval of the Corporate Director Business and Environmental services (BES), in consultation with Cllr Don Mackenzie, Executive Member for Access, for the establishing of a reactive budget for low value flood mitigation works, which where appropriate would see works agreed by officers, following flood investigation.

**2.0 Background information**

- 2.1 In its capacity as Lead Local Flood Authority (LLFA) NYCC has a statutory duty, under the Flood and Water Management Act 2010 to investigate reported flood incidents.
- 2.2 When an investigation is undertaken, locations are given a score against the criteria approved by the Corporate Director, in consultation with BES Executive members in January 2018. This determines their prioritisation in the existing flood risk management programme.
- 2.3 Often however, a number of locations score similarly low scores given they each involve a relatively small number of properties affected by a flood event. These locations are unlikely to ever be prioritised as part of the flood risk programme, unless there exists an opportunity to “group” them, according to geography, a certain characteristic, or the impacts of a specific flood event, as is the case in the Dales, Aire and Rye villages which are presently on the programme. This is in line with the North Yorkshire Flood Risk Strategy.
- 2.4 In grouped projects presently being delivered, where feasibility work has been undertaken it is clear that the most typical cost- beneficial way of providing mitigation is to provide property level protection (PLP) to the individual households/businesses impacted.
- 2.5 In some locations however a relatively low spend (<£10k) could offer a level of mitigation to the risk, without providing PLP. The spend required would not justify feasibility work or business cases being prepared as this in itself would be disproportionately costly, however the measures may have the ability to reduce risk and prevent significant damages in the location in future years.
- 2.6 It is therefore proposed to establish the opportunity for officers to utilise a reactive budget, taken from the existing Flood Risk Management annual revenue budget, for locations where it is considered the spend is in the public interest.

### **3.0 Proposed criteria for reactive spend**

- 3.1 It is proposed that capital funding, drawn from the annual flood risk base budget is made available for works, to the value of up to £10k if the following criteria is satisfied:
- In locations where there are two or more properties at risk or where repeated internal flooding of habitable property has occurred
  - Where there is a clear affordable mitigation opportunity, other than property level resilience, which could offer mitigation to those impacted, without the inhibitive costs of feasibility work or option appraisal.
  - Work relates to the modification or improvement of NYCC maintained assets or land, or relates to third party assets where a clear maintenance/operation agreement can be reached with the third party accepting future responsibility for the provision.
- 3.2 Given that PLP is always an option as a flood mitigation, it is not proposed to offer the reactive budget for minor works as a reactive measure at individual property level. This would be reserved as an option for delivery as part of the wider flood risk programme, to be delivered when there is no other feasible, affordable option available for those higher priority communities, where its application affords a greater wider economic benefit.
- 3.3 Advice on PLP is offered as standard by the team, so that property owners can consider whether this is something they would wish to pursue independently.
- 3.4 It is proposed to budget for a spend of up to £50k in any given financial year. If this is exhausted, locations could be rolled forwards and forecasted in the budget for the next financial year.
- 3.5 Based on sound experience of the findings of previous investigations, of which over 200 have been undertaken in specific locations since 2012, the team considers that the £50k annual budget would be appropriate to cover where the circumstances described arise and therefore the pot would be unlikely to be frequently exhausted on an annual basis.
- 3.6 The opportunity to provide low cost reactive measures would also give more focus to investigations and more opportunity for officers to provide tangible outcomes from this statutory process for impacted communities in North Yorkshire.
- 3.7 The process would complement the existing criteria for the undertaking of formal investigation under section 19 of the Flood and Water Management Act 2010 and could be drawn on as a result of section 19 investigation or the formal investigation may realise additional requirements for larger scheme development.

### **4.0 Equalities implications**

- 4.1 A Full Equalities Impact Assessment is included in Appendix Two.
- 4.2 The Assessment finds that the proposals will have no heightened effect upon any protected characteristic or combination of protected characteristics.

### **5.0 Financial implications**

- 5.1 The annual base budget for lead local flood authority work is £820k. The team also receives grant from the EA to part fund the levy contribution of approximately £55k.

- 5.2 There is presently £1,415,453 in the flood risk reserve, the agreed FRM programme for this financial year require funds to be drawn from the reserve, due to the value of work within the programme.
- 5.3 It is proposed to incorporate the £50k reactive spend into future capital expenditure against the annual base budget.
- 5.4 As schemes within the flood risk management programme progress and when the reserve is exhausted, third party funding would be sourced for any projects which were not affordable within the NYCC indicative contribution. The team has successfully applied for funding over the past few years from funders including the LEP, EA, RFCC, DEFRA and also from other Risk Management Authority partners.

## **6.0 Legal implications**

- 6.1 North Yorkshire County Council has permissive powers under both Section 14A of the Land Drainage Act 1991 to undertake work to mitigate surface water flooding or groundwater flooding and to undertake works to ordinary watercourses.
- 6.2 Under the County Council's Constitution, the Corporate Director BES has delegated powers to exercise all functions of the Council as Lead Local Flood Authority under the Flood and Water Management Act 2010 and the Land Drainage Act 1991, including (but not limited to) the granting (or otherwise) of land drainage consents for ordinary watercourses.
- 6.3 This report seeks to implement a reactive budget for undertaking works in circumstances where flood risk works would be affordable and proportionate to undertake utilising the County Council's revenue budget, but where feasibility work and options appraisal would be disproportionate to the anticipated spend.

## **7.0 Climate Change Implications**

- 7.1 A Climate Change Impact Assessment is included as Appendix Two of this report. The report relates to the introduction of a reactive budget for low cost flood mitigation works, where opportunity exists, as determined by a set criteria.
- 7.2 Flood mitigation offers positive benefits to resilience to future climate change projections and can offer secondary water quality and environmental benefits if delivered sympathetically. Overall the proposals are anticipated to have a positive impact upon climate change.

## **8.0 Recommendation**

- 8.1 It is recommended that the Corporate Director BES, in consultation with Cllr Don Mackenzie, Executive Member for Access, approves the introduction of a reactive budget for low value flood mitigation works which can be administered and applied by officers following flood investigation in the way described in this report.

BARRIE MASON  
Assistant Director - Highways and Transportation

Author of Report: Emily Mellalieu

Background Documents: Flood Incident Review Protocol

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
<b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b>			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	Flood risk management reactive small works budget		
<b>Officer(s) carrying out screening</b>	Emily Mellalieu		
<b>What are you proposing to do?</b>	Introduce an annual reactive budget for flood mitigation, where affordable measures are identified, following flood investigation		
<b>Why are you proposing this? What are the desired outcomes?</b>	To permit flood mitigation solutions to be delivered, in locations where costs of feasibility work and business case preparation would be inhibitive yet where an affordable solution exists.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	The report seeks to allocate a maximum of £50k per annum towards reactive flood works from the flood risk management base revenue budget.		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
<b>NYCC additional characteristic</b>			
People in rural areas		No	

People on a low income		No	
Carer (unpaid family or friend)		No	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No.		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	X	Continue to full EIA:
<b>Reason for decision</b>	The report has not identified any issues which would adversely impact upon any protected characteristic. The work is related to the environment given that it is related to flood risk so would not have the potential to impact more severely on any group or characteristic.		
<b>Signed (Assistant Director or equivalent)</b>	Barrie Mason		
<b>Date</b>	12 July 2021		



## Climate Change Impact Assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	<b>Flood risk management delivery programme</b>
<b>Brief description of proposal</b>	<b>Introduce an annual reactive budget for flood mitigation, where affordable measures are identified, following flood investigation, to permit flood mitigation solutions to be delivered, in locations where costs of feasibility work and business case preparation would be inhibitive yet where an affordable solution exists.</b>
<b>Directorate</b>	<b>BES</b>
<b>Service area</b>	<b>Network Strategy</b>
<b>Lead officer</b>	<b>Emily Mellalieu</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>D Hugill</b>
<b>Date impact assessment started</b>	<b>05/07/2021</b>

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

n/a

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposal seeks to commit a portion of the existing flood risk management base revenue budget to reactive works, to enable proportionate delivery without the requirement for feasibility works and options appraisal, the costs of which may be disproportionate and inhibitive.

<p>How will this proposal impact on the environment?</p> <p><b>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		X		n/a	n/a	
	Emissions from construction		X		<b>Projects may require construction however this will be low level, low cost works by nature of the budget and will give wider flood mitigation benefits in the long term.</b>	n/a	
	Emissions from running of buildings		X		As above	n/a	
	Other		X			n/a	
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			X			n/a	
Reduce <b>water</b> consumption			X		As above	n/a	

APPENDIX 2

<p>How will this proposal impact on the environment?</p> <p><b>N.B.</b> There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>Changes over and above business as usual</li> <li>Evidence or measurement of effect</li> <li>Figures for CO<sub>2</sub>e</li> <li>Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>	X			<p>Flood mitigation projects can have positive secondary impacts on water quality.</p>	n/a	<p>Partnership working with responsible organisations to maximise shared benefits</p>
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			<p>Flood risk mitigation is aimed to increase resilience to flood events which are projected to increase with the changing climate</p>	n/a	<p>To ensure projects and modelling/feasibility consider the impacts of climate change and include future expected rainfall patterns.</p>
<p>Enhance <b>conservation</b> and wildlife</p>		X		<p>As above</p>	n/a	

<p>How will this proposal impact on the environment?</p> <p><b>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X		<p>All projects will consider the character of the location in which they are delivered.</p>	n/a	
<p>Other (please state below)</p>		X		<p>As above</p>		

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

Working near watercourses. SuDS guidance

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The report relates to the introduction of a reactive budget for low cost flood mitigation works, where opportunity exists as determined by a set criteria. Flood mitigation offers positive benefits to resilience to future climate change projections and can offer secondary water quality and environmental benefits if delivered sympathetically. Overall the proposals are anticipated to have a positive impact upon climate change.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Emily Mellalieu</b>
<b>Job title</b>	<b>Development Management Team Leader</b>
<b>Service area</b>	<b>H&amp;T -Network Strategy</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>E Mellalieu</b>
<b>Completion date</b>	<b>05/07/2021</b>

**Authorised by relevant Assistant Director (signature):** Barrie Mason

**Date:** 12/07/21