

Derbyshire County Council

Equality Impact Analysis



Department	Economy, Transport & Environment (ETE)
Service Area	Transport & Environment
Changes or proposals	Derbyshire's Local Flood Risk Management Strategy
Chair of Analysis Team	Steve Mead – Principal Engineer, Highway Information and Technical Policy
Date of Analysis	June 2015
Version	2

1. Prioritising what is being analysed

a. Description of current service arrangements

The Flood and Water Management Act (FWMA, 2010) identifies Derbyshire County Council as the Lead Local Flood Authority (LLFA) for Derbyshire. It also identifies certain organisations as Risk Management Authorities (RMAs) who have a key role in managing flood risk at a local level and must cooperate with all other RMAs to ensure a partnership approach is adopted for Derbyshire.

As LLFA, the council has an overarching strategic coordinating role in managing local flood risk from surface water (pluvial), ordinary watercourses (fluvial) and groundwater sources.

The County Council's key responsibilities as a LLFA are to:

- Develop a Local Flood Risk Management Strategy (Section 9 FWMA).
- Investigate flooding (Section 19 FWMA) to a locally derived threshold –the County Council have developed policy which identified thresholds for investigation for Derbyshire.
- Maintain a register of assets (Section 21 FWMA) affecting flood risk management.

The FWMA also amended the following sections of the Land Drainage Act 1991 (LDA) resulting in new roles and responsibilities for the County Council:

- Section 14a – The addition of this subsection introduced the role of the LLFA and provides general permissive powers to undertake works to mitigate flood risk from ordinary watercourses, surface water and groundwater.

- Section 23 – As of 6th April 2012 the responsibility for issuing Land Drainage Consents for works in or near to ordinary watercourses passed from the EA to the LLFA.
- Section 25 – The LLFA have permissive powers to require works to maintain the free passage of flow on ordinary watercourses.

b. Details of proposals or changes

Derbyshire County Council has a statutory duty to 'develop, maintain, apply and monitor a strategy for flood risk management in the local area'.

The nature and contents of Derbyshire's Local Flood Risk Management Strategy (the strategy) are determined by provisions in the Flood and Water Management Act 2010 and the National Flood and Coastal Erosion Risk Management Strategy for England (2011).

The proposal is to develop a living document that sets out the County Council's objectives in coordinating the management of local flood risk in Derbyshire and provides the framework for prioritising these objectives over the coming years. The strategy will continue to evolve as the Authority's understanding of flood risk across Derbyshire grows.

The strategy is a tool which enables the County Council to demonstrate to the people and businesses of Derbyshire the work that has been undertaken to date, and sets out its aspirations for a future service delivery plan of flood risk management for the county. The development of the final strategy has taken a holistic overview of the risks and priorities identified as a result of the work the Flood Risk Management team is doing, in partnership and in the development of the strategy which has been subject to a public consultation.

The strategy aims to deliver strong community engagement and partnership working. Promoting and supporting personal resilience is a core element within the delivery plan of this strategy, empowering local communities to make local choices and to enable them to understand and manage flood risk at a local level.

The strategy will reflect the need to consider equalities and diversity in plans, strategies and other documents undertaken by the council and its partners, where available.

This EIA highlights the anticipated equalities and diversity implications arising from the strategy. Where applicable separate EIAs will be undertaken on specific schemes and activities in the action plan as and when actions are fully detailed/implemented.

c. Rationale for proposed changes

The strategy will provide an overview of the ongoing flood risk management work underway across Derbyshire, and in the future will identify and prioritise the levels of risk from local sources of flooding within the county.

It will set out six Local Objectives which detail the County Council's key actions for

coordinating the management of local flood risk for the people and businesses of Derbyshire. The timescales, priorities and status of each objective allows for the ease of scrutiny in delivering the objectives, making the process transparent. The six objectives are identified below:

1. To further develop an understanding of the flood risk to Derbyshire and the impacts of climate change working collaboratively with all other Risk Management Authorities and relevant groups/bodies to ensure a coordinated response to flood risk management for Derbyshire.
2. To continue to work with all relevant bodies to ensure appropriate and sustainable development in Derbyshire.
3. To aim to reduce the level of flood risk to the residents of Derbyshire.
4. To continue to prioritise limited resources effectively to support communities most at risk in Derbyshire.
5. To continue to help and support the local communities of Derbyshire to manage their own risk.
6. To continue to help protect and enhance the natural and historic environment of Derbyshire.

The above objectives reflect the requirements of the 2010 Flood and Water Management Act and the National Flood and Coastal Erosion Risk Management Strategy 2011.

The objectives have also been informed by consultation with risk management authorities.

This EIA highlights the equalities and diversity implications arising from the strategy.

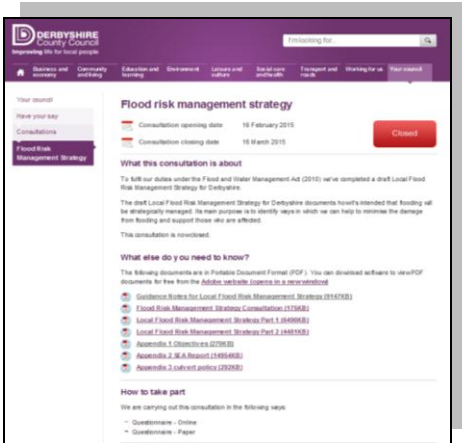
2. The team carrying out the analysis

Name	Area of expertise/ role
Steve Mead	Principal Engineer – Highways Information and Technical Policy
James Biddlestone	Senior Project Engineer – Flood Risk Management

3. Existing information and consultation based feedback

a. Sources of data and consultation used

Source	Reason for using
Public Consultation	<p>The county council has carried out a public consultation which began on 16th February and ran through until 16th March 2015.</p> <p>The focus was on completion of on-line questionnaires, although paper-based</p>

Source	Reason for using
	<p>questionnaires were also published and available through a variety of outlets/upon request.</p> <p>The consultation was widely publicised through the County Council’s website, press releases and social media.</p> <p>During the consultation process the council offered information in a variety of formats i.e. large print and Braille and could have been made available in other languages upon request.</p>
<p>Strategic Flood Risk Assessments (SFRA’s)</p>	<p>These documents are produced by Planning Authorities to support Core Strategies and Local Plans. Historically there has been focus in SFRA’s on large scale flooding from rivers flooding. Moving forward updates to these documents will attempt to understand the extent and severity of flood risk from all sources and to use the information to try to direct development away from the areas at highest risk.</p>
<p>Core Strategies and Local Plans</p>	<p>These documents are produced by Planning Authorities, these statutory documents keep under review changes to the area’s population, and economic characteristics and the communications of the area in order to determine how the changes affect the development of the area. Consequently, they are a resource for identifying spatial strategy, development principles, economic and commercial growth all of which can be influenced by equality and diversity issues.</p>
<p>Derbyshire Preliminary Flood Risk Assessment (PFRA)</p>	<p>The PFRA process is aimed at providing a high level overview of flood risk from local flood sources, including surface water, groundwater and ordinary watercourses. The assessment within the document used the National Receptor Dataset which lists vulnerable sites – hospitals, care homes, schools etc.</p>
<p>Derbyshire’s Flood Contingency Plan</p>	<p>This plan has been developed by Derbyshire’s Resilience Forum to collate information regarding the roles and responsibilities of organisations that respond to flooding within Derbyshire to</p>

Source	Reason for using
	improve multi agency response and co-ordination to flooding incidents. It sets out the process of warning and informing those at risk from flooding and the response procedure to protect vulnerable groups.
Section 19 Investigations	As the Lead Local Flood Authority (LLFA) for Derbyshire one of our duties under the Flood and Water Management Act 2010 is to investigate flood events that occur within its area, as it deems necessary. To date the flood risk management team has undertaken seven investigation reports. These reports have been produced following in-depth engagement with the affected communities to understand the local flood impacts and develop community resilience. Where relevant, the needs of vulnerable groups have been appraised/considered before the implementation of any projects/resilience measures.
Dealing with customer enquiries	Customer enquiries are received frequently from a wide variety of sources about the management of local flood risk. These usually refer to drainage problems that have the potential to result in property flooding. They are logged and investigated by the Flood Risk Management team. Where applicable the findings are shared with relevant Risk Management Authorities and key stakeholders to develop solutions in partnership. There is plenty of opportunity throughout this process to identify and record the impacts of local flooding on vulnerable people and prioritise a response.

4. Known impact on different protected characteristic groups

- a. From existing data and information – who is likely to be adversely affected, how, and to what degree? Will anyone gain or benefit from the proposals?

Protected Group	Findings
Age including children and families, older people	Flooding may impact older people due to an individuals mobility, agility and ability to respond to the event. Often flooding can be caused by a rapid downpour of rain that causes the localised catchment and drainage network to be overwhelmed. This requires the individual to respond swiftly to

	<p>risks so life, property and infrastructure.</p> <p>The impacts on older people are expected to be positive, because the strategy will encourage more consideration of this group.</p> <p>No negative impacts are expected.</p> <p>By attempting to mitigate flood risk, especially when impacting on life, property or the transport network will ensure vulnerable residents continue to live with reduced risk and maintain access to key services during a flood event.</p> <p>When working with local communities to produce/develop local flood plans the flood risk management team looks to identify elderly and vulnerable people within the community. Once identified the plan is populated to accommodate/support their specific needs during a flood event.</p>
<p>Disabled people including mobility, sensory, learning, mental health, HIV, and also include carers and relatives</p>	<p>Flooding may impact disabled people due to an individuals mobility, agility and ability to respond to the event. Often flooding can be caused by a rapid downpour of rain that causes the localised catchment and drainage network to be overwhelmed. This requires the individual to respond swiftly to risks so life, property and infrastructure.</p> <p>The impacts on disabled people are expected to be positive, because the strategy will encourage more consideration of this group.</p> <p>No negative impacts are expected.</p> <p>There is also an emotional recovery associated with flooding. People suffering from mental illness such as depression are particularly vulnerable as are those who have previously experienced flooding.</p> <p>By attempting to mitigate flood risk, especially when impacting on life, property or the transport network will ensure vulnerable residents continue to live with reduced risk and maintain access to key services during a flood event.</p> <p>When working with local communities to produce/develop local flood plans the flood risk management team look to identify this protected characteristic within the community. Once identified the plan is populated to accommodate/support their specific needs during a flood event.</p>
<p>Gender (Sex) including men and women, boys</p>	<p>No information or data held that would suggest that there would be any particular positive or negative impacts.</p>

Public

and girls	
Gender reassignment – including impact if any on Transgender people	No information or data held that would suggest that there would be any particular positive or negative impacts.
Marriage and civil partnership – also include impacts on lone parents and unmarried couples	No information or data held that would suggest that there would be any particular positive or negative impacts.
Pregnancy and maternity – including new mothers/ parents	The impacts on pregnant people and those people with young children are expected to be positive, because the strategy will encourage more consideration of this group. No negative impacts are expected.
Race – including all racial groups, including impact if any on Gypsies and Travellers	Portable dwellings rather than traditional brick built houses are more at risk in the event of flood and Gypsy and Traveller communities are potentially at a greater risk. Gypsy and Traveller sites can fall into three categories; Permanent, Transit and Temporary Stopping Places. Due to the mobility of this character group it is difficult to warn these communities of the flood risk associated with an area they may be utilising and they may not be aware of the free flood warning services for high risk areas, i.e. fluvial flood zone or rapid catchments. However, as the strategy seeks to reduce flooding throughout the county this should have a positive impact on these groups. The impacts are expected to be positive because the strategy will encourage proactive engagement and consultation.
Religion and belief including non-belief, including religious minority communities, Humanists	No information or data held that would suggest that there would be any particular positive or negative impacts.
Sexual orientation – including the impact if any on LGB people	No information or data held that would suggest that there would be any particular positive or negative impacts.

Non-statutory

Poorer and disadvantaged communities and groups, including people who experience financial exclusion	The impacts on poorer and disadvantaged communities are expected to be positive, because the strategy will encourage direct consideration of this group. The strategy looks at the different ways of achieving partnership funding to deliver flood mitigation projects throughout the county, with a core aim to better protect more communities, deliver more benefits and help avoid deprivation caused by flooding.
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	<p>It can be difficult or expensive to get satisfactory insurance cover in areas of highest flood risk. When these areas overlap with low disadvantaged communities, these risks are compounded.</p>
<p>Rural communities</p>	<p>Derbyshire is predominately a rural County and has a large number of small hamlets and villages. During a flood event these, often remote communities may find responses from the emergency services are delayed or take longer to arrive.</p> <p>Seeking external funding may also be problematic as often to achieve a robust cost benefit a large number of properties need to have been impacted by flooding. As some rural communities have only a small number of properties they often do not meet the national thresholds to be eligible for national grant funding.</p> <p>The impacts on rural communities are expected to be positive, because the strategy will encourage direct consideration of these communities.</p> <p>When evaluating the current and future risk from local sources of flooding within Derbyshire, an analysis was undertaken based on the differing consequence for urban and rural conurbations.</p> <p>For Derbyshire it was decided to create two local threshold levels for flood risk significance by creating an urban / rural split. As the County is predominantly rural, to take a threshold for locally significant harmful consequences based on an urban priority of five or more properties internally flooded would exclude those at risk in rural areas. Consequently, a rural threshold has been adopted as two or more properties internally flooded.</p>

b. From existing customer and other feedback – who is likely to be adversely affected, how and to what degree? Will anyone gain or benefit?

Protected Group	Findings
<p>Age</p>	<p>The impacts on older people are expected to be positive, because the strategy will encourage more consideration of this group.</p> <p>No negative impacts are expected.</p>
<p>Disability</p>	<p>The impacts on disabled people are expected to be positive, because the strategy will encourage more consideration of this group.</p>

Public

	No negative impacts are expected.
Gender (Sex)	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Gender reassignment	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Marriage and civil partnership	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Pregnancy and maternity	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Race	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Religion and belief including non-belief	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Sexual orientation	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.

Non-statutory

Poorer and disadvantaged communities	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.
Rural	No evidence has been identified from the consultation suggesting the proposals would have a greater, or lesser, impact.

c. Are there any **other** groups of people who may experience an adverse impact because of the proposals?

No other groups than the ones identified above have been assessed.

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d. Gaps in data

What are your main gaps in information and understanding of the impact of your policy and services? Please indicate whether you have identified ways of filling these gaps.

Gaps in data	Action to deal with this
No gaps have been identified.	Not applicable.

6. From the consultation you have carried out specifically in relation to proposed changes, what views or issues have been raised by those who have responded? (Include both their views and any issues they have raised which alludes to the likely impact)

a) Please summarise the consultation which has been carried out

<p>The consultation process began on 16th February and ran through until 16th March 2015.</p> <p>The focus was on completion of on-line questionnaires, although paper-based questionnaires were also published and available through a variety of outlets/upon request.</p> <p>The consultation was widely publicised through the County Council’s website, press releases and social media.</p> <p>The consultation received 72 responses via the on-line questionnaires</p> <p>Please see below a breakdown of the information obtained via the people for whom responding during the public consultation.</p> <p>Gender – Answered 17 Not answered 55 Male 12 (70.59%) Female 5 (29.41%)</p> <p>Age – Answered 15 Not answered 57 Average age of responding customer – 61 years of age</p> <p>Race - Answered 17 Not answered 55 White 17 (100%)</p> <p>Disability - Answered 17 Not answered 55 Yes 3 (17.65%) No 14 (82.35%)</p>
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- b) Please summarise the feedback received. This should make clear where those who have responded have highlighted any potential adverse impact as well as their opinions on the proposals.

72 individuals responded to the consultation and at no point were any specific adverse impacts relating to equality identified or commented upon.

7. Are there any ways of avoiding or reducing likely possible adverse impact on any groups of people, what are those actions, and how will they assist?

A flood event does not distinguish between the types of person/property liable to flood. The strategy seeks to raise awareness and address flood risk in the areas most prone to flood risk across Derbyshire.

The main beneficiaries are likely to be the residents and businesses most prone to flood risk in Derbyshire. It will also benefit residents, businesses, social and emergency services who are at risk of disruption caused by flood events. The impacts of the strategy itself are likely to be positive. All residents in flood risk prone areas, including the vulnerable, will benefit from improved knowledge about flood risk, efforts to involve communities in the process of identifying flood risk solutions and closer working between services and communities.

The strategy will help to ensure that those with protected characteristics are more fully considered during flood risk management. However, changes in the broader policy and environmental context, such as changes in the Government funding model, climate change, development which might increase flood risk, and policy changes which might make it harder for residents to obtain insurance, could balance out the positive impacts of the strategy.

Certain groups with protected characteristics are likely to benefit from the objectives in the strategy:

Older people, disabled people and pregnant people: These less mobile groups might require additional consideration and assistance in the event of a flood event. Measures which address flood risk are likely to disproportionately benefit the less mobile.

Deprived communities: Deprived communities are more likely to contain vulnerable people and residents less able to help themselves. Economically and socially disadvantaged people are less likely to be able to afford to take certain steps to reduce flood risk, such as installing property level flood protection. The negative impacts of a flood including physical and psychological health impacts are often greater in deprived communities. The Government recognises that a flood event might have a disproportionate impact on people from lower income groups.

The funding criteria for flood risk schemes - Flood and Coastal Erosion Risk Management

Grant in Aid (FCERM GiA) prioritises deprived communities.

The strategy looks at the different ways of achieving partnership funding to deliver flood mitigation projects throughout the county, with a core aim to better protect more communities, deliver more benefits and help avoid deprivation caused by flooding.

The county council will strive to do this by implementing the following;

- Encouraging local investment to increase beyond levels affordable by Central Government.
- Enabling more choice and encouraging innovative, cost-effective options in which civil society may play a greater role.
- Increasing certainty and transparency over national funding for individual projects, whilst prioritising action for those most at risk and least able to protect/insure themselves.

Properties more prone to flood risk typically have higher insurance premiums and might have difficulty getting insurance. This can impact on low-income households more, with insurance costs taking up a larger proportion of smaller incomes. The strategy is supported by numerous guidance notes one of which is entitled 'Insurance'. This guidance note looks to support the people and businesses of Derbyshire by identifying ways to seek affordable and available insurance.

8. Main conclusions and Recommendations

CONCLUSIONS

The Council actively promoted an ongoing dialogue with partners and stakeholders throughout the preparation of the strategy and carried out a well published 4 week public consultation.

During the consultation period a workshop was held with partners and stakeholders to provide an opportunity to assess any cross cutting impacts of the strategy in their areas of service delivery.

During the consultation no direct comments were received in relation to a positive/negative impact being created by the implementation of the strategy.

Overall the impacts of the strategy itself are likely to be positive. All residents in flood risk prone areas, including the vulnerable, will benefit from improved knowledge about flood risk, efforts to involve communities in the process of identifying flood risk solutions and closer working between services and communities. The strategy will help to ensure that those with protected characteristics are more fully considered during flood risk management.

However, changes in the broader policy and environmental context, such as changes in the Government funding model, climate change, development which might increase flood risk, and policy changes which might make it harder for residents to obtain insurance, could balance out the positive impacts of the strategy.

RECOMMENDATIONS (if any)

It is recommended that:

1. A publicity and communications programme is developed and implemented to inform key stakeholders of the strategy.
2. Officers continue to work with communities affected by flooding to assess any future potential mitigation. This to include continuing to explore alternative funding sources to assist in this mitigation subject to relevant Council policies being met.
3. Officers continue to review all sites through periodical site assessments and that these are updated on a regular basis.
4. Officers continue to promote greater personal responsibility for flood protection (resource permitting).

Public

9. Action planning

Objective	Planned action	Who	When	How will this be monitored?
Where appropriate look to bid for external flood related grants to support the deprived areas at flood risk within the county.	Actively seek funding to deliver flood mitigation schemes within Derbyshire.	Flood Risk Management Team and other Risk Management Authorities.	Ongoing	Via annual report to Cabinet Member for Economy Transport and Environment.
Identify and prioritise areas of flood risk within the county. Providing a greater weighting within the prioritisation for deprived areas within the county.	Identify and priority areas of local flood risk and take into account areas within Derbyshire that falls within the top 20% and top 40% of deprived areas in the country.	Flood Risk Management Team.	Ongoing	Via annual report to Cabinet Member for Economy Transport and Environment.
Community engagement with a strong emphasis on personal resilience.	Continue to engage with at risk communities and ensure that clear and open dialog is delivered and that all service users with protected characteristics are appropriate engaged with.	Flood Risk Management Team.	Ongoing	Via annual report to Cabinet Member for Economy Transport and Environment.

10. Monitoring and review arrangements

Please outline what steps will be taken to monitor and review the implementation of proposals if they are agreed here:

The strategy is a living document that sets out the County Council's objectives in coordinating the management of local flood risk in Derbyshire and provides the framework for prioritising these objectives over the coming years. The strategy will continue to evolve as the Authority's understanding of flood risk across Derbyshire grows.

Specific Equality Impact Assessments will be undertaken if and when appropriate in conjunction with any proposed flood mitigation projects/schemes.

The strategy will be subject to a five year report to the Cabinet Member and a decision will be made at that time as to the need to refresh the Equality Impact Assessment.

11. Confirmation that equality impact analysis (EAI) completed and read

Name of officer signing off EIA as completed Steve Mead – Principal Engineer

Date: 29th June 2015

This Equality Impact Analysis has been read by

Name	Date	Position
Allison Thomas	29 th June 2015	Service Director - Transport and Environment

Where and when published e.g. with Cabinet Report, on DCC website

Cabinet Report and Derbyshire County Council website.

Public

Decision-making processes

Attached to report (title): APPROVAL OF THE LOCAL FLOOD RISK MANAGEMENT STRATEGY AND SUPPORTING DOCUMENTATION (HIGHWAY, TRANSPORT AND INFRASTRUCTURE)

Date of report: 29th June 2015

Author of report: James Biddlestone – Senior Project Engineer

Audience for report e.g. Cabinet: Cabinet

Web location of report: [Derbyshire's Local Flood Risk Management Strategy](#)

Decision in relation to report

Details of follow-up action or links to further EIAs

Updated by:

Date: