

North Yorkshire County Council
Business and Environmental Services

Executive Members

20 August 2021

National Review of the Flood Risk Management Plans (FRMP2) and local review of the North Yorkshire Flood Risk Strategy

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To inform the Corporate Director, BES, in consultation with County Councillor Don Mackenzie, Executive Member for Access, of the second nationwide review of Flood Risk Management Plans (“FRMP2”) and to seek approval for the North Yorkshire Specific Priorities for the next plan period, in North Yorkshire County Council’s role as Lead Local Flood Authority.
- 1.2 To seek approval of the Corporate Director, BES, in consultation with County Councillor Don Mackenzie to commence a review of the North Yorkshire Flood Risk Strategy to align with the introduction of the new FRMP.

2.0 Background information

- 2.1 The Flood Risk Regulations 2009 (FRR 2009) transposed the EU Floods Directive into English and Welsh law and continue to apply now that we have left the European Union. They set out a process for preparing, reviewing and updating flood risk management plans (FRMPs) over a six year planning cycle. The planning cycle starts with a preliminary flood risk assessment and the identification of flood risk areas following ministerial guidance, followed by flood risk and hazard mapping and finally FRMPs.
- 2.2 The first planning cycle ran from 2009-2015, with the first FRMPs published in England in 2016 (these contain measures for the period 2015-2021). The current FRMPs are published on GOV.UK.
- 2.3 The second cycle of planning runs from 2016-2021. The EA must review and update revised FRMPs at least every six years. Second cycle FRMPs will contain measures for the period 2021-2027.
- 2.4 The national flood and coastal erosion risk management (FCERM) strategy says:
- "Flood risk management plans (under the Flood Risk Regulations 2009) describe current and future risk of flooding from rivers, the sea, surface water, groundwater and reservoirs, including specific actions to manage risk. The first cycle of plans for 2015 to 2021 were developed in partnership with the Environment Agency, lead local flood authorities and water and sewerage companies. The second cycle of flood risk management plans will set out specific actions between 2021 and 2027 and encourage authorities to start to take an adaptive approach to strategic flood risk planning using the 2018 UK climate change projections".

- 2.5 The statutory obligation in the FRR 2009 requires the Environment Agency and lead local flood authorities (LLFAs) to prepare FRMPs for the flood risk areas (FRAs) identified in the preliminary flood risk assessment (PFRA) stage of the planning cycle. For the second cycle of FRR 2009 obligations there are both FRAs for river and sea flooding and surface water flooding.
- 2.6 There are no FRA for river and sea flooding or FRAs for surface water flooding identified in North Yorkshire in the 2017 PFRA. The dispersed and rural nature of communities in North Yorkshire means that the flood risk in any specific community is relatively low, in comparison to other authorities nationally or even regionally, so it is not appropriate to introduce any FRA's as part of this review.

3.0 Next steps

- 3.1 Whilst there is no FRA in North Yorkshire, NYCC officers have nevertheless been encouraged to work with the Environment Agency to identify measures for both FRMPs and River Basin Management Plans (RBMP)s that deliver multiple benefits for people, places and nature as part of this process.
- 3.2 The measures proposed for North Yorkshire as a result of these collaborative officer workshops with the EA are as follows.
1. Continue to work with the local communities, to increase their understanding and preparedness of flooding in North Yorkshire
 2. Continue to use investigations of sources of flooding collaboratively to inform future capital and revenue programming in North Yorkshire
 3. Continue to deliver targeted modelling studies in North Yorkshire
 4. Enhance the flood forecasting system, using the latest evidence and modelling in North Yorkshire
 5. Continue to identify opportunities to improve flood resilience in North Yorkshire
 6. Work with communities, landowners and businesses to inform of the maintenance responsibilities relating to flood risk assets in North Yorkshire
 7. Continue to update and refresh the North Yorkshire Flood Risk Strategy in North Yorkshire
 8. Work in partnership with Risk Management Authorities (RMAs) and other organisations to explore flood risk improvement options that also have environment and socio economic benefits in North Yorkshire
 9. Improve the understanding of catchment wide flood mechanisms and management opportunities in North Yorkshire
- 3.3 These are based on the existing 2016 North Yorkshire Flood Risk Strategy and the agreed approach to identifying and programming schemes and are also complementary to the Environment Agency's priorities and work. The actions have been rationalised from the previous, but have been significantly reduced to give a more targeted and it is considered that they better reflect the direction of work of both the Environment Agency and NYCC in its capacity as LLFA.
- 3.4 During Summer 2021 public consultation on the draft FRMPs goes live for three months, and the review is due to be completed by 22 December 2021
- 3.5 There is an opportunity to align the measures in FRMPs with the implementation of other plans and strategies such as local flood risk management strategies. The present North Yorkshire Flood Risk Strategy was published in 2016 and it is consequently considered an appropriate time to commence work to review the strategy, to bring it into line with developments in flood risk management.

4.0 The North Yorkshire Flood Risk Strategy

4.1 The present North Yorkshire Flood Risk Strategy is available on the NYCC website at the following link: <https://www.northyorks.gov.uk/flood-and-water-management>

4.2 The main changes to the flood risk management picture since the introduction of the strategy are as follows:

- The present national FRMP2 review
- Review and publication of the national EA strategy in 2019, with an increased emphasis on increasing resilience
- The introduction of the NYCC flood prioritisation criteria in 2018
- The Publication of a total of twelve formal section 19 investigation reports, following flood events in North Yorkshire, which have informed the priority locations for flood works in the NYCC LLFA programme.

4.3 It is therefore considered that the FRMP2 provides a timely opportunity to review and refresh the existing strategy. This will include working with other Risk Management Authorities, to review the existing strategy and update the associated action plan, with a view to opening consultation early in 2022 and publishing in April 2022.

4.4 This report seeks approval for the commencement of this work, to inform a draft document which will be presented to the Corporate Director, BES, in consultation with County Councillor Mackenzie, Executive Member for Access, for consideration, prior to publication for public consultation. The adoption of the strategy will be the subject of an Executive decision and then formal adoption via a meeting of the County Council.

5.0 Equalities implications

5.1 A Full Equalities Impact Assessment is included in Appendix Two.

5.2 The Assessment finds that the proposals will have no heightened effect upon any protected characteristic or combination of protected characteristics.

6.0 Financial implications

6.1 It is proposed to undertake the review using existing resource in the Development Management Team.

6.2 The review will focus on ensuring the strategy reflects present policy and direction of flood risk management work in North Yorkshire.

6.3 Working practices associated with the delivery of flood risk management have refined significantly since the introduction of the Flood and Water Management Act 2010 and processes and policies supporting how work is delivered in North Yorkshire are now well established. It is consequently not expected that the review will radically amend business as usual for NYCC.

6.4 A further report will be brought to the Corporate Director, BES, in consultation with County Councillor Don Mackenzie, Executive Member for Access, to seek approval for the publication of the consultation version of the refreshed strategy prior to its formal adoption. This report will highlight any financial implications arising for NYCC.

6.5 There are therefore no financial implications at this stage of the process arising from this report, except for staff time which can be met from existing resources within the directorate.

7.0 Legal implications

7.1 Flood Risk Regulations 2009 (FRR 2009)

7.2 The statutory obligation in the FRR 2009 requires the Environment Agency and lead local flood authorities (LLFAs) to prepare FRMPs for the relevant flood risk areas (FRAs) identified in the preliminary flood risk assessment (PFRA) stage of the planning cycle. The EA is required to undertake its first review of the FRMP by 22nd December 2021 and following that at intervals of no more than 6 years.

7.3 There are no relevant flood risk areas identified by NYCC as the LLFA following the preliminary flood risk assessment in 2017 and therefore no requirement for a local FRMP to have been produced.

7.4 The LLFA is under a duty to cooperate with the EA in exercising any functions under the FRR 2009 which includes its review of the FRMP.

7.5 Flood & Water Management Act 2010 (FWMA 2010)

7.6 Section 9 of the Flood and Water Management Act 2010 requires the LLFA for an area in England to develop, maintain, apply and monitor a strategy for local flood risk management in its area (a “local flood risk management strategy”).

7.7 “Local flood risk” is defined as flood risk from surface runoff, groundwater, and ordinary watercourses.

7.8 The LLFA must consult other risk management authorities that may be affected by the strategy, and the public in the production of its strategy, and publish a summary of the strategy.

8.0 Climate Change Implications

8.1 A Climate Change Impact Assessment is included as Appendix Two of this report.

8.2 The report relates to the review of both the national FRMP2, and the North Yorkshire Flood Risk Strategy. As this will set the strategic direction and priorities for flood mitigation, it is expected that it will offer positive benefits to resilience and future climate change projections. It will be undertaken in a considerate way towards opportunities for offering secondary water quality and environmental benefits. Overall the proposals are anticipated to have a positive impact upon climate change.

8.0 Recommendations

- 8.1 It is recommended that the Corporate Director, BES, in consultation with County Councillor Don Mackenzie, Executive Member for Access, approves:
- I. The measures for North Yorkshire to be included in the FRMP2
 - II. The progression of work to refresh the existing North Yorkshire Flood Risk Strategy

BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: Emily Mellalieu

Background Documents: North Yorkshire Flood Risk Strategy
National FRMP

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records and 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.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	National Review of the Flood Risk Management Plans (FRMP2) and local review of the North Yorkshire Flood Risk Strategy		
Officer(s) carrying out screening	Emily Mellalieu		
What are you proposing to do?	Agree to North Yorkshire priorities to be included in the national FRMP2 and to commence work to refresh the NY flood risk strategy accordingly.		
Why are you proposing this? What are the desired outcomes?	The FRMP2 is a statutory review being undertaken by the Environment Agency. There is no statutory duty on NYCC to be part of this work as there is no active Flood risk area in NY, however setting priorities demonstrates the LLFA commitment to proactive flood risk management.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
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 Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
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	
NYCC additional characteristic			

People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:
Reason for decision	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.		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	09/08/2021		



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

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 for advice.

Title of proposal	National Review of the Flood Risk Management Plans (FRMP2) and local review of the North Yorkshire Flood Risk Strategy
Brief description of proposal	To include local measures affecting North Yorkshire to be included in the national FRMP2 and to commence work to review the existing North Yorkshire Flood Risk Strategy.
Directorate	BES
Service area	Network Strategy
Lead officer	Emily Mellalieu
Names and roles of other people involved in carrying out the impact assessment	D Hugill
Date impact assessment started	22/07/2021

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 The FRMP2 is part of a national statutory process undertaken by the Environment Agency. NYCC in its capacity as Lead Local Flood Authority has a statutory responsibility to produce and update a flood risk strategy addressing local flood risk.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?
 Cost neutral. This will be undertaken using existing officer resource.

<p>How will this proposal impact on the environment?</p> <p>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.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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 greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>X</p>			<p>n/a</p>	<p>n/a</p>	
	<p>Emissions from construction</p>	<p>X</p>			<p>As above</p>	<p>n/a</p>	
	<p>Emissions from</p>	<p>X</p>			<p>As above</p>	<p>n/a</p>	

APPENDIX 2

<p>How will this proposal impact on the environment?</p> <p>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.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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>running of buildings</p>						
<p>Other</p>		X		<p>As above</p>	<p>n/a</p>	
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		<p>As above</p>	<p>n/a</p>	
<p>Reduce water consumption</p>		X		<p>As above</p>	<p>n/a</p>	
<p>Minimise pollution (including air, land, water, light and noise)</p>	X			<p>Flood mitigation projects can have positive secondary impacts on water quality.</p>	<p>n/a</p>	<p>Partnership working with responsible organisations to maximise shared benefits</p>
<p>Ensure resilience 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>	<p>n/a</p>	<p>To ensure projects and modelling/feasibility consider the impacts of climate change and include future expected rainfall patterns.</p>

<p>How will this proposal impact on the environment?</p> <p>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.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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>Enhance conservation and wildlife</p>	X			<p>Sympathetically delivered actions can have a positive impact.</p>	n/a	<p>Positive partnership engagement through catchment management arrangements.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</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>		

<p>Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.</p>
<p>Working near watercourses. SuDS guidance</p>

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 review of both the national FRMP2 and North Yorkshire Flood Risk Strategy. As this will set the strategic direction and priorities for flood mitigation it is expected that it will offer positive benefits to resilience and future climate change projections. It will be undertaken in a considerate way towards opportunities for offering secondary water quality and environmental benefits. Overall the proposals are anticipated to have a positive impact upon climate change.

Sign off section

This climate change impact assessment was completed by:

Name	Emily Mellalieu
Job title	Development Management Team Leader
Service area	H&T Network Strategy
Directorate	BES
Signature	E Mellalieu
Completion date	22/07/2021

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 09/08/2021