

Leicestershire Local Flood Risk Management Strategy

Strategic Environment Assessment Post-Adoption Statement

Final Report

January 2024

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Leicestershire County Council**

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Abbreviations

LCC	Leicestershire County Council
LFRMS	Local Flood Risk Management Strategy
LLFA	Lead Local Flood Authority
SEA	Strategic Environmental Assessment
WFD	Water Framework Directive

Definitions

Term	Definition
Local Flood Risk Management Strategy	Strategies produced by lead local flood authorities, considering local issues and policy. It should also consider the extent and severity of flood risk and the geography of the authority area including the environmental or social setting.
Lead Local Flood Authority	County councils and Unitary Authorities which lead in managing local flood risks.
Strategic Environmental Assessment	Strategic Environmental Assessment is a decision support process which aims to promote sustainable development by assessing the extent to which the emerging plan will help achieve relevant environmental, economic, and social objectives.
Water Framework Directive	The Water Framework Directive is a European Union directive which aims to get polluted waters clean again and ensure they stay clean.

Executive Summary

Overview

The Flood and Water Management Act (2010) determined the need for flood risk to be managed within the framework of National Strategies for England and Wales and within Local Strategies for each Lead Local Flood Authority (LLFA). This is supported by the National Flood and Coastal Erosion Risk Management Strategy for England, published by the Environment Agency in 2020, which sets out the principles for flood risk management and which organisations are responsible for their implementation.

LLFAs, which include Leicestershire County Council (LCC), are required to produce a Local Flood Risk Management Strategy (LFRMS). The aim of a LFRMS is to guide the management of local flood risk, reflecting local circumstances such as the level of risk and the potential impacts of flooding. Leicestershire's updated LFRMS must assess local flood risk, set out measures for managing local flooding and determine the costs and benefits associated with the implementation of such measures.

LCC's first LFRMS was adopted in 2015. Within this LFRMS, it was outlined that an update would be required every six years. Since this document was produced, knowledge of the broad nature and extent of flood risk across Leicestershire has grown. It was determined that the 2015 LFRMS should be revised to facilitate continued statutory compliance, improved action planning and partnership working, improved resource efficiency and support for funding applications, and improved community understanding and engagement to facilitate management of flood risk within Leicestershire.

An updated LFRMS has since been produced which LCC adopted as its LFRMS in November 2023 and will be updated every six years, or as required. The associated Action Plan is to be updated regularly.

Strategic Environmental Assessment

When preparing a flood management plan that will inform decision making and identify actions to be taken to reduce the risk of flooding, it is a statutory requirement to conduct a Strategic Environmental Assessment (SEA) in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). Due to the scale of the changes proposed in the updated LFRMS and the potential for significant environmental effects, it was considered appropriate that an SEA be undertaken.

The way in which the environmental and sustainability effects of the LFRMS were described, assessed, and compared was through the SEA Framework comprising a set of SEA objectives and SEA assessment criteria. The SEA Framework and SEA objectives were based on identified local environmental issues throughout Leicestershire and further developed and amended in accordance with the consultation responses received.

The SEA Framework comprised eight SEA objectives (landscape, biodiversity, water environment, heritage, geology and soils, population and human health, material assets and climate change) and nine SEA topics that were used to decide what the likely effects of the LFRMS would be. The SEA objectives provided the main tools at each stage of the SEA

for assessing the objectives and measures in the LFRMS. All SEA topics were covered by one SEA objective apart from 'air quality', which was scoped out of the assessment as it was unlikely that the LFRMS would have a significant effect on air quality. The SEA Report included three alternative management approaches for the LFRMS.

At points throughout the development of the LFRMS certain decisions were made which had alternative options. Therefore, the SEA Report included three alternative management approaches for the LFRMS. These were 'do nothing', 'maintain current LFRMS', and 'prepare a new plan'. Checks have been made to ensure that the preferred option did not have significant negative effects on the SEA objectives, and where necessary mitigation measures have been included.

The updated LFRMS (adopted in November 2023) was subject to an SEA which was undertaken alongside the LFRMS. The LFRMS and each stage of the supporting SEA were subject to the relevant statutory consultation periods to allow members of the public and statutory consultees the opportunity to comment, as appropriate.

Comments received from members of the public and statutory consultees were addressed in updated versions of the LFRMS and SEA reports as required.

The final LFRMS was approved for adoption in November 2023. The final SEA Environmental Report to support this LFRMS included proposals for how the potentially significant environmental effects identified for the LFRMS in the Action Plan should be monitored. These are outlined further in this post adoption statement.

1 Introduction

1.1 LFRMS Background

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 Leicestershire County Council (LCC), to produce a Local Flood Risk Management Strategy (LFRMS). This was supported by the National Flood and Coastal Erosion Risk Management Strategy for England, initially published by the Environment Agency in 2011 and revised and updated in 2020, which sets out principles for flood risk management and which organisations are responsible for their implementation.

The aim of a LFRMS is to guide the management of local flood risk, reflecting local circumstances such as the level of risk and the potential impacts of flooding.

LCC's first LFRMS was adopted in 2015; since this document was produced, knowledge of the broad nature and extent of flood risk across Leicestershire has grown. It was determined that the 2015 LFRMS should be revised to facilitate continued statutory compliance, improved action planning and partnership working, improved resource efficiency and support for funding applications, and improved community understanding and engagement to facilitate management of flood risk within Leicestershire.

Leicestershire's updated LFRMS was required to assess local flood risk, set out measures for managing local flooding and determine the costs and benefits associated with the implementation of such measures.

LCC has now adopted its updated LFRMS as Council policy.

1.2 SEA Background

When preparing a flood management plan that will inform decision making and identify actions to be taken to reduce the risk of flooding, it is a statutory requirement to conduct a Strategic Environmental Assessment (SEA) in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). Due to the scale of the changes proposed in the updated LFRMS and the potential for significant environmental effects, it was considered appropriate that an SEA be undertaken.

LCC commissioned JBA Consulting to undertake the SEA alongside officers from the County Council. The method and findings of the SEA were described in the SEA Environmental Report, which was published alongside the draft and final versions of the LFRMS as it was developed in 2023.

The updated LFRMS and SEA was subject to a five-week consultation with affected statutory bodies in January - February 2023 and a ten-week full public consultation in June - August 2023. A specific consultation request on the scoping of the SEA was also sent to the SEA statutory bodies to allow for a formal review in October - November 2022.

The SEA Report for the LFRMS was finalised in September 2023 following on from minor amendments after consultation with stakeholders and the public.

The SEA Regulations require the production of a Non-Technical Summary of the information included in the SEA Report, and this was also finalised in September 2023 and has been published alongside the full SEA Report.

1.3 Requirement for the SEA Post-Adoption Statement

The SEA Regulations require a number of steps to be taken upon adoption of a plan or strategy (in this case the LCC LFRMS). Specifically, Regulation 16 sets out the post-adoption procedures for the SEA and requires that, as soon as is reasonably practical 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 bodies 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 considered during preparation of the plan/strategy.
- How the opinions expressed by the public and consultation bodies during consultation on the plan and Environmental Report have been considered.
- How the results of any transboundary consultations entered into have been considered.
- The reasons for choosing the plan / strategy as adopted, in the light of the other reasonable alternatives.
- The measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the plan/strategy.

The remainder of this SEA adoption statement will detail how each of these requirements has been met.

2 How have environmental and sustainability considerations been integrated into the Leicestershire Local Flood Risk Management Strategy?

JBA Consulting was appointed in July 2022 to undertake the SEA of the LFRMS on behalf of LCC. The purpose of the SEA was to assist LCC 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 outline recommendations to improve the LFRMS. The aim was to ensure that potentially significant environmental impacts of strategy implementation were identified and avoided or mitigated during plan preparation.

The SEA was fully integrated into the development of the LFRMS. At each stage of the LFRMS development, an assessment of the sustainability and environmental effects of the measures included in the document was carried out. These assessment findings were reported in the SEA Environmental Report, which was produced to show how the SEA had influenced the LFRMS process, describe the approach taken, identify the likely effects, and put forward recommendations to avoid or minimise the negative effects identified. Where possible, the SEA also identified opportunities for environmental enhancement as well as mitigating potential adverse effects of the LFRMS.

The way in which the environmental and sustainability effects of the LFRMS were described, analysed, and compared was through the use of an SEA Framework comprising a set of SEA objectives and SEA assessment criteria. The SEA Framework and SEA objectives were developed during the SEA Scoping stage and were based on identified local environmental issues throughout Leicestershire. The SEA Framework and SEA objectives were outlined within the SEA Scoping Report which was issued to statutory consultees (Historic England, Natural England and the Environment Agency) in October 2022 for their review and comment. The SEA Framework and SEA objectives were further developed and amended in accordance with the consultation responses received.

The 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 2-1 below. The SEA objectives provided the main tools at each stage of the SEA for assessing the objectives and measures in the LFRMS. All SEA topics were covered by one SEA objective apart from 'air quality', which was scoped out of the assessment. Air quality was not 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.

Table 2-1: SEA Framework for the LCC LFRMS.

Receptor	Objective
Landscape and Visual Amenity	Protect the integrity of local urban and rural landscapes in the area.
Biodiversity, Flora and Fauna	Maintain, enhance and extend biodiversity, wildlife and habitat connectivity.
Water Environment	Protect and enhance the quality of water features and resources.
Geology and soils	Maintain soil quality and conserve geological designations.
Historic Environment	Preserve and where possible, enhance important heritage assets.
Population and Human Health	Protect and enhance human health and wellbeing.
Material assets	Minimise the impacts of flooding to the transport network and key critical infrastructure
Material assets	Minimise local and national contribution to climate change.

In addition to the SEA Framework above, the SEA was developed alongside the LFRMS and has therefore been used to inform sustainable decision making throughout.

3 How has the Environmental Report been considered?

The methodology for the SEA of the LCC LFRMS was informed by the Government's best practice guidance (ODPM, 2005) and was undertaken iteratively in that it included five main stages and iterative tasks such that an assessment of its sustainability and environmental effects was carried out at several stages of the LFRMS development. This allowed recommendations to be put forward at different stages, to avoid or minimise negative effects and enhance positive effects. LCC Officers then took the SEA findings and recommendations into account while making changes to the LFRMS at each stage.

Table 3-1 below shows how the preparation of the SEA corresponded with the development of the LFRMS. It also includes the different SEA Stages and SEA tasks, and how any recommendations were considered.

Table 3-1: Stages in the SEA process.

Date	SEA Stages	SEA Tasks
July - November 2022	Stage A: Setting the context and objectives, establishing the baseline, and deciding on the scope The Scoping Report was produced and shared with the statutory consultees, Natural England, Historic England and the Environment Agency. As outlined under the Environmental Assessment of Plans and Programmes Regulations 2004, the consultation period was for a period of five weeks from Friday 14th October to Friday 18th November 2022. Following the receipt of comments, the Scoping Report was updated in accordance with the comments received. Comments mainly related to baseline data included and requests to include additional information.	A1: Identifying other relevant policies, plans and programmes, and environmental protection objectives.
		A2: Collecting baseline information.
		A3: Identifying environmental issues.
		A4: Developing the SEA objectives and framework
		A5: Consulting on the scope of the SEA.

Date	SEA Stages	SEA Tasks
November - January 2023	<p>Stage B: Developing and refining options and assessing effects</p> <p>Following consultation on the SEA Scoping Report, the SEA Framework (detailed in Table 2-1) was amended in accordance with the consultation responses received.</p> <p>Taking into consideration the SEA framework and objectives, an assessment of reasonable alternatives to the updated LFRMS was undertaken, making a relative comparison between them, and to the baseline evidence. The preferred option for the draft LFRMS was subject to assessment against the SEA Framework and the significant potential impacts were described and identified. Wherever possible, baseline data, references and evidence were provided to support the assessment. These outcomes were shared with LCC for consideration in the strategy development.</p>	
November - January 2023	<p>Stage C: Preparing the Environmental Report</p> <p>Following on from Stages A and B, the Environmental Report was then drafted from November 2022 - January 2023 with the final draft document produced in January 2023. It outlined the likely significant effects of the LFRMS and set out a proposed strategy for monitoring these significant effects.</p> <p>This Stage was revisited where required after the consultations undertaken as part of Stage D of the SEA process.</p>	

Date	SEA Stages	SEA Tasks
January - February 2023 May - August 2023	<p>Stage D: Consulting on the draft LFRMS and the Environmental Report</p> <p>A four-week consultation with two community flood groups and Flood Risk Management Board members between Thursday 12th January and Friday 10th February 2023. All comments received were reviewed and amendments made to the LFRMS and associated documents including the SEA. Following consultation, minor changes to the Environmental Report were necessary to address comments received. Changes were also made to the LFRMS in response to comments received. None of the changes were deemed to be significant and therefore further assessment to identify whether they would result in significant effects was not required.</p> <p>A ten-week formal public consultation was then undertaken on the updated LFRMS between Monday 4th June and Sunday 13th August 2023. The Environmental Report was consulted upon with the statutory SEA consultees, other key stakeholders, and the public. All comments received were reviewed and amendments made to the LFRMS and associated documents including the SEA. No comments were received on the SEA during the consultation. Changes were made to the LFRMS in response to comments received such as moving technical aspects to Appendices and preparing a summary of the Strategy to improve the provision of information to communities. None of the changes were deemed to be significant and therefore further assessment to identify whether they would result in significant effects was not required.</p>	
Ongoing	<p>Stage E: Monitoring the significant effects of implementing the LFRMS</p> <p>A monitoring framework has been put in place that links the predicted impacts, effects, and monitoring indicators. Once implemented, this should enable the responsible authority to determine at the earliest opportunity if any adverse effects are occurring as a result of the implementation of the LFRMS.</p>	

4 How have opinions of consultation bodies and the public been considered?

At each stage of the SEA of the Leicestershire LFRMS, the relevant reports were published for consultation with the consultation bodies specifically relating to the SEA Directive (Historic England, Environment Agency, and Natural England), and the public where appropriate. 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 considered.

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, however the respective reports were shared with them to provide them with the opportunity to comment.

4.1 SEA Scoping (July - November 2022)

JBA Consulting produced the SEA Scoping Report for the LFRMS which was shared with LCC. 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 proposed SEA Framework.

The SEA Scoping Report was sent to the three statutory consultation bodies for a five-week consultation period between October and November 2022. Comments were received from the Environment Agency and Historic England. Natural England had no comment to make. The comments included suggestions of additional plans and programmes that should be reviewed and considered, and additional baseline information that it would be useful to include.

The Environment Agency advised of a series of plans, policies and programmes to be considered including national policies and guidance, Strategic Flood Risk Assessments for each district council within the County of Leicestershire and fluvial model reports for the relevant fluvial models in Leicestershire. The Environment Agency also advised of suggested additions to the baseline information included, including a section on removal and treatment of invasive non-native species (INNS) and priority species and habitats. The Environment Agency were pleased to see water resources and water quality scoped into the SEA.

Historic England suggested the consideration of how flood risk management measures implemented through the LFRMS may impact heritage assets and archaeological remains. Historic England also requested the Bosworth Battlefield should be included in the baseline as a key heritage receptor.

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. Natural England had comment to make on the SEA Scoping Report.

4.2 SEA Environmental Report Consultation (January - February 2023)

The SEA Environmental Report was produced between November 2022 and January 2023. This included the assessment undertaken as part of Stage B of the SEA.

4.2.1 Flood Risk Management Board Member Consultation (January - February 2023)

Alongside the draft LFRMS, the SEA Environmental Report was first subject to consultation with two community flood groups and Flood Risk Management Board members between Thursday 12th January and Friday 10th February 2023.

Several comments were received on the draft LFRMS, which LCC updated as required. Only one comment was received on the SEA Environmental Report. The SEA Environmental Report was subsequently updated to reflect minor changes to measures and principles contained within the LFRMS, as well as updates to the policies and strategies in Appendix B.

4.2.2 Public Consultation (June - August 2023)

Once the LCC had produced a finalised draft of the LFRMS for consultation, and JBA Consulting had produced a finalised SEA Environmental Report, both were published for public consultation for a ten-week period between June and August 2023. The documents were also shared with statutory consultees; Natural England, the Environment Agency and Historic England. No comments were received on the SEA Environmental Report. Comments were received on the LFRMS, however, these were not of a nature or significance to require amendment to the SEA Environmental Report.

5 Reasonable alternatives

The purpose and content of the LFRMS is clearly defined by the Flood and Water Management Act 2010 and this means that there is limited scope for the consideration of alternatives. However, at points throughout the development of the LFRMS, certain decisions have been made where there were alternative options available. Checks have been made to make sure that the preferred option did not have significant negative effects on the SEA objectives, and where necessary, mitigation measures have been included.

The SEA Report included three alternative management approaches for the LFRMS. These were 'do nothing', 'maintain current LFRMS', and 'prepare a new plan'. The assessment reached the following conclusions:

1. **Do nothing:** several significant adverse impacts were identified, particularly in relation to people and property, and other environmental assets including heritage assets and biodiversity, where increased flooding may create new pathways for the spread of invasive non-native species. Surface water and groundwater quality could also be adversely affected, with increased flooding of contaminated sites leading to greater impacts on water resources. This was not

considered to be an appropriate option as it is a statutory requirement for the LLFA to maintain a strategy for local flood risk.

2. **Maintain current LFRMS (2015):** it was identified that retaining the current strategy would result in little or no change in the environmental baseline in the short to medium term as the existing flood risk strategy would maintain existing levels of flood protection. However, because of climate change, flood risk will increase, resulting in many of the impacts identified under Option 1, although potentially to a lesser extent and significance. The current LFRMS also does not consider improved knowledge and understanding of flood risk in Leicestershire or updates to the National Flood Risk Strategy.
3. **Preparation of a new plan:** it was identified that this option had the potential to provide a range of environmental benefits. If designed and implemented appropriately, this could include reducing flood risk to people and property, contributing to the protection of heritage assets and improvements in water quality, and providing new opportunities for habitat creation and the provision of recreation and amenity assets. However, if implemented in an inappropriate manner, this could result in adverse effects on a range of environmental features. This risk is managed through the preparation of this SEA and through the correct application of the strategy, and associated policies and guidance, which is likely to require consideration of the sustainability of a project prior to its implementation.

Table 7-1 in Chapter 7 of the final SEA Environmental Report (April 2023) provides the full details of the "Assessment of the Strategy and Alternative Options Against the SEA Objectives" and explains the reasoning behind selection or rejection of these.

6 How will the environmental and sustainability effects be monitored?

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).

It is not necessary to monitor every potential effect of the LFRMS. SEA monitoring should be focussed on the significant environmental and 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.

No likely significant negative effects were identified in relation to the LFRMS. The majority of the LFRMS objectives and actions are likely to have indirect beneficial effects upon the environment as they relate to enhanced understanding and awareness of flood risk along with high-level flood risk management measures. Potentially significant positive effects were identified overall in relation to two of the SEA objectives:

- SEA objective 6: to protect and enhance human health and wellbeing
- SEA objective 7: Minimise the impacts of flooding to the transport network and key critical infrastructure.

Significant positive effects were also identified against each SEA objective individually. However, some 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. Monitoring of the environmental effects of implementation of the LFRMS is therefore recommended.

Chapter 9 of the April 2023 SEA Environmental Report for the LFRMS includes proposals for how the potential significant environmental effects identified for the LFRMS in the Action Plan could be monitored and the possible monitoring partner, as shown in Table 6-1.

Table 6-1: Monitoring indicators and monitoring partners for each SEA Objective.

SEA Objective	Monitoring Indicator	Possible Monitoring Partner
1. Landscape: Protect the integrity of local urban and rural landscapes in the area.	Changes in the condition and extent of existing characteristic elements of the landscape. The condition and quality of new landscape features introduced to the environment (i.e., new flood defences).	Environment Agency Natural England

SEA Objective	Monitoring Indicator	Possible Monitoring Partner
2. Biodiversity, Flora and Fauna: Maintain, enhance and extend biodiversity, wildlife and habitat connectivity.	Area of designated nature conservation sites at risk of flooding and an assessment of the impact. Monitoring of reported conservation status of designated nature conservation sites.	Environment Agency Natural England
3. Water Environment: Protect and enhance the quality of water features and resources.	Assessment of LFRMS options and their impact on the WFD objectives.	Environment Agency Natural England Severn Trent Water
4. Geology and Soils: Maintain soil quality and conserve geological designations.	Area of agricultural land at risk of flooding and an assessment of the impact. The condition and quality of soils within the Council area (with emphasis on designated sites).	Environment Agency Natural England Internal Drainage Boards
5. Historic Environment: Preserve and where possible, enhance important heritage assets.	Number of designated heritage sites at risk from flooding and an assessment of the impact. Number of designated heritage sites adversely impacted upon by flood risk management measures	Environment Agency Natural England Historic England
6. Population and Human Health: Protect and enhance human health and wellbeing.	Number of residential properties at risk from flooding.	Environment Agency National Health Service
Material Assets and Climate Change: Minimise the impacts of flooding to the transport network and key critical infrastructure	Length of road and rail infrastructure at risk from flooding. Number of key infrastructure assets at risk from flooding. Number of Green Infrastructure assets at risk from flooding or created/enhanced through implementation of the LFRMS	Environment Agency Network Rail National Highways
Material Assets and Climate Change: Minimise local and national contribution to climate change.	Carbon Footprint of proposed flood risk mitigation strategies.	Environment Agency Natural England

References

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