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North East Lincolnshire Local Flood Risk Management Strategy

SEA Adoption Statement

Prepared by LUC
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Introduction

- 1.1 The Flood and Water Management Act 2010 gave local authorities a new role to manage local flood risk in their area. The Act requires Lead Local Flood Authorities (LLFAs), which include North East Lincolnshire Council, to produce a Local Flood Risk Management Strategy (LFRMS). North East Lincolnshire Council has now adopted its LFRMS as Council strategy.
- 1.2 Guidance on the production of LFRMSs¹ refers to the need for them to be subject to Strategic Environmental Assessment (SEA), stating that:
“the Local FRM Strategy is likely to require statutory SEA, but this requirement is something the LLFA must consider”.
- 1.3 The guidance also recognises that:
“LLFAs should take a proportionate approach to applying SEA to local strategies particularly when environmental effects are not evident in the early stages of plan development. As the detail of plans develops, SEA should be reviewed”.
- 1.4 North East Lincolnshire Council considered that its emerging LFRMS did require SEA, and commissioned LUC to undertake the SEA on its behalf. The method and findings of the SEA were described in two iterations of the SEA Report, which were published alongside the draft and final versions of the LFRMS as it was developed.
- 1.5 The final SEA Report for the LFRMS is dated July 2014 and is very similar to the January 2014 SEA Report which related to the Draft version of the LFRMS, as only a small number of amendments to the LFRMS objectives and measures were made as the document was finalised. The SEA findings were therefore updated to reflect those minor changes, and Appendix 1 in the report was expanded, outlining how the consultation responses received in relation to the SEA Report for the Draft LFRMS (January 2014) were taken into account in that final version.
- 1.6 The SEA Regulations require the production of a Non-Technical Summary of the information included in the SEA Report, and this was also originally published in January 2014 alongside the full SEA Report for the Draft LFRMS. The changes detailed in Appendix 1 of the full SEA Report for the final LFRMS, as well as the updated SEA findings, are also reflected in an updated final version of the Non-Technical Summary (July 2014).

Requirement for the SEA Adoption Statement

- 1.7 The SEA Regulations² require a number of steps to be taken upon adoption of a plan or strategy (in this case the North East Lincolnshire LFRMS). Specifically, Regulation 16 sets out the post-adoption procedures for the SEA and requires that, as soon as is reasonably practicable after the adoption of a plan or strategy for which SEA has been carried out, the planning authority must make a copy of the plan or strategy publicly available alongside a copy of the SEA report and an ‘SEA adoption statement’, and must inform the public and statutory consultation bodies³ about the availability of these documents. The SEA adoption statement must explain:
 - How environmental (and sustainability) considerations have been integrated into the plan/strategy.
 - How the Environmental Report has been taken into account during preparation of the plan/strategy.
 - How the opinions expressed by the public, consultation bodies (and where appropriate other European Member States) during consultation on the plan and Environmental Report have been taken into account.
 - The reasons for choosing the plan/strategy as adopted, in the light of the other reasonable alternatives dealt with.

¹ Local Government Association (2011) Framework to Assist the Development of the Local Strategy for Flood Risk Management.

² The Environmental Assessment of Plans and Programmes Regulations 2004 - SI No. 1633.

³ Natural England, English Heritage and the Environment Agency.

- The measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the plan/strategy.

1.8 This document constitutes the SEA Adoption Statement for the North East Lincolnshire LFRMS and is structured according to the SEA Regulations requirements listed above.

How environmental and sustainability considerations have been integrated into the North East Lincolnshire Local Flood Risk Management Strategy

- 1.9 LUC was appointed in August 2013 to undertake the Scoping stage of the SEA of the LFRMS independently on behalf of North East Lincolnshire Council. In October 2013, this commission was extended to also cover the later stages of the SEA process. The purpose of the SEA was to assist the Council in preparing the LFRMS by identifying the key relevant sustainability/environmental issues facing the district, to predict the likely effects of the LFRMS on these issues, and to put forward recommendations to improve the LFRMS. The aim was to ensure that the LFRMS results in positive effects, and that any negative effects are avoided when the LFRMS is implemented through new flood risk management activities within North East Lincolnshire.
- 1.10 The SEA was undertaken iteratively such that at each stage of the LFRMS’s development an assessment of the sustainability and environmental effects of the measures included in the document was carried out. SEA reports were produced to describe the approach taken, identify the likely effects, and put forward recommendations to avoid or minimise the negative effects identified and enhance the potential positive effects. In this way, environmental and sustainability considerations were integrated into the LFRMS as it was developed.
- 1.11 The way in which the environmental and sustainability effects of the LFRMS were described, analysed and compared was through the use of a set of SEA objectives. The SEA objectives for the North East Lincolnshire LFRMS were developed by LUC, drawing on a review of relevant European, national and regional plans and programmes and the objectives they contained.
- 1.12 The resulting SEA ‘framework’ comprised eight SEA objectives that were used to decide what the likely effects of the LFRMS would be. The SEA framework for the LFRMS is shown in **Table 1** below. The SEA objectives provided the main tools at each stage of the SEA for assessing the objectives and measures in the LFRMS.

Table 1 SEA Framework for the North East Lincolnshire Local Flood Risk Management Strategy

SEA Objectives
1. To minimise the risk of flooding to residential properties and community and economic assets.
2. To maintain and enhance soil and water quality.
3. To protect and enhance human health and wellbeing.
4. To minimise the potential impact of flooding on existing and future critical infrastructure.
5. To protect and enhance biodiversity.
6. To protect and enhance the landscape, townscape, seascape and open space.
7. To maintain and/or enhance the quality and character of the built environment and cultural heritage assets.
8. To adapt development to the impacts of climate change, ensuring that new development does not contribute to increased risk of flooding for existing property and people elsewhere.

- 1.13 **Table 2** below lists the ‘SEA topics’ and shows that, apart from ‘air’ which was scoped out of the assessment, they were all covered by at least one of the SEA objectives for the North East Lincolnshire LFRMS. Air was excluded because the SEA is required to identify significant effects, and it was considered at the scoping stage that it was unlikely that the LFRMS would have a significant effect on air quality. This was agreed with the statutory consultation bodies who were consulted on the scope of the SEA (see below).

Table 2 Coverage of SEA topics by the SEA objectives for the North East Lincolnshire Local Flood Risk Management Strategy

SEA Environmental Topic	Relevant SEA Objective(s)
Biodiversity, flora and fauna	5
Population and human health	3
Soil	2
Water	2
Air	<i>Scoped out of the assessment</i>
Climatic factors	8
Material assets	1, 4, 7
Cultural heritage (including architectural and archaeological heritage)	7
Landscape	6

- 1.14 In addition to the use of the SEA framework to assess the potential effects of LFRMS objectives and measures as they were drafted, environmental and sustainability considerations were integrated into the LFRMS through close working between LUC and the North East Lincolnshire Council officers drafting the Strategy. A number of the final objectives and measures in the LFRMS include safeguards and caveats seeking to reduce or avoid environmental and sustainability effects of flood risk management activities, and some of these safeguards have been strengthened due to recommendations made in the draft SEA Report provided to North East Lincolnshire Council (see next section).

How the Environmental Report has been taken into account

- 1.15 As stated above, the SEA of the North East Lincolnshire LFRMS was undertaken iteratively such that an assessment of its sustainability and environmental effects was carried out at each stage of the LFRMS's development. SEA Reports were produced to describe the approach taken and the potential effects identified, and to put forward recommendations to avoid or minimise negative effects or enhance positive effects. North East Lincolnshire Council officers preparing the LFRMS took the SEA findings and recommendations from the draft stage into account while developing the final version of the LFRMS.
- 1.16 **Table 3** below shows how the preparation of the SEA Reports corresponded with each stage of the LFRMS's preparation, and how any recommendations made were taken into account.

Table 3 Stages of LFRMS preparation and corresponding SEA stages plus how the SEA Report has been taken into account

Date	LFRMS stage	SEA stage
Autumn 2013	Evidence gathering	SEA Scoping Report (September 2013) At this stage, the objectives and measures for the LFRMS had yet to be drafted and the Scoping Report did not therefore attempt to assess the likely effects of the emerging LFRMS; rather it determined the scope for the later stages of the assessment by reviewing the relevant baseline information for the district, considering other relevant plans, policies and programmes and developing a set of SEA objectives against which the LFRMS would be assessed.
Winter 2013/2014	Draft Local Flood Risk Management Strategy (January 2014)	SEA Report (January 2014) This SEA report for the Draft LFRMS did not make specific recommendations for the LFRMS, although it was noted that the uncertainties attached to the potential effects of LFRMS objective 1 (all stakeholders (including members

Date	LFRMS stage	SEA stage
		of the public) will have an improved understanding of their responsibilities for flood risk management) on SEA objective 4 could be removed if the objective or measures were to make specific reference to stakeholders associated with the protection of critical infrastructure (e.g. the Highways Agency).
Summer 2014	<p>Final Local Flood Risk Management Strategy (February 2015)</p> <p>The Strategy was not finalised until the outcome of the Section 19 investigations into the flooding of summer 2014 was known. The final version also includes the recently announced changes as to how the government proposes to introduce requirements for sustainable drainage on major developments.</p> <p>This version of the LFRMS was formally adopted by North East Lincolnshire Council as Council Strategy.</p>	<p>Final SEA Report (July 2014)</p> <p>LUC produced an updated version of the SEA Report to reflect the minor changes that had been made to the LFRMS since the Draft version.</p> <p>There were no specific recommendations from the SEA Report for the Draft LFRMS that needed to be taken into account by North East Lincolnshire Council in preparing the final version of the LFRMS and the final SEA Report did not include any further recommendations for improving the LFRMS.</p> <p>Following production of the SEA Report for the final version of the LFRMS the Council made a small number of changes to the final LFRMS document, as detailed in Table A1 in Appendix 1. As also shown in that table, those changes did not affect the findings of the July 2014 SEA Report.</p>

How opinions of consultation bodies and the public have been taken into account

- 1.17 At each stage of the SEA of the North East Lincolnshire LFRMS, the relevant reports were published for consultation with the public and the consultation bodies specifically relating to the SEA Directive (English Heritage, Environment Agency and Natural England). The SEA Regulations require the SEA Adoption Statement to summarise how any opinions expressed by the public and the consultation bodies about the SEA have been taken into account.
- 1.18 The LFRMS consultation stages and consultation responses received relating to the SEA Reports are summarised below. Note that not all the statutory consultation bodies for the SEA commented directly on the SEA Report at each stage.

SEA Scoping (September 2013)

- 1.19 LUC produced and consulted on the SEA Scoping Report for the LFRMS in September 2013. As well as describing the background to the LFRMS and the requirement for SEA, it set out the relevant baseline information, review of relevant plans and programmes and the SEA Framework.
- 1.20 The Scoping Report was sent to the three statutory consultation bodies for a five week consultation period between September and October 2013 although comments were received from Natural England only. While Natural England was broadly supportive of the approach being taken to the SEA, a number of suggestions were made including additional plans and programmes to review and additional baseline information that it would be useful to include. These comments were addressed in updated versions of the review of plans and programmes and baseline information in the first iteration of the full SEA Report (see below). Appendix 1 in that report listed the comments received and stated how each one had been addressed.

Public consultation (January 2014)

- 1.21 Once the Council had produced a full draft of the LFRMS for public consultation, LUC produced an accompanying SEA Report which was published alongside the LFRMS during the consultation period between February and April 2014. Only one respondent (Natural England) commented directly on the SEA Report, suggesting additional indicators to be included in the proposed monitoring framework.
- 1.22 This consultation response relating to the SEA Report for the draft LFRMS was presented in Appendix 1 of the SEA Report for the final LFRMS (July 2014) with a comment stating how it had been addressed in that final SEA Report. Some of the suggested indicators were already included within the proposed monitoring framework in Section 8 of the SEA report and, of the others, those that were considered appropriate were added into the framework.

Why the final LFRMS was chosen in light of reasonable alternatives

- 1.23 Chapter 2 of the final SEA Report (July 2014) explains that no reasonable alternatives to the measures included in either the early draft LFRMS or the public consultation draft were identified by the Council during the SEA; therefore no alternative options were subject to SEA.

How will the environmental and sustainability effects be monitored?

- 1.24 The SEA Regulations require that "*the responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action*" (Regulation 17), and that the environmental report should provide information on "*a description of the measures envisaged concerning monitoring*" (Schedule 2).
- 1.25 Chapter 6 of the January 2014 SEA Report for the Draft LFRMS included proposals for how the potential significant effects identified for the Draft LFRMS could be monitored, and suggested that this monitoring process could be integrated with monitoring of the LFRMS itself and other North East Lincolnshire Council plans and strategies. As described above, a small number of additional indicators were added to the monitoring framework in the final SEA Report (July 2014), in response to the comments received from Natural England during the consultation on the Draft LFRMS and accompanying SEA Report.
- 1.26 It is not necessary to monitor every potential effect of the LFRMS. SEA monitoring should be focussed on the significant sustainability effects that may give rise to irreversible damage (with a view to identifying trends before such damage is caused) and the significant effects where there is uncertainty in the SEA and where monitoring would enable preventative or mitigation measures to be taken.
- 1.27 No likely significant negative effects were identified in relation to the LFRMS, although potentially significant positive effects were identified in relation to three of the SEA objectives:
- **SEA objective 1:** To minimise the risk of flooding to residential properties and community and economic assets (*LFRMS objectives 3 and 4*).
 - **SEA objective 4:** To minimise the potential impact of flooding on existing and future critical infrastructure (*LFRMS objective 3*).
 - **SEA objective 8:** To adapt development to the impacts of climate change, ensuring that new development does not contribute to increased risk of flooding for existing property and people elsewhere (*LFRMS objective 7*).
- 1.28 However, many of the effects of the LFRMS remain uncertain and it is not possible to draw detailed conclusions regarding the likely effects of each measure on each SEA objective. Therefore, it was recommended in the SEA Report that monitoring of environmental effects due to implementation of the LFRMS is undertaken in relation to all of the SEA objectives, in order to ensure that all potential significant effects are monitored.

- 1.29 It is recognised that all effects are potential, and the uncertain effects may be able to be mitigated by proper implementation of other measures in the LFRMS if required in order to prevent negative effects occurring. Nonetheless, monitoring will need to be undertaken to try and identify trends before any damage is caused, and to enable preventative or further mitigation measures to be taken. Similarly, in order to achieve the potential significant positive effects identified, other measures in the LFRMS will need to be properly implemented. Monitoring will help to identify whether this is occurring.
- 1.30 **Table 4** sets out a number of suggested indicators for monitoring the potential significant and uncertain sustainability effects of implementing the LFRMS (as listed above). It is recommended that monitoring these effects be undertaken by North East Lincolnshire Council as part of the overall approach to monitoring achievement of the LFRMS measures. In addition, it is recommended that monitoring of the environmental effects of the LFRMS is also tied into the overall approach to monitoring the sustainability effects of other plans and strategies developed by North East Lincolnshire Council (in particular the emerging new Local Plan), as some of the indicators proposed for monitoring the effects of that Plan will be relevant to the LFRMS. However, it is noted that the Local Plan is unlikely to be adopted (and therefore subject to monitoring) prior to the first review of the LFRMS in two years' time.
- 1.31 For a number of the indicators, the data used for monitoring in many cases may be provided by outside bodies (e.g. Natural England, Environment Agency, English Heritage etc.).

Table 4 SEA monitoring recommendations for the North East Lincolnshire LFRMS

SEA objective to be monitored?	Suggested indicators (or sources for indicators)
1. To minimise the risk of flooding to residential properties and community and economic assets.	Number of residential properties affected by flooding in the District annually. Number of community and economic assets affected by flooding in the District annually.
2. To maintain and enhance soil and water quality.	Number of surface water bodies in the District achieving 'good' ecological status. Number of serious soil erosion incidents annually caused by flood events.
3. To protect and enhance human health and wellbeing.	Number of deaths/injuries resulting from flooding in North East Lincolnshire annually. Number of healthcare facilities affected by flood incidents annually.
4. To minimise the potential impact of flooding on existing and future critical infrastructure.	Number of incidents of road or railway line closures due to flooding annually. Number of planning permissions granted annually for new critical infrastructure assets within flood zones 2 and 3.
5. To protect and enhance biodiversity.	Gains and losses of nature conservation sites (including in areas of deficiency). Percentage of SSSIs classed as being in favourable condition. Enhancements to areas of BAP habitats or those used by BAP species.
6. To protect and enhance the landscape, townscape, seascape and open space.	Gains and losses of open spaces (e.g. flood storage areas)
7. To maintain and/or enhance the historic significance of the built environment and cultural heritage assets.	Number of heritage assets in North East Lincolnshire affected by flooding annually.

SEA objective to be monitored?	Suggested indicators (or sources for indicators)
<p>8. To adapt development to the impacts of climate change, ensuring that new development does not contribute to increased risk of flooding for existing property and people elsewhere.</p>	<p>No of developments approved annually which incorporate sustainable urban drainage systems (SUDs). Number of planning applications approved annually subject to sustained Environment Agency objections on flood risk grounds.</p>

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Appendix 1

Changes made to the LFRMS following production of the July 2014 SEA Report and implications for the SEA findings

Table A1: Changes made to the LFRMS measures following the July 2014 SEA Report and implications for SEA findings

Wording from LFRMS prior to amendments	Revised wording	Reason for change	Implications for SEA findings as set out in July 2014 SEA Report
<p>Measure 7.2 The council is due to become the SuDS Approving Body (SAB) when Schedule 3 of the FWMA 2010 is enacted – the date for this is unknown at the time of publication for this strategy Development which meets the criteria for SAB approval will be assessed for compliance with the National Standards.</p>	<p>M7.2 The Council will apply the proposed changes to the National Planning Policy Framework to support the use of Sustainable Drainage Systems (SuDS) in major developments.</p>	<p>Recently announced changes in how the government proposes to introduce requirements for sustainable drainage. Changes will now be made to the NPPF rather than introducing the SAB process.</p>	<p>No change to SEA findings. The amendment reflects recent policy changes and does not affect the likely impacts of the LFRMS in relation to the use of SuDS.</p>
<p>Measure 7.3 For those developments which do not meet the criteria for needing SAB approval the council’s Drainage and Coastal Defence team will continue to provide consultations to ensure that drainage arrangements follow the principles that are set out in the National Standards.</p>	<p>M7.3 For non-major developments which are not covered by the changes to national planning policy the Council’s Drainage and Coastal Defence team will continue to provide advice to planning consultations to ensure that drainage arrangements follow the principles of the national policy and incorporate SuDS.</p>	<p>Recently announced changes in how the government proposes to introduce requirements for sustainable drainage. Changes will now be made to the NPPF rather than introducing the SAB process.</p>	<p>No change to SEA findings. The amendment reflects recent policy changes and does not affect the likely impacts of the LFRMS in relation to the use of SuDS.</p>
<p>Measure 8.2 Finalise the Local Extreme Flood Event plan (LEFE) which outlines the council’s response to localised flood events which do not trigger a response from the Multi Agency Flood Plan.</p>	<p>M8.2 Review and update the Council plans for dealing with events that do not trigger a multi-agency response.</p>	<p>The recent review of flooding in the borough required updates to be made to emergency procedures to deal with non-major flood events. This measure has been changed to reflect this and remove the reference to one specific plan only.</p>	<p>No change to SEA findings. The SEA already identified likely minor positive effects from this measure in relation to SEA objectives 1 (to minimise the risk of flooding to residential properties and community and economic assets) and 3 (to protect and enhance human health and wellbeing) and the change would further reinforce these likely effects.</p>