



01/17

# Delegated decision report

## DECISION UNDER DELEGATED POWERS

**DECISION CANNOT BE TAKEN BEFORE  
21 AUGUST 2017**

Title **APPROVAL OF THE ISLE OF WIGHT COUNCIL'S PRELIMINARY  
FLOOD RISK ASSESSMENT 2017 REVIEW**

Report to **CABINET MEMBER FOR PLANNING AND HOUSING**

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## EXECUTIVE SUMMARY

1. The purpose of this report is to note and endorse the Isle of Wight Preliminary Flood Risk Assessment (PFRA) Review 2017 submission to the Environment Agency. Certain information from the review is required by government (through the Environment Agency) for reporting to the European Commission.

## BACKGROUND

2. The Flood Risk Regulations 2009 (the regulations/FRR) came into force in England and Wales on 10 December 2009. This statutory instrument transposed the EU Floods Directive into domestic law, covering the assessment and management of flood risk.
3. The regulations set deadlines and placed duties on the Environment Agency (EA) and the Isle of Wight Council as a lead local flood authority (LLFA).
4. As a LLFA the council has a duty to prepare a preliminary flood risk assessment (PFRA) report that considers general flood risk from local sources of flooding (surface water, groundwater, ordinary watercourses, and lakes). The council's previous PFRA was submitted to and published by the EA in December 2011.
5. The review has been submitted to the EA within the required timescales and this report is the mechanism to confirm the council's endorsement of it.

## STRATEGIC CONTEXT

6. This assessment will help the council in meeting its statutory requirements as a LLFA under the regulations and the council's corporate priority of '*Supporting growth in the economy, making the Island a better place and keeping it safe*' (Corporate Priority 1). It will also help inform any review of the Local Flood Risk Management Strategy for the Island, under the Flood and Water Management Act 2010.

## CONSULTATION

7. While there is no requirement to consult on the review of the council's PFRA, the council has worked collaboratively and in an ongoing partnership with the EA in order to ensure the council has done everything possible to submit a review that is fit for purpose.

## FINANCIAL / BUDGET IMPLICATIONS

8. There are no direct financial implications of producing or submitting this flood risk assessment to the EA.

## LEGAL IMPLICATIONS

9. The Flood Risk Regulations 2009 implement the European Union (EU) Floods Directive 2007/60/EC in England. They provide a framework for managing flood risk over a six year cycle.
10. The EA has a duty under the regulations to review, collate and publish all PFRAs. The EA will check that the requirements of the regulations have been met to protect against the risk of legal proceedings. Part of the review will involve the EA assessing whether the IW Council has taken an appropriate approach to identifying flood risk areas.
11. The EA will review the council's report and may recommend modifications to it (regulation 10(3) of the Regulation). In addition the EA will review the council's determination of flood risk areas and may make recommendations. If the council disagrees with the EA's recommendations, the matter will then be referred to the Secretary of State (regulation 14 of the Regulations).
12. Based on the information provided, it is considered that the proper process as required under the legislation and guidance has been followed.

## EQUALITY AND DIVERSITY

13. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

14. As phase 1 of a wider project, the PFRA does not introduce a new or revised policy or procedure and therefore an equality impact assessment is not required.

### PROPERTY IMPLICATIONS

15. As the review is of an existing assessment, which does not identify any new flood risk areas, it is considered that there are no new property implications.

### OPTIONS

16. Option 1: To note and endorse the PFRA Review 2017;
17. Option 2: Not to note or endorse the PFRA Review 2017.

### RISK MANAGEMENT

18. A LLFA must review the preliminary assessment report prepared by it under the regulations.
19. If the council was not to undertake this work it would not be fulfilling its duties under the regulations. The associated risk would be reputational as DEFRA would then publicise the lack of action from the council.
20. The regulations require the assessment to be undertaken so the local authorities can fully understand and plan for issues relating to flood risk within their area. By endorsing the work for submission to the EA the council is minimising risk of negative publicity and taking positive action with regard to identifying potential flood risk in the area.
21. If the council was not to undertake this work there would also be a financial risk through both the potential loss of funding from Defra and potential fines as a result of legal proceedings.

### EVALUATION

22. Option 1 as recommended meets the requirements of the EA methodology, in that LLFAs should complete and agree their reviews in accordance with their own internal scrutiny processes.

### RECOMMENDATION

23. To note and endorse the PFRA Review 2017

APPENDICES ATTACHED

24. [Appendix 1](#) – IW PFRA Review Environment Agency Self-Assessment Form

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WENDY PERERA  
*Head of Place*

COUNCILLOR BARRY ABRAHAM  
*Cabinet Member for  
Planning and Housing*

Decision

Signed

Date

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