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Kirklees Local Flood Risk Management Strategy

SEA Adoption Statement

Prepared by LUC
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Planning & EIA
Design
Landscape Planning
Landscape Management
Ecology
Mapping & Visualisation

LUC LONDON
43 Chalton Street
London NW1 1JD
T 020 7383 5784
F 020 7383 4798
london@landuse.co.uk

Offices also in:
Bristol
Glasgow
Edinburgh



FS 566056
EMS 566057

Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD

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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 Kirklees Council, to produce a Local Flood Risk Management Strategy (LFRMS). Kirklees 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 Kirklees 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 February 2013 and is very similar to the June 2012 SEA Report which related to the Public Consultation 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 have therefore been updated to reflect those minor changes, and an additional appendix (Appendix 5) has been included in the final SEA Report, outlining how the consultation responses received in relation to the SEA Report for the Draft LFRMS (June 2012) have been 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 June 2012 alongside the full SEA Report for the Draft LFRMS. The changes detailed in Appendix 5 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 (February 2013).

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 Kirklees 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.

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 reasons for choosing the plan/strategy as adopted, in the light of the other reasonable alternatives dealt with.
- 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 Kirklees LFRMS and is structured according to the SEA Regulations requirements listed above.

How environmental and sustainability considerations have been integrated into the Kirklees Local Flood Risk Management Strategy

- 1.9 LUC was appointed in February 2012 to undertake the SEA of the LFRMS independently on behalf of Kirklees Council. 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 what would be 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 Kirklees.
- 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 Kirklees LFRMS were developed by LUC, drawing on a review of relevant European, national and regional plans and programmes and the objectives they contained. The objectives that were used for the integrated Sustainability Appraisal (SA) and SEA of the Kirklees Core Strategy, which was also undertaken by LUC on behalf of the Council, were used as a starting point and amended as appropriate to reflect the specific nature of the LFRMS.
- 1.12 The resulting SEA ‘framework’ comprised nine 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 Kirklees Local Flood Risk Management Strategy

SEA Objectives
1. Minimise the risk of flooding to the District’s community and economic assets
2. Minimise the number of residential properties at risk from flooding
3. Minimise the risk of disruption from flooding to the transport network of the District
4. Secure the efficient and prudent use of land and protect soil quality
5. Protect and enhance the character of Kirklees
6. Preserve and enhance the historic environment
7. Maximise opportunities to protect and enhance biodiversity
8. Reduce the risk of soil and water pollution

SEA Objectives

9. Prevent inappropriate new development in high flood risk areas and ensure development does not contribute to increased 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 Kirklees LFRMS. Air was included 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 Kirklees Local Flood Risk Management Strategy

SEA Environmental Topic	Relevant SEA Objective(s)
Biodiversity, flora and fauna	7
Population and human health	2, 9
Soil	4, 8
Water	8, 9
Air	<i>Scoped out of the assessment</i>
Climatic factors	9
Material assets	1, 2, 3, 9
Cultural heritage (including architectural and archaeological heritage)	6
Landscape	5

- 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 Kirklees Council officers drafting the Strategy. An early draft version of the LFRMS was sent to the LUC SEA team to review and provide an initial SEA note to Kirklees Council (ahead of the production of the draft LFRMS for public consultation), highlighting any particular sustainability issues and making recommendations where relevant to try to improve policy wording such that potential adverse effects could be avoided or minimised, and beneficial opportunities could be enhanced.
- 1.15 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 many of these safeguards have been strengthened due to recommendations made in the SEA note and SEA Reports provided to Kirklees Council (see next section).

How the Environmental Report has been taken into account

- 1.16 As stated above, the SEA of the Kirklees 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. Kirklees Council officers preparing the LFRMS took the SEA findings and recommendations into account while making changes to the LFRMS at each stage.

1.17 **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. In all cases, drafts of the SEA Reports were provided to Kirklees Council prior to the LFRMS being finalised or published for consultation.

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
Spring 2012	Evidence gathering	<p>SEA Scoping Report (March 2012)</p> <p>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.</p>
Early summer 2012	Evidence Gathering	<p>Initial SEA Note (June 2012)</p> <p>LUC provided an initial SEA note to the Council on an early draft of the LFRMS in early June 2012, which included an early recommendation on refinements to one of the proposed LFRMS measures in order to maximise the beneficial sustainability effects of the LFRMS. It was recommended that the uncertainties attached to the potential effects of LFRMS objective 4 (maximise the benefits from partnership working with flood risk partners and our stakeholders) on SEA objectives 1 and 3 could be removed if the wording of measure 4.1 was more specific with regards to the types of partners that will be involved in the Kirklees Flood Risk Partnership, i.e. clearly stating if this will involve local businesses and organisations such as the Highways Agency.</p>
Summer 2012	<p>Draft Local Flood Risk Management Strategy (June 2012)</p>	<p>SEA Report (June 2012)</p> <p>As described above, LUC provided an initial SEA note to the Council in early June 2012 including an initial recommendation for improving the likely environment effects of the LFRMS. This recommendation (which related to measure 4.1 in the emerging LFRMS) was not taken into account in the public consultation draft LFRMS. It was therefore repeated in the full June 2012 SEA Report, and a further recommendation was also made in relation to strengthening the mitigation provided by another emerging LFRMS measure (6.1). It was recommended that</p>

Date	LFRMS stage	SEA stage
		measure 6.1 should explicitly refer to the need to consider the potential for biodiversity benefits to be achieved through the implementation of the LFRMS.
Early 2013	<p>Final Local Flood Risk Management Strategy (February 2013)</p> <p>The LFRMS was formally adopted by Kirklees Council as Council Strategy.</p>	<p>Final SEA Report published (February 2013)</p> <p>LUC produced an updated version of the SEA Report to reflect the minor changes that had been made to the LFRMS as it was finalised. Both of the recommendations from the SEA Report for the Public Consultation Draft LFRMS were taken into account by Kirklees Council in preparing the final version of the LFRMS. No amendments were made to measure 4.1 as discussions with the Council confirmed that the parties already referenced in the measure (the Council, the Environment Agency and Yorkshire Water) were the only partners involved in the Kirklees Flood Risk Partnership. Measure 6.1 was amended to clearly refer to the need to achieve biodiversity benefits through the LFRMS where possible. The final SEA Report did not include any further recommendations for improving the LFRMS.</p>

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

- 1.18 At each stage of the SEA of the Kirklees 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.
- 1.19 The LFRMS consultation stages and consultation responses received relating to the SEA Reports are summarised below. Note that while all the statutory consultation bodies for the SEA may not have commented directly on the SEA Report at each stage, they were consulted and did provide responses to the LFRMS itself at each stage.

SEA Scoping (March 2012)

- 1.20 LUC produced and consulted on the SEA Scoping Report for the LFRMS in March 2012. 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. The Scoping Report was sent to the three statutory consultation bodies for a five week consultation period between 19th March and 22nd April 2012 and comments were received from all three. While all were broadly supportive of the approach being taken to the SEA, the consultees suggested a number of additional plans and programmes to review, additional baseline information that it would be useful to include and a small number of amendments to the SEA framework. The Environment Agency in particular provided a large number of detailed comments. These comments were addressed in updated versions of the review of plans and programmes, baseline information and SEA framework in the first iteration of the full SEA Report (see below). An appendix (Appendix 1) was included in that report listing the comments received and stating how each one had been addressed.

Information gathering (May 2012)

- 1.21 Kirklees Council conducted an 'information gathering' exercise in May 2012, whereby a questionnaire was produced and made available to the general public on the Council's website. It sought to collect information regarding local peoples' experiences of flooding and what they considered to be priorities for action by the Council. The findings of the questionnaire helped to inform the development of measures to be included in the LFRMS. Note that this consultation did not relate to the SEA of the LFRMS.

Public consultation June 2012

- 1.22 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 July and August 2012. Only one respondent (Natural England) commented directly on the SEA Report, making the following two comments:
- Section 5.15 - LFRMS objective 7 has the potential to have some negative effects, such as removal or loss of habitat, as identified in the section. This should be reflected in Table 5.1. Measures to minimise or avoid potential negative effects should be identified, and alternatives considered where appropriate.
 - Table 6.1 - For SEA objective 5, Natural England advises that the monitoring should also include a reference to the number of land management initiatives occurring within designated sites within Kirklees.
- 1.23 These consultation responses relating to the SEA Report for the public consultation draft LFRMS were presented in Appendix 5 of the SEA Report for the final LFRMS (February 2013) with a comment stating how each has been addressed in that final SEA Report. The wording of the summary of effects (Section 5) was revised in order to make clearer the uncertainty regarding the effects of LFRMS objective 7 and the suggested monitoring indicator relating to SEA objective 5 was added into the monitoring framework in Chapter 6 of the final SEA Report.

Why the final LFRMS was chosen in light of reasonable alternatives

- 1.24 Chapter 2 of the final SEA Report (February 2013) 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?

- 1.25 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).
- 1.26 Chapter 6 of the June 2012 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 Kirklees Council plans and strategies, in particular the Core Strategy. The SEA monitoring proposals did not need to be updated to reflect the final version of the LFRMS as no changes had been made to the measures in the final version and therefore the same likely significant effects were identified. However, in its response to the consultation on the Draft LFRMS and accompanying SEA Report, Natural England made a suggestion regarding a potential additional monitoring indicator to be included in the monitoring framework. This has since been added to the monitoring framework in the final SEA Report (as described above).
- 1.27 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. As no new likely significant effects were identified as arising from the final version of the LFRMS (as no substantive changes were made to the measures that had been included in the Draft version), the predicted significant effects set out in the June 2012 SEA Report are still the ones that should be monitored (as also presented in the final SEA Report):

Potential significant positive effects of the LFRMS:

- Minimise the risk of flooding to community and economic assets [**SEA objective 1**] (LFRMS objectives 5, 9 and 10).
- Minimise the number of residential properties at risk from flooding [**SEA objective 2**] (LFRMS objectives 5, 9 and 10).
- Minimise the risk of disruption from flooding to the transport network of the District [**SEA objective 3**] (LFRMS objectives 5, 9 and 10).
- Prevent inappropriate new development in high flood risk areas and ensure development does not contribute to increased flooding for existing property and people elsewhere [**SEA objective 9**] (LFRMS objectives 5 and 9).

Potential uncertain effects of the LFRMS:

- Protect and enhance the character of Kirklees [**SEA objective 5**] (LFRMS objective 3).

- 1.28 It is recognised that these are all potential effects, and the uncertain effects may be able to be mitigated by proper implementation of other measures in the LFRMS if required. 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.
- 1.29 **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), drawing on the indicators that are also going to be used for the LFRMS and Kirklees Core Strategy monitoring where relevant. It is recommended that monitoring these effects be undertaken by Kirklees Council as part of the annual monitoring process carried out for the Core Strategy.
- 1.30 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 Kirklees LFRMS

SEA objective to be monitored?	Suggested indicators (or sources for indicators)
1: Minimise the risk of flooding to the District’s community and economic assets	Number of planning permissions granted for community or economic assets within flood zones 2, 3a or 3b. Number of flood events affecting community and economic assets in the District. Number of land management initiatives implemented in the Colne and Dearne catchments achieving reductions in surface water run-off rates.
2: Minimise the number of residential properties at risk from flooding	Number of residential properties granted planning permission within flood zones 2, 3a or 3b. Number of residential properties affected by flooding in the District. Number of land management initiatives implemented in the Colne and Dearne catchments achieving reductions in surface

SEA objective to be monitored?	Suggested indicators (or sources for indicators)
	water run-off rates.
3: Minimise the risk of disruption from flooding to the transport network of the District	<p>Number of planning permissions granted for transport infrastructure within flood zones 2, 3a or 3b.</p> <p>Number of road closures due to flood events in the District.</p> <p>Number of land management initiatives implemented in the Colne and Dearne catchments achieving reductions in surface water run-off rates.</p>
5. Protect and enhance the character of Kirklees	<p>Number of land management initiatives implemented in the Colne and Dearne catchments where local character was taken into account during development and approval of proposals.</p> <p>Number of land management initiatives occurring within designated sites within Kirklees.</p>
9: Prevent inappropriate new development in high flood risk areas and ensure development does not contribute to increased flooding for existing property and people elsewhere	<p>Number of planning permissions granted for development within flood zones 2, 3 or 3a.</p> <p>Number of planning applications approved subject to sustained Environment Agency objections on flood risk grounds.</p>

LUC
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