

[Cabinet Report author's guidance \(2022-23\)](#)

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Title of Report	Flood Risk Management Plan measures 2021-2027		
Key Decision No	CHE S153		
For Consideration By	Cabinet		
Meeting Date	12 December 2022		
Cabinet Member	Cllr Mete Coban, Cabinet member for environment and transport		
Classification	Open with Exempt Appendix		
Ward(s) Affected	All wards		
Key Decision & Reason	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Yes</td> <td>Significant in terms of its effects on communities living or working in an area comprising two or more wards</td> </tr> </table>	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards
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Implementation Date if Not Called In	12 December 2022		
Group Director	Rickardo Hyatt, Group Director for Climate, Homes and Economy		

1. Cabinet Member's introduction

- 1.1. The Council has recognised that there are significant problems with climate change and have declared a Climate Emergency. Global warming results in more extreme weather conditions, including greater and more intensive rainfall.
- 1.2. The Council as a Lead Local flood authority has a statutory duty to respond to this both strategically and locally in the way we respond to flooding events.
- 1.3. The Council has a Flood response protocol, led by the Emergency & Planning Team setting out how the Council's services would respond to flooding incidents. A 'model' report was agreed between Gold and Silver for the October 2021 flooding incident and has been promoted to all Silver Commanders to use as a template for more serious incidents.

1.4. However, the focus of this report is the Council's strategic response to its statutory duties and particularly seeking approval for 11 measures to be agreed as part of the FRMP as set out in the report.

2. **Group Director's introduction**

2.1. Under the FRR 2009 the Council is required to prepare and publish the Flood Risk Management Plan (FRMP) on a six year cycle.

2.2. The first FRMP planning cycle one (C1) ran from 2009-2015 with the first FRMP published in 2016 containing measures for the period 2015-2021.

2.3. The Environment Agency (EA) and Lead Local Flood Authorities (LLFAs) are required to review and update revised FRMPs every six years. Second cycle (C2) FRMPs contain measures for the period 2021-2027.

2.4. In 2019, the EA asked all LLFAs if they would like to work together on the development of joint FRMPs, like they did for the first cycle. London Borough of Hackney agreed to work with the EA on the latest FRMP.

2.5. The Environment Agency led on the production of the Flood Risk Management Plan and the LLFA will support this FRMP by providing strategic measures specific to the council.

2.6. In 2020, the process of updating the Flood Risk Management Plan (FRMP) Cycle 1 began. Cycle 1 achieved a number of milestones including depaving more than 150 sqm of hardstanding areas and resulted in having more than 2,000sqm+ of surface water runoff draining into a sustainable system instead of the public sewerage pipe network.

2.7. This report is seeking approval of measures agreed with the EA that were then subject to public consultation. The key statutory timelines are noted below:

- March 2016: FRMP Cycle 1 published
- May 2019: Requirements to update the FRMP raised by the EA and review of the FRMP Cycle 1 was carried out
- July 2019: Hackney agreed to work with EA on the update of the FRMP
- July 2020: Hackney Draft FRMP Cycle 2 drawn up for EA's review
- October 2021: EA led public consultation of the draft FRMPs commenced
- Jan 2022: Public consultation of the FRMP Cycle 2 measures concluded

- Jun 2022: EA confirmed no change to the Hackney draft FRMP C2 following consultation and the measures can be brought forward
- July- Oct 2022: Seek internal approval of the FRMP Cycle 2
- Winter 2022: Publication of FRMP Cycle 2

3. **Recommendations**

3.1. **Approval of the Flood Risk Management Plan Cycle 2 measures**

4. **Reason(s) for decision**

- 4.1. Approval of the FRMP Cycle 2 measures would allow the LLFA to set out flood related priorities within the Borough in the next six years.

5. **Background**

Policy Context

- 5.1. London Borough of Hackney has become the Lead Local Flood Authority since the The Flood and Water Management Act 2010 (FWMA) came into effect in October 2010. As part of the responsibilities, the council has produced a number of documents including the surface water management plan and the Local flood risk management strategy to help better manage the increased flood risk.
- 5.2. The Flood Risk Regulations (FRR) 2009 set out the duties regarding producing preliminary flood risk assessments, flood hazard maps and flood risk maps, and flood risk management plans. In addition, it set out the duty of cooperation between the Environment Agency and Lead Local Flood Authority.
- 5.3. These acts and other requirements place a number of duties on the Council under this Lead Local Flood Authority role. The following provides an overview of the flood management framework for Hackney and provides the basis of the FRMP Cycle 2 measures.

Surface Water Management Plan

- 5.4. The [Hackney Surface Water Management Plan](#) was produced in 2011. (Note: There is no requirement to update the SWMP under the Flood and Water Management Act. We have a duty to update the LFRMS and ideally should be undertaken this year but this is subject to funding and resources availability.)

- 5.5. The report identified nine Critical Drainage Areas (CDAs) in Hackney and various areas that may be affected by flooding. The nine CDAs are shown in this [MAP](#) and more details of each in [Appendix A](#).
- 5.6. A Hackney wide Surface Water Flood Risk Map was updated in 2018 as a result of more detailed information became available which included the location of existing gullies and Thames Water networks asset information. The new model was able to incorporate these additional details into the hydraulic modelling compared to the model previously carried out. The updated maps were submitted to the Environment Agency in the same year, in order to update their national surface water flood risk map [database](#).

Sustainable drainage design and evaluation guide 2018

- 5.7. A number of Sustainable Drainage Systems (SuDS) guides have been produced in the UK since 2000, many of which outline the benefits of SuDS, but fail to provide sufficient insight into how design should be approached with SuDS in mind, and with little guidance on the evaluation process for developments. This guide considers design and evaluation of SuDS as complementary. It explains both, from the earliest iteration of Concept Design through to the Detailing stage, in order to successfully integrate SuDS into development. The main objectives of this Design and Evaluation guide are:
- To create a shared vision around SuDS for all involved in design and evaluation.
 - To enable the design and evaluation of SuDS to meet agreed standards.
 - To ensure SuDS are maintainable now and in the future.

Hackney Local Plan 2033 Policy (LP53 Water and Flooding)

- 5.8. Hackney [Local Plan 2033](#) (LP33) is the key strategic planning document used to direct and guide development in the borough up to 2033.
- 5.9. Policy LP53 Water and Flooding specifically considers the planning policy and requirements for developments in flood risk and sustainable drainage terms.

Hackney Local Flood Risk Management Strategy 2016

- 5.10. This is the first [Local Flood Risk Management Strategy](#) produced by the London Borough of Hackney and is a fundamental document in setting out how the Borough, working with its partners and stakeholders, will deal with flood risk.
- 5.11. Hackney Local Flood Risk Management Objectives:

- Adapt and continuously improve knowledge and understanding of the local flood risk to prioritise use of resources.
- Establish and maintain long term partnerships within Hackney Council, other organisations and communities to establish common understanding of roles, responsibilities and expectations.
- Make sustainable policy and planning decisions that are informed by flooding and related environmental issues.
- Maintain, and improve where necessary, local flood risk management infrastructure, the natural environment and related systems to reduce risk in targeted areas.
- Communicate with at risk communities and businesses to collectively understand local risk, share up to date information and work together to manage risk.
- Ensure emergency plans are regularly updated with flood risk information and are exercised with all relevant parties to provide a coordinated preparation, response and recovery.

Flood Risk Management Plan Cycle 2 2021-2027

- 5.12. In 2020, the Flood Risk Management Plan (FRMP) Cycle 1, was required to be updated after six years. Cycle 1 achieved a number of milestones including depaving more than 150 sqm of hardstanding areas and resulted in having more than 2,000sqm+ of surface water runoff draining into a sustainable system instead of the public sewerage piped network.
- 5.13. The Environment Agency (EA) asked each borough in the country to review their measures in Cycle 1 and to produce a Cycle 2 document to consider the management plan for 2021-2027. The draft Hackney FRMP Cycle 2 measures (Draft FRMP measures in [Appendix B](#)) was submitted to the EA for review and comment in 2020. The EA completed a public consultation on the measures that ran from 22 October 2021 to 21 January 2022. The consultation was designed to explain the purpose and overview of the FRMP to the public and how they were developed. The results of the consultation informed the final plans and set out actions to manage flood risk in Hackney for the period between 2021-2027.
- 5.14. The Environment Agency produced a nationwide FRMP and each local authority will be required to provide their own FRMP measures. A copy of the EA draft national overview of the FRMP is available in [Appendix C](#) in which London Borough of Hackney sits under the Thames River Basin District and the draft FRMP is available in [Appendix D](#).
- 5.15. The measures in the FRMP will prepare, review and update the flood management plans over a six year planning cycle.

5.16. The FRMP contains measures of the intent to commit Hackney to tackle flooding in the next six years and better inform everyone of their responsibilities and how to help local residents to become safer.

5.17. The 11 FRMP measures are:

- By 2024, London Borough of Hackney will complete an update of the Local Flood Risk Management Strategy in Hackney to ensure a robust flood risk strategy is in place in the Greater London, Thames Flood Risk Area.
- By 2024, London Borough of Hackney will complete an update of the Multi-Agency Flood Response Plan in Hackney to ensure a robust response plan is in place in case of emergency in the Greater London, Thames Flood Risk Area.
- By 2024, London Borough of Hackney will develop a programme of flood risk management schemes in Hackney to reduce flood risk in a number of critical drainage areas in the Greater London, Thames Flood Risk Area.
- By 2025, London Borough of Hackney will implement a new flood reporting system in Hackney to improve data collection and sharing of information with other risk management authorities in the Greater London, Thames Flood Risk Area.
- By 2027, London Borough of Hackney will deliver the flood risk management schemes outlined in the programme in Hackney to reduce the risk of surface water flooding in high risk areas in the Greater London, Thames Flood Risk Area.
- By 2024, London Borough of Hackney will develop a programme of works to identify possible sites for sustainable drainage systems in Hackney to reduce surface water flood risk to schools and housing estates in the Greater London, Thames Flood Risk Area.
- By 2027, London Borough of Hackney will coordinate the delivery of the works identified in the sustainable drainage systems programme in Hackney to reduce flood risk and deliver wider environmental benefits in schools and housing estates in the Greater London, Thames Flood Risk Area.
- By 2024, London Borough of Hackney will complete a study to identify areas of groundwater flood risk in Hackney to help support sustainable development in the Greater London, Thames Flood Risk Area.
- By 2025, London Borough of Hackney will produce a practice guide on basement developments in Hackney to ensure all future basement developments are resistant and resilient to groundwater flooding in the Greater London, Thames Flood Risk Area.

- By 2024, London Borough of Hackney will work with the London Lea Catchment Partnership to develop a narrative on flood risk and sustainable drainage systems in London Lea Catchment to increase education on flood risk and sustainable drainage in the Greater London, Thames Flood Risk Area.
- By 2027, London Borough of Hackney will work with the London Lea Catchment Partnership to create and deliver a programme of community engagement and education in London Lea Catchment to raise awareness of flood risk in the Greater London, Thames Flood Risk Area.

5.18. The report is seeking the approval of this draft Flood Risk Management Plan measures.

5.19. The statutory obligation in the Flood Risk Regulations (FRR) 2009 requires the Environment Agency and LLFAs to prepare FRMPs for the Flood Risk Areas (FRAs) identified in the preliminary flood risk assessment (PFRA) stage of the planning cycle. The Preliminary Flood Risk Assessment provides a high level overview of flood risk from all sources within a local area, including consideration of surface water, groundwater, ordinary watercourse and canals.

5.20. Flood Risk Areas are areas where the risk of flooding is likely to be significant for people, the economy or the environment (including cultural heritage), this means not just the chance that flooding will occur (the probability), but also the impact or consequence.

5.21. The EA worked with Hackney Council and other LLFAs to review first cycle PFRAs and identify FRAs for the second cycle in 2017/18.

5.22. FRAs have been identified by the EA and the London Borough of Hackney is shown to be included in the indicative FRA.

5.23. The EA asked LLFA's to review the measures in Cycle 1 and to produce a Cycle 2 document to consider the management plan for 2021-2027. The Hackney draft FRMP Cycle 2 was submitted to the EA for review and comment in 2020. The EA completed the public consultation on the measures which ran from 22 October 2021 to 21 January 2022. The consultation was designed to explain the purpose and overview of the FRMP to the public and how they were developed. The results of the consultation have informed the final plans and set out actions to manage flood risk in Hackney for the period between 2021-2027.

5.24. There were three key elements in developing measures for FRMP C2. They had to meet the legal requirements including reviewing the progress against FRMP C1 measures, filter out measures to see if they are suitable for FRMP C2, and the measures are worded so that they are written in a nationally consistent way and map them against the objectives for FRMP C2.

5.25. The measures were developed with key actions to reduce the risk of flooding. Furthermore, there were three objectives that must be met under Flood Risk Regulations while producing the measures. The three objectives are the **Climate resilience places, A nation ready to respond and adapt to flooding and coastal change** and **Today's growth and infrastructure resilient in tomorrow's climate** - the FRR requires that the likelihood of flooding is reduced, and the consequences of flooding for human health, for the environment including heritage and economic activity are minimised.

5.26. The 11 measures set out in 5.17 are the result of discussions with the EA taking into the requirements for the measures and following the outcome of the consultation undertaken by the EA. The recommendation to cabinet is that these are approved

Equality impact assessment

5.27. The Environment Agency undertook an Equality Analysis Screening (Appendix E) for the FRMPs before the consultation which concluded that an Equality Impact Assessment was not required.

Sustainability and climate change

5.28. The FRMP will develop a sustainable drainage system programme to reduce flood risk and deliver wider environmental benefits and support sustainable development in the Borough.

5.29. The FRMP aims to identify and address flood issues at locations where flooding may likely be exacerbated as a result of climate change.

Consultations

5.30. The draft FRMPs for England were published by the EA for public consultation from 22 October 2021 to 21 January 2022. Consultations of the FRMPs are statutory under the FFR.

5.31. During the consultation, the EA asked for the public's views on the draft FRMPs which would inform the final set of plans that set out actions to manage flood risk between 2021-2027.

5.32. The consultation results were collated and analysed by the EA. The EA concluded that the consultation did not impact the draft measures proposed by Hackney and therefore have been agreed with the EA and will be taken forward.

6. Comments of the Group Director of Finance and Corporate Resources.

6.1. This report is seeking approval of Flood Risk Management Plan Cycle 2 measures (Appendix B). The FRR places an additional financial responsibility on local authorities. DEFRA has committed to funding all new net burdens on local authorities resulting from the FWMA and by extension

the FRR. The funds have been allocated based on the individual risk that each local authority has.

- 6.2. The Department for Communities and Local Government (DCLG) provides formula grants to local authorities to support revenue and non-grant eligible expenses; however, these grants are not specifically designated for flood and coastal risk management. In consideration of overall budget restrictions and the requirement to invest in other priorities, the Service will need to decide how much to spend. Priority is given to programmes and areas that will help Hackney's overall flood risk reduction the most.
- 6.3. Additional capital grant will be sought at the Thames Regional Flood and Coastal Committee (TRFCC) to deliver the FRMPs and must be bid for, supported by a business case.
- 6.4. The TRFCC was established by the Environment Agency under the FWMA and is funded in two main ways.
 - Flood Defence Grant in Aid (FDGiA) - money available from the central government (DEFRA) for flood and coastal risk management. The TRFCC decides which proposals will be put forward for FDGiA each spring.
 - Local Levy - the power for the Environment Agency to set a local levy is set out in S17 of the Flood and Water Management Act 2010 and the rules in the Environment Agency (levies)(England and Wales) Regulations 2011. The levy is agreed by the regional RFCCs and the resolution must be agreed by the majority of the local authorities appointed members each autumn.

7. **Comments of the Director of Legal, Democratic and Electoral Services**

- 7.1. The Flood Risk Regulations 2009, set out a Statutory process for flood risk planning. They require the Environmental Agency and Lead Local Flood Authorities to;
 - assess risk from flooding for human health, the economy and environment,
 - decide where risk is significant, and identify these areas as FRA's
 - prepare Maps that show the flood hazard and flood risk in the FRAS
 - prepare FRMPs that set objectives and measures to mitigate the risk in FRA'S.
- 7.2. A Flood Risk Management Plan must include:
 - a) a map showing the boundaries of the flood risk area,

b) a summary of the conclusions drawn from the flood hazard maps and flood risk maps for the area,

c) a description of the proposed timing and manner of implementing the measures for achieving managing the flood risk, including details of the bodies responsible for implementation,

(d) a description of the way in which implementation of those measures will be monitored,

(e) a report of the consultation to the public and statutory authorities listed under the Regulations,

(f) where the person preparing the report thinks it appropriate, information about how the implementation of measures under the flood risk management plan and the river basin management plan for the area will be coordinated.

7.3. The Environment Agency must review a Flood Risk Management Plan prepared under the 2009 Regulations and may recommend modifications. Following a review, a Lead Local Flood Authority may revise its Flood Risk Management Plan. The revised Flood Risk Management Plan must;

a) Take account of the likely impact of climate change on the occurrence of floods,

b) Include an assessment of the progress made towards implementing the measures under the 2009 Regulations and

c) If any measures proposed in the previous Flood Risk Management Plan have not been implemented, include a statement of the reasons why those measures have not been implemented.

7.4. Article 13.5 of the Constitution which authorises Cabinet to determine key decisions, such as the present matter that are significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

Appendices

- [Appendix A - Critical Drainage Areas in Hackney](#)
- [Appendix B - Hackney FRMP Cycle 2 Measures](#)
- [Appendix C - Draft Part A National Overview of Flood Risk Management in England for Second Cycle Flood Risk Management Plans 2021 to 2027](#)
- [Appendix D - Thames River Basin District Draft Flood Risk Management Plan 2021 to 2027](#)

Exempt

- Appendix E - Equality Analysis Screening

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