

Lincolnshire County Council

SEA SCREENING REPORT

Joint Lincolnshire Flood Risk and Water Management Strategy 2019 - 2050



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1 INTRODUCTION

- 1.1.1. Lincolnshire County Council (LCC) is the 'Lead Local Flood Authority' (LLFA) for Lincolnshire. Under the Flood and Water Management Act 2010, LCC must *'develop, maintain, apply and monitor'* a Local Flood Risk Management Strategy (LFRMS) consistent with the National Flood and Coastal Erosion Risk Management (FCERM) Strategy produced by the Environment Agency (EA). This must cover flood risk arising from surface water run-off, groundwater and ordinary watercourses.
- 1.1.2. Strategic Environmental Assessment (SEA) is the term used to describe environmental assessment as applied to plans and programmes in accordance with the European Council Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. EC Directive 2001/42/EC (known as the SEA Directive) is enacted in England through the 'Environmental Assessment of Plans and Programmes Regulations' (SI 2004/1633) (SEA Regulations).
- 1.1.3. This document sets out the first stage of the SEA process to determine whether the LFRMS is to result in likely significant effects and if a further SEA is required.

2 LINCOLNSHIRE'S LOCAL FLOOD RISK MANAGEMENT STRATEGY

- 2.1.1. The existing LFRMS is known as the Joint Lincolnshire Flood Risk and Drainage Management Strategy. It was developed through public and stakeholder consultation during 2011 and 2012, subject to SEA, and approved by the County Council's Executive on 4 December 2012. Part 3 of the Strategy, the action plan, was made available from April 2013 and is updated annually.
- 2.1.2. The existing Strategy consists of:
 - Part 1: Strategic Vision (including high level objectives)
 - Part 2 (A & B): Implementation Plan for the Strategy
 - Part 3: Common Works Programme (annually updated action plan)
- 2.1.3. The Strategy co-ordinates all the work delivered by the Lincolnshire Flood Risk and Water Management Partnership as a whole, and was developed with the participation of all risk management authorities, along with the Lincolnshire Resilience Forum, the Regional Flood and Coastal Committee, and with the guidance of the Joint Flood Risk Scrutiny Committee.
- 2.1.4. The Joint Lincolnshire Flood Risk and Water Management Strategy (the "JLFRWM Strategy" hereafter) document for the period 2019 2050¹ comprises a review of Parts 1 and 2 of the existing LFRMS and is the basis of this SEA Screening exercise.

¹ Lincolnshire Flood Risk and Water Management Partnership Framework (December 2018). *Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050 (A review and update to the existing Joint Lincolnshire Flood Risk and Drainage Management Strategy 2012-2025).*

The review responds to changes in the management of flood risk that have taken place since 2012. One of the main changes is how flood risk management has increasingly been recognised as an integral part of a wider issue of managing water as a resource that is essential to economic growth nationally and, particularly, in the east of England.

- 2.1.5. To recognise this, a review of the existing partnership role and structure was undertaken during 2017/18 and is now known as the Lincolnshire Flood Risk and Water Management Partnership. Following the review, the partnership now includes wider water interests. Water Resources East (WRE), a regional initiative looking at water availability from a multi-sectoral position and the Greater Lincolnshire Local Enterprise Partnership and its Water Management Board (WMB) are now full members.
- 2.1.6. The refreshed partnership has reviewed the key issues it believes Lincolnshire faces in terms of water. These include flood and drought and the associated economics, climate change and sea level rise and, the need to build resilient communities. It also seeks to develop new and innovative ways of funding. Section 2 of the JLFRWM Strategy provides information on the partnership and their approach whilst Section 3 outlines some of the key changes since publication of the first Flood Risk and Drainage Management Strategy in 2012.
- 2.1.7. In addition to the strong partnership working arrangements in the county, individual Risk Management Authorities have their own roles and responsibilities with regard to their duties and responsibilities under the Flood and Water Management Act. Many of these remain unchanged from those published in the original strategy, however there have been some changes, most notably around sustainable drainage. LCC, as appointed LLFA, are responsible, for managing the following types of flooding: surface water, groundwater and ordinary watercourses.
- 2.1.8. There are many other authorities also responsible for the management of flood risk within the County. These include:
 - Environment Agency;
 - Water Authorities;
 - Anglian Water Services
 - Severn Trent Water
 - Internal Drainage Boards;
 - Isle of Axholme and North Nottinghamshire
 - Scunthorpe and Gainsborough
 - Ancholme
 - North East Lindsey
 - Trent Valley
 - Upper Witham
 - Witham Third District

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- Lindsey Marsh
- Witham First District
- Witham Fourth District
- Black Sluice
- Welland and Deepings
- South Holland
- North Level District
- Kings Lynn
- District and Borough Councils;
 - West Lindsey District
 - East Lindsey District
 - Lincoln City
 - North Kesteven District
 - South Kesteven District
 - Boston Borough
 - South Holland District
- Highways England;
- Town and Parish Councils/Communities; and
- Riparian Owners.
- 2.1.9. The Environment Agency is responsible for coastal management in Lincolnshire, managing the risk of flooding from main rivers and regulating reservoirs. Any flood management works be led by the Environment Agency are subject to the relevant strategic and project level environmental requirements, including SEA. In a Lincolnshire context the vital work the Environment Agency carry out along the open coast is also being reviewed as part of the Saltfleet to Gibraltar Point strategy review.
- 2.1.10. The vision statement of the JLFRWM Strategy for working in partnership to tackle flood risk and water resources issues to 2050 is:

'Working in partnership for a resilient future'

- 2.1.11. In order to work towards this vision, the Partnership has developed and agreed a new set of highlevel aims. These aims
- 2.1.12. take account of changes and developments since 2012 in how the Partnership considers the effective management of water and flood risk whilst recognising the ambition to seek wider benefits for Lincolnshire in not only flood risk but broader water resource issues. As a result of partner and stakeholder engagement, 4 aims and associated areas of focus have been developed. These are outlined below:

Table 2-1 - JLFRWM Strategy Aims

Aim	Key area of focus	How this will be achieved
Aim 1.	To move from flood risk management to cover water management	 To have clear objectives for supporting and developing linkages between effective water management and securing economic growth and environmental enhancement To have a greater emphasis on managing water in catchments, both locally and at a strategic level To promote a greater mix of measures including water retention and attenuation and natural flood risk management methods
Aim 2.	To develop a more strategic approach to development and land use planning	 To have alignment with major regional and national strategic infrastructure initiatives, particularly involving water resources linking flood risk solutions with improved resilience to drought To have a greater integration of flood risk and water resource management with local planning policy development To ensure the effects of climate change are included in long term planning for flood risk and water resources
Aim 3.	To build on the existing strong profile of the Lincolnshire Partnership ensuring it has a strong influencing role	 To ensure awareness of the partnership is maintained with proactive engagement regionally and nationally in key policy developments To proactively support national initiatives that can enhance local approaches to flood risk and water management such as IDB boundary extension To build a proof and evidence base to government and key stakeholder groups that support the ambitions of the partnership
Aim 4.	To build and develop key lines of communication to promote the aims, ambitions and achievements of the Lincolnshire Partnership	 To Develop a public and stakeholder communications and engagement strategy To develop a partnership action plan detailing key priorities moving forward

2.1.13. Delivery of the JLFRWM Strategy will be managed by the Lincolnshire Flood Risk and Water Management Partnership. The strategic action plan (Part 3 of the existing Strategy) will continue to be reviewed annually, and the Strategy as a whole will be subject to a five-yearly review process, including full public involvement, to ensure it is kept up-to-date, takes account of objectives achieved, and continues to maintain a focused forward programme at strategic, tactical and operational levels.

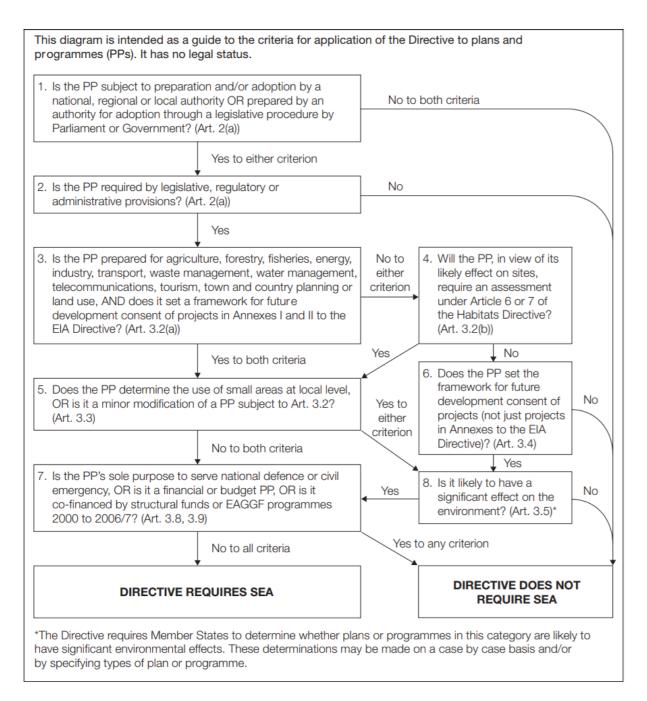
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3 SEA SCREENING METHODOLOGY

- 3.1.1. General guidance on the SEA process is provided in '*A Practical Guide to the Strategic Environmental Assessment Directive*' published by the (former) ODPM in 2005. This document provides advice on the screening and scoping of SEA along with information regarding the requirements of the Environmental Report which represents the output of the SEA process.
- 3.1.2. The flow chart in Figure 3-1 below provides a process for screening the requirement for SEA, as presented in the Practical Guide.
- 3.1.3. The Local Government Association (LGA) has prepared a 'Framework to Assist the Development of the Local Strategy for Flood Risk Management' (November 2011). This states that "...local strategies are statutory plans and are subject to the requirements of SEA. 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...." (page 19).
- 3.1.4. Page 49 of the above document provides more information. This states that "...the local FRM Strategy is likely to require statutory SEA but this requirement is something the LLFA must consider: there is a useful decision route included within the DCLG Practice Guide to help. If the LLFA is uncertain it should draw on appropriate legal advice since this decision is critical..."
- 3.1.5. The Screening Assessment in Section 4 sets out the screening process followed according to Figure 3-1 below.

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Figure 3-1 - Application of the SEA Directive to plans and programmes²



² Guidance on the Screening Process in 'A *Practical Guide to Strategic Environmental Assessment Directive*' (ODPM, 2005)

4 JLFRWM STRATEGY SEA SCREENING

4.1.1. The assessment shown in Table 4-1 and Table 4-2 forms the initial screening for Lincolnshire's JLFRWM Strategy against established SEA screening criteria as determined within the Practical Guide.

Screening Stage	Proposed Outcome
Step 1 - Is the JLFRWM Strategy subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	YES. The JLFRWM Strategy will be prepared by a Local Authority (Lincolnshire County Council) Proceed to Step 2
Step 2 - Is the Plan or Programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	YES. All LLFAs must <i>'develop, maintain, apply and monitor'</i> a Local Flood Risk Management Strategy (LFRMS) under Regulation 9 of the Flood and Water Management Act 2010. Proceed to Step 3.
Step 3- Is the JLFRWM Strategy prepared for 'water management 'AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	YES. The JLFRWM Strategy is prepared for water management. NO. The vision and aims set out in Section 2 above (Section 7 of the JLFRWM Strategy document) reflect very high-level improvements in water management, knowledge, understanding, collaboration and communication as well as resilience and response to flood risk. The JLFRWM Strategy does not set a framework for future development consent of projects in Annexes I and II of the EIA Directive ³ . The JLFRWM Strategy does not include individual schemes or highlight specific locations for works. Proceed to Step 4.
Step 4 - Does the JLFRWM Strategy in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	NO. The JLFRWM Strategy and its aims are high level and there is no consideration of specific projects, activities or

³ The applicable UK legislation in this respect is the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 1 (from Annex I) does not apply to flood risk management works. Schedule 2 provides indicative thresholds for EIA development from Annex II of the Directive, taking into account criteria in Schedule 3. Schedule 2 thresholds for flood defence fall under Class 10 (h), Infrastructure projects where the area of works exceeds the 1-hectare threshold.

Screening Stage	Proposed Outcome
	locations. No likely adverse significant effects on designated European sites have therefore been identified at the JLFRWM Strategy level. However, it is acknowledged there are a number of coastal European designated nature sites, such as the Humber Estuary, Gibraltar Point, Saltfleetby-Theddlethorpe Dunes and the Wash which fall within Strategy. Any coastal management works will be led by the Environment Agency and will be subject to their strategic and project level HRA processes.
	Should LCC progress programmes, plans or projects developed within the Strategy framework and once information about the potential type and location of sites, is identified, Habitats Regulations Assessment screening should be undertaken as required in accordance with the Regulations ⁴ .
	Proceed to Step 6.
Step 6 - Does the JLFRWM Strategy set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4)	NO. The vision and aims set out in Section 2 above (Section 7 of the JLFRWM Strategy document) reflect improvements in water management, knowledge, understanding, collaboration and communication as well as resilience and response to flood risk. The JLFRWM Strategy does not include individual schemes or highlight specific locations for works subject to development consent. Table 4-2 provides justification why the JLFRWM Strategy is not likely to have a significant effect on the environment.
Conclusion: SEA not required.	

4.1.2. Annex II of the SEA Directive sets out a series of criteria for determining the likely significance of effects represented in the left-hand column of the table below.

Table 4-2 - Likelihood of Significant Environmental Effect from the JLFRWM Strategy

Criteria for determining likely significant effect (Annex II)	Significant Adverse Effect	
1. The characteristics of plans and programmes, having regard, in particular, to:		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the	The JLFRWM Strategy sets out a series of high level aims for the effective management of water and flood risk. The aims and vision reflect improvements in water	

⁴ The applicable UK legislation in this respect is the Conservation of Habitats and Species Regulations 2017.

Criteria for determining likely significant effect (Annex II)	Significant Adverse Effect
location, nature, size and operating conditions or by allocating resources;	management, knowledge, understanding, collaboration and communication as well as resilience and response to flood risk.
	The aims do not identify projects or activities with a specific location, nature, size and operating conditions or resource allocation. No likely significant adverse effects identified.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The JLFRWM Strategy supports a greater integration of flood and water management with local planning policy development as stated under Aim 2.
	The JLFRWM Strategy also supports the proactive engagement in key policy developments both regionally and nationally as stated under Aim 3.
	The JLFRWM Strategy also establishes opportunities to develop Greater Lincolnshire Local Enterprise Partnership Water Management Plan 2015-2040 to drive links with organisations responsible for water supply and management.
	No likely significant adverse effects identified.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The JLFRWM Strategy supports the need to promote sustainable and appropriate development. The JLFRWM Strategy aims at managing the economic, environmental, and social issues relating to the environmental problem of flood risk and water management. For example:
	 Aim 2 promotes supporting and developing links between effective water management and securing economic growth and environmental enhancement.
	 Aim 4 of the JLFRWM Strategy promotes the development of public and stakeholder communications and engagement strategy.
	No likely significant adverse effects identified.
<i>(d)</i> environmental problems relevant to the plan or programme;	The JLFRWM Strategy is aimed at managing the environmental, social and economic issues relating to the environmental problems of flood risk and water management. For example, Aim 1 refers to a greater emphasis on managing water in catchments, both locally and at a strategic level and promotes a greater mix of measures to manage flood risk.
	The JLFRWM Strategy is not anticipated to create any significant adverse environmental effects. This is in line with the findings of the SEA process of the existing Strategy which concluded 'None of the objectives in the LJFRDMS are likely to have significant negative effects on any of the SEA objectives. The principle reason for this is because the overriding requirement and purpose of the LJFRDMS is to

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Criteria for determining likely significant effect (Annex II)	Significant Adverse Effect
	reduce the risk of fluvial flooding through more sustainable methods and more efficient working practices ^{'5} .
	No likely significant adverse effects identified.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	There is some interaction between the JLFRWM Strategy and the EU Flood Directive in relation to concerted and coordinated action at community level (Aims 1, 2 and 4) and the EU Water Framework Directive (Aims 1 and 2). No likely significant adverse effects identified.
2. Characteristics of the effects and of the area	likely to be affected, having regard, in particular, to:
<i>(a)</i> the probability, duration, frequency and reversibility of the effects;	The primary purpose of the JLFRWM Strategy is to manage the risk and consequences of flooding and water management at the County level, with associated implications for the probability, duration and frequency of flood events and of water resource management issues to 2050.
	The outcome is expected to be largely positive.
(b) the cumulative nature of the effects;	There is not anticipated to be any significant adverse cumulative impacts associated with the JLFRWM Strategy. The vision of the JLFRWM Strategy is to 'Work in partnership for a resilient future'. Working with other organisations with flood risk responsibilities can help manage any potential significant adverse cumulative effects. This is in line with the findings of the SEA process of the existing Strategy which noted that '() there are a number of positive effects associated with the adoption of the strategy. These have the potential to be cumulative and synergistic in nature ()'.
(c) the transboundary nature of the effects,	No transboundary effects (i.e. on other EU member states) are conceivable.
(d) the risks to human health or the environment (for example, due to accidents);	The effects of the JLFRWM Strategy are not expected to be significant in respect of this criterion.
	The JLFRWM Strategy aims to better manage the risk of flooding and improve the community's preparation for and resilience to flood events and improve the management of water resources.
	Potential effects would therefore be beneficial.

⁵ Lincolnshire Joint Flood Risk and Drainage Management Strategy, Strategic Environmental Assessment Report (October 2012) available at: <u>https://www.lincolnshire.gov.uk/residents/environment-and-planning/flood-risk-management/implementing-management-strategy/103045.article</u> (Accessed December 2018)

Criteria for determining likely significant effect (Annex II)	Significant Adverse Effect
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The JLFRWM Strategy is a County-wide strategy, any improvements in water management, knowledge, understanding, collaboration and communication as well as resilience and response to flood risk has the potential to positively affect a wide spatial area and its associated population.
 (f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; 	The County contains a diverse mix of land uses including areas of intensive use (urban areas), agriculture, and areas of ecological, landscape and cultural heritage value. All such areas have the potential to be affected by flooding. The Objectives in the JLFRWM Strategy would positively affect these areas through promoting flood risk management and sustainable management of water resources.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The JLFRWM Strategy and its aims are high level and there is no consideration of specific projects, activities or locations. No likely adverse significant effects on designated European sites have therefore been identified at the JLFRWM Strategy level. However, it is acknowledged there are a number of coastal European designated nature sites, such as the Humber Estuary, Gibraltar Point, Saltfleetby-Theddlethorpe Dunes and the Wash which fall within Strategy. Any coastal management works will be led by the Environment Agency and will be subject to their strategic and project level HRA processes.
	Should LCC progress programmes, plans or projects developed within the Strategy framework and once information about the potential type and location of sites, is identified, Habitats Regulations Assessment screening should be undertaken, as required, in accordance with the Regulations.
	Consideration of potential impacts on areas or landscapes which have recognised protection status at the national or local level is also required when considering specific projects.

5 CONSULTATION

5.1.1. Natural England, Historic England and the Environment Agency (the "consultation bodies" for the purposes of the SEA Regulations) were consulted as part of this SEA Screening exercise. Their responses are provided in Table 5-1 below:

Table 5-1 Consultation Responses

Consultee	Comment
Natural England	Natural England concurs with the report's conclusions that this high level strategy would not require SEA. We also acknowledge the recognition that that a precautionary approach should be applied to future flood risk and water management activities and that these may involve project level assessment such as Habitat Regulations Assessments.
Historic England	(), having now had sight of the draft FRWMS document I can advise that Historic England is of the view that a SEA will NOT be required ()
Environment Agency ⁶	No formal response received.

6 SUMMARY AND CONCLUSIONS

- 6.1.1. The SEA Screening has been undertaken in order to determine whether an SEA of Lincolnshire's JLFRWM Strategy is required.
- 6.1.2. The key issues which are likely to be determinative and likely to give rise to significant environmental effects are the extent to which the JLFRWM Strategy sets a framework for the future development consent of projects, and / or is likely to give rise to significant environmental effects. Given the nature of the JLFRWM Strategy's vision and objectives, 'no' to both criteria have been determined. It is therefore concluded that an SEA is not required for the JLFRWM Strategy.
- 6.1.3. However, it is recognised that a precautionary approach should be applied to future flood risk and water management activities. If aims in the Strategy are further developed and could lead to additional maintenance woks or development of infrastructure in sensitive areas, then the LFRMS should include provisions for safeguarding the environment. These would include project level applications such as:
 - Environmental risk assessments (alongside for instance health and safety) for any maintenance works such as clearance of watercourses to ensure sensitivities such as potential for breeding birds or protected species are identified.
 - Where any activities such as watercourse maintenance are within 2km of a European site, a Habitats Regulations Assessment screening should be undertaken in accordance with the Regulations.

⁶ The Environment Agency is member of the Partnership and has been involved in the development of the Draft JLFRWM Strategy.



- Where any activities such as watercourse maintenance are undertaken, good environmental management practices such as avoiding silty run-off and prevention of diesel spills are applied.
- Where applicable, projects will be delivered through the appropriate consenting process and in accordance with relevant legislation.
- 6.1.4. Communicating awareness of these measures alongside the JLFRWM Strategy is equally important so that riparian responsibilities are understood.

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