

Local Flood Risk Management Strategy & Action Plan

Appendix B – Legislative Context

CARDIFF COUNCIL 2024

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Appendix B

Legislative Context

Flood risk management is affected by a range of interlinking guidance and legislation which has been considered during the development of this strategy.

The Pitt Review (2008)

After the devastating floods of 2007 which claimed 13 lives and affected over 23 counties in England along with parts of Wales, Scotland and Northern Ireland, Sir William Pitt was asked to carry out an extensive review of flood risk management across the UK.

The report was published in June 2008 and contained 92 recommendations for the future management of flood risk across the UK, involving all stakeholders including 4 recommendations directly related to the insurance industry.

Flood Risk Regulations (2009)

The Flood Risk Regulations 2009 was introduced to transpose the European Commission (EC) Floods Directive on the assessment and management of local flood risk into domestic law in England and Wales.

The regulations identified RMA's and Cardiff Council were duly defined as The Local Lead Flood Authority (LLFA), responsible for producing the directive deliverables on local flood risk sources such as groundwater, surface water and ordinary watercourses. NRW (then the environment agency Wales) were defined as the authority responsible for delivering flood risk management plans for communities at risk of flooding from the rivers and the sea.

The regulations placed a number of duties on the environment agency and the LLFA's with the requirement for the publication of 3 key documents:

- Preliminary Flood Risk Assessment (PFRA) – To identify areas and communities at significant risk of flooding. These assessments feed into the production of the risk maps and management plans
- Flood Hazard and Flood Risk Maps – The production of hazard and risk maps for all sources of flooding
- Flood Risk Management Plans (FRMP) – Management plans for the areas at risk of flooding to be superseded by this strategy

Flood and Water Management Act (2010)

In April 2010 The Flood and Water Management Act was introduced in England and Wales which was key to implementing the recommendations derived from the Pitt review.

The act placed a number of statutory duties on key stakeholders within the flood risk industry namely The Welsh Government and LLFA's / RMA's requiring them to adopt and implement a flood risk strategy.

This act defined local flood risk and the relevant RMA's responsible for its mitigation and management.

Well Being of Future Generations Act Wales (2015)

The Well Being of Future Generations Act is an act of the Welsh parliament that aims to improve the social, economic, environmental and cultural well being of Wales.

The act requires public bodies to undertake its duties in pursuit of the well being of Wales in a way that accords with the sustainable development principle, and to report on such action.

Cardiff Council as a local authority have a duty to contribute to the 7 well being goals, through sustainable use and management of natural resources and the management of flood risk throughout the city of Cardiff.

Cardiff Council Local Development Plan (2016)

On the 28th January 2016 the Council adopted a Local Development Plan for Cardiff. The LDP became operative on its adoption and now forms the development plan and will be the basis for decisions on land use planning in Cardiff.

The LDP will be used by the Council to guide and manage development, providing a basis by which planning applications will be determined. The LDP will supersede the existing adopted development plan framework for Cardiff, which is comprised of; the Cardiff Deposit Unitary Development Plan (2003), South Glamorgan (Cardiff Area) Replacement Structure Plan, Mid Glamorgan County Structure Plan, South Glamorgan (Cardiff Area) Minerals Local Plan and City of Cardiff Local Plan.

Flood risk is a key theme throughout the plan, with its own policy EN14: Flood Risk which aims to avert development from where it would be at risk of flooding from a wide range of sources or increase/ divert flood risk elsewhere.

Severn River Basin Management Plan (2017)

The Severn River Basin Management Plan outlines the current state of the basin and its management going forward.

The purpose of the river basin management plan is to provide a framework for protecting and enhancing the benefits provided by the river water environment whilst informing decisions on land use planning.

The plan contains 4 sets of information that stakeholders who manage land and water within the basin should pay particular attention to.

- Baseline classification of water bodies
- Statutory objectives for protected areas
- Statutory objectives for water bodies
- Summary programme of measures to achieve statutory objectives

Responsibility for planning the future of the Severn river basin is shared between the Environment Agency and NRW.

Severn Estuary Shoreline Management Plan (2017)

Developed in partnership by local authorities, regulators and other stakeholders, a Shoreline Management Plan (SMP) is a high level non-statutory policy document designed to assist coastal flood and erosion risk management planning.

It provides a large-scale assessment of the risks (to people, property, the natural and historic environment) associated with coastal erosion and flooding at the coast over the long-term. It also proposes policies to help manage these risks sustainably over the next hundred years.

The SMP2 for the Severn Estuary updates an earlier SMP1 (2000) for the estuary. It aims to provide more certainty for landowners, residents and businesses; to know how the coast will be managed by regulators during the next 100 years, so that they can plan ahead and make decisions about investments, homes, development and the management of their resources.

Within SMP2 Cardiff Council has adopted a strategy of “Hold The Line” for the 3 policy units it is responsible for.

National Strategy for Flood and Coastal Erosion Risk Management in Wales (2020)

The updated national strategy for flood and coastal erosion risk management in Wales was published by The Welsh Government in 2020, replacing the 2011 strategy. The strategy aims to provide a uniform and integrated approach to flood risk management across Wales. The strategy set out 5 key objectives:

- Improving our understanding and communication of risk
- Preparedness and building resilience

- Prioritising investment and funding to the most at risk communities
- Preventing more people becoming exposed to risk
- Providing an effective and sustained response to events

As with Cardiff Council local flood risk strategy, the national strategy has a series of measures to assist in meeting the strategy objectives.

Planning Policy Wales (2021)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh government and is supported by a number of technical advice notes (TANs).

The TAN relevant to this strategy is TAN 15: Development and Flood Risk.

TAN 15 provides supplemental guidance to PPW regarding development and the resultant flood risk considerations.

TAN15 sets out a summary of policy requirements for new development of each of the different development types and flood zones. The document also provides advice to local planning authorities and developers on the production and acceptance of detailed flood consequence assessments and related flood risk requirements.

An updated TAN15 was introduced by The Welsh Government in 2021, however shortly before its enactment date the advice note was suspended for 18 months to allow local authorities, stakeholders and developers an opportunity to understand the implications.

The updated TAN 15 included a section on climate change and its impact on flood risk, providing updated guidance and introducing a new policy on the sequential test for developments in areas at risk of flooding.

South East Wales Strategic Flood Consequences Assessment 1st Stage (2022)

The south east Wales strategic flood consequences assessment was commissioned by the south east Wales local planning authorities in 2021. This assessment is intended to identify flood risk across the region to inform local development plans and land allocations.

Stage 1 is a desk-based assessment collating all available information to undertake a high level assessment of flood risk across the region. The assessment also provides high level opportunities for the management of flood risk across the region in particular utilising natural flood management.

Dwr Cymru Welsh Water Drainage and Wastewater Management Plan (2024)

In November 2023 Dwr Cymru Welsh Water (DCWW) released its first Drainage and Wastewater Management Plan (DWMP).

The DWMP sets the DCWW strategic direction for wastewater services in the context of their customers needs, whilst creating a clear methodology and tools to support the enhancement of their operation of wastewater and sewerage assets whilst ensuring they remain sustainable.