

1. **Report to Scrutiny Panel**

Name of Scrutiny Panel	Economy and Environment	
Meeting Date	13 April 2011	
Subject	Calderdale Draft Preliminary Flood Risk Assessment	
Wards Affected	All	
Report of	Director, Economy and Environment	
Type of Item (please tick✓)	Review existing policy	
	Development of new policy	
	Performance management (inc. financial)	
	Briefing (inc. potential areas for scrutiny)	✓
	Statutory consultation	
	Council request	
	Cabinet request	
	Member request for scrutiny (CCFA)	

Why is it coming here?

The Council as Lead Local Flood Authority (LLFA) has a duty under the Flood Risk Regulations 2009 (the Regulations) to submit a Preliminary Flood Risk Assessment (PFRA) for Calderdale to the Environment Agency by 22 June 2011.

What are the key points?

The Panel is invited to comment on the draft PFRA and propose amendments for consideration in the final version.

The draft PFRA is amended in accordance with the Panel's comments and the final report circulated to Members of the Panel before submission to the Environment Agency before 22 June 2011.

Possible courses of action

The Environment Agency guidance to LLFAs on the PFRA process advises that local authority Scrutiny panels should be encouraged to carry out a review of the PFRA to ensure it meets the required quality and consistency standards prior to submission to the EA.

Contact Officer

David Turner – Group Engineer (Environment), extension 2926

Should this report be exempt?

No

1. Background

- 1.1. The Flood Risk Regulations, 2009, (the Regulations) transpose the European Union Flood Directive into British law and came into force on 10th December 2009. The Council acquired the status of Lead Local Flood Authority (LLFA) and a number of significant additional duties.
- 1.2. The Council as the LLFA must prepare a Preliminary Flood Risk Assessment (PFRA) to be submitted to the Environment Agency (EA) by 22 June 2011 (for EA publication by 22 December 2011).
- 1.3. The PFRA must identify areas at significant risk of surface water flooding and should include information about ordinary watercourses, surface water and ground water flows, past and future floods and their consequences and anticipated effects of climate change.
- 1.4. Flood risk areas classed as Nationally Significant have been defined by the EA but there are none within Calderdale. The Regulations require LLFAs to produce Flood Hazard Maps (maps showing modelled flooding velocity and depths) and a Flood Risk Management Plan (detailed study of flood risk in a particular location) only if there are nationally significant flood risk areas within a LLFA boundary.
- 1.5. Following on from the PFRA, however, a Flood Risk Management Strategy will have to be prepared in accordance with the Flood and Water Management Act 2010 but the guidance and timescale have not yet been determined by Defra / EA.
- 1.6. Due to limited in-house resources the draft PFRA has been prepared by staff from the Council's consultant, Mouchel working with the Highways and Engineering Environment Team.
- 1.7. The draft PFRA is a large digitised document with 22 plans as Figures in the Appendix and three large Annexes. The text and just two figures have been included in this committee report Appendix to minimise printing costs. A full printed version of the draft PFRA will be deposited in the Town Hall Member's Room for inspection.

2. Main issues for Scrutiny

- 2.1 The Panel is invited to comment on the draft PFRA and propose amendments for consideration in the final version to be circulated to Members of the Panel before submission to the EA before 22 June 2011.

3. Consultation

- 3.1. The EA has been consulted in the preparation of the draft PFRA and is satisfied with the content and presentation.
- 3.2. Section 3.1 of the draft PFRA details the consultations undertaken in its preparation.
- 3.3. Help and support was provided by various Council Services including Emergency Planning, Planning Services' Development Strategy and ICT Sections in preparing the PFRA.

4. Further action and timescales

- 4.1 The PFRA must be finalised and submitted to the EA by 22 June 2011.

5. Options appraisal

- 5.1. The Council has a statutory duty under the Regulations to prepare a PFRA, therefore no further options have been considered.

6. FINANCIAL IMPLICATIONS

- 6.1. Government provided funding in November 2010 for the preparation of the PFRA.
- 6.2. The funding for any works identified in following the PFRA recommendations would need to be resourced later.

7. LEGAL IMPLICATIONS

- 7.1. The Flood Risk Regulations 2009 must be complied with. Failure to do so will result in Government failing to comply with a European Directive.

8. RISKS

- 8.1. The risk that the EA would not be satisfied with the PFRA has been reduced significantly by consulting with the EA in preparing the draft report and by following the EA guidance.

9. Conclusions

- 9.1. Comments from the Committee on the draft PFRA should be incorporated into the final PFRA to be submitted to the Environment Agency by 22 June 2011.

10. Appendices

- 10.1 Appendix 1 – Calderdale Draft Preliminary Flood Risk Assessment (text and 2 sample Figures)

11. Background documents

The Flood Risk Regulations 2009
The Flood and Water Management Act 2010
Final PFRA Guidance, published by the Environment Agency, December 2010

12. Documents available for inspection at

The Highway Management office at Ainley's Depot, Elland.

Members Room, Town Hall, Halifax – Complete copy of the Draft Preliminary Flood Risk Assessment.