

COASTAL STRATEGIC OVERVIEW – IMPLEMENTATION PLAN

Introduction

This is the implementation plan for the Environment Agency Strategic Overview for Sea Flooding and Coastal Erosion Risk Management (Coastal Strategic Overview), following the Defra Ministers announcement on 22 June 2007. Work is proceeding separately in developing an Environment Agency Strategic Overview for all Inland Flood Risk Management (Inland Strategic Overview).

One of the key aims of the Coastal Strategic Overview is to ensure more robust identification, implementation and long-term management of flood and coastal erosion risk management works. Works should clearly be undertaken only against Government priorities and the new outcome measures. They should also ensure that the works contribute to, and are consistent with, Water Framework Directive (WFD) objectives.

The first round of River Basin Management Plans (RBMPs), the statutory planning documents produced as a result of the WFD, are due to be completed by the end of 2009. The Flood and Coastal Risk Management operating authorities must operate within the principles of RBMPs.

This implementation plan (which will be underpinned by a more detailed project plan) sets out the key actions that need to be taken to implement the Coastal Strategic Overview, including where there is a need for joint action between Defra, the Environment Agency and/or other partners. Implementation of the Coastal Strategic Overview will be overseen by an Implementation Board comprising Defra, Environment Agency and local government officials.

The Environment Agency will take responsibility for much of what is currently Defra's Coast Protection functions with effect from 1 April 2008 under Ministerial delegation. The Coastal Strategic Overview builds on this and, therefore, the project board aims to have a great deal of this implementation plan in place by 1 April 2008. Clearly there are parts, for example that can be implemented by administrative action or by delegating Defra Ministerial functions to the Agency. However, the necessary legislative changes, which will take longer to progress and will be delivered in due course.

The EA Strategic Overview applies to England only. However officials will continue to share their thinking on policy development with officials in Welsh Assembly Government who are progressing various similar *Making space for water* (MSW) strands to their own timetable.

This implementation plan comprises five main strands:

- 1: Governance
- 2: Legislation
- 3: Relationships/Communications
- 4: Shoreline Management Plans (SMPs)
- 5: Delivery of coastal works

STRAND 1: GOVERNANCE

This strand sets out the alterations that are needed to Regional Flood Defence Committees (RFDCs) and Coastal Groups (CGs).

The aim of CGs is to promote a sustainable and strategic approach to sea defence and coastal erosion risk management based on a detailed understanding of natural processes, planning issues, current and future land use, defence needs and environmental considerations. Amongst other things, coastal groups will develop shoreline management plans, monitor coastal processes and contribute towards a long term investment programme. They will also support the duties and responsibilities of operating authorities and other organisations engaged in managing the coast, encouraging best practice and the sharing of expertise.

It has been agreed that CGs should now become fewer, larger and more strategic organisations and play a stronger role in the future planning of flood and coastal erosion risk management. CGs would also advise EA and their interests be represented on RFDCs.

The policy for changes relating to RFDCs will be developed within this Strand, though amendments to primary legislation will be necessary to give effect to these changes and this will be taken forward within Strand 4. Changes to the arrangements for CGs does not require legislative change.

GOV1	<p>Consider changes to the constitution of CGs, to include:</p> <ul style="list-style-type: none"> • creating fewer, bigger and more strategic groups; • reviewing their boundaries having regard to the boundaries for River Basin Management Plans and coastal sediment cells; • producing clear and consistent terms of reference for CGs; • identifying inclusive membership of CGs embracing LAs, EA, NE and significant other stakeholders (RDAs, GOs etc); • reviewing the resourcing arrangements of CGs; • coastal matters being represented on RFDCs (see also GOV3); • extending a standing invitation to the RFDC chair (or nominated representative) to attend the CG.
By whom	Collective working between Defra, EA, RFDCs and coastal groups
By when	1 April 2008
Issues	Transitional arrangements from the old to new CG structures need to be developed.

GOV2	<p>Ensure CGs contribute effectively to decision making by:</p> <ul style="list-style-type: none"> • influencing works programmes through the RFDCs; • advising EA on all coastal issues including through consistent and strong EA membership of all CGs; • contribute their expertise to SMP production; • contribute to moderation of projects in the national capital works programme for the coast;
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	<ul style="list-style-type: none"> • assist with coordinating delivery of national capital works programme for the coast; • collectively meeting Defra, RFDC Chairmen and EA to influence national level policy and implementation (as does the current Coastal Forum); • fulfilling other roles as mentioned throughout this implementation plan.
By whom	Collective working between EA, RFDCs and coastal groups
By when	1 April 2008
Issues	<ul style="list-style-type: none"> • Legislative change to extend RFDCs' role in relation to coastal erosion and how CG representation would be achieved (eg among the Defra or EA appointees or in their own right). • How might RFDCs consider coast protection issues in advance of legislative change? Arrangements could be made for CG representatives to attend and address RFDCs without being formal members.

GOV3	<p>Changes to RFDCs to consider:</p> <ul style="list-style-type: none"> • how best to extend their role to include coastal erosion risk management; • how best to include coastal group representation (see also GOV2); • whether other Defra or EA appointments should also include coastal erosion interests; • how best to change their title to reflect better their extended role (eg Flood and Coastal Committees);
By whom	Defra with input from EA and RFDCs
By when	Target date 1 April 2008
Issues	<ul style="list-style-type: none"> • Need to establish policy in relation to new roles, membership and title in advance of legislative implementation. • Investigate scope for making changes administratively in advance of formal legislative change

GOV4	<p>Creating a general supervisory duty for the EA in relation to coastal erosion. The role, powers and levers will need to be scoped and put in place in primary legislation (see LEG1) and will need to be (at least) wide enough to embrace the activity that EA will perform in relation to coastal erosion as set out in this implementation plan</p>
By whom	Defra and EA
By when	1 April 2008
Issues	Need to take account of any change to the EA Supervisory Duty in relation to other forms of flooding (Inland Strategic Overview project)

STRAND 2: LEGISLATION

A number of the changes resulting from the Coastal Strategic Overview need to be implemented by changes to primary legislation. No final decisions have yet been taken on

the form or such legislation, which range from using the powers in Section 2(2) of the European Communities Act 1972 to implement the Water Framework Directive, through to new primary legislation.

LEG1	<p>Changes to primary legislation to:</p> <ul style="list-style-type: none"> • give EA a general supervisory responsibility for coastal erosion (see GOV4); • give EA powers to intervene in all works including removal of existing structures [where they are inconsistent with WFD]; • give EA powers to undertake coast protection works where the LA doesn't want to do it [where they further the objectives of, or can be justified under, the WFD]; • require LAs to obtain the EA's consent before undertaking sea flooding works under s17 of the Land Drainage Act 1991, irrespective of whether they are applying for grant (cf the equivalent requirement under s5(5) of the Coast Protection Act 1949); • require coast protection authorities to refer to the EA any consents for 3rd party works above a certain threshold or works that are not compliant with the SMP (s.16 of the Coast Protection Act 1949); • consider options to allow for recharging between EA and LAs for coastal maintenance work; • amend RFDCs' role, membership and title to embrace coastal erosion; • any minor supplementary or consequential matters in addition to the primary legislative changes listed above.
By whom	Defra
By when	ASAP depending on the availability of a legislative opportunity.
Issues	If the powers in s2(2) ECA72 are used, then the changes to primary legislation will have to be limited to, and consistent with, the purposes of the Water Framework Directive – hence the square brackets above. New primary legislation would not have such limitation.

LEG2	<p>Identifying and applying existing legislation in ways to support the Coastal Strategic Overview, including the powers under:</p> <ul style="list-style-type: none"> • Water Resources Act 1991; • Land Drainage Act 1991; • Coast Protection Act 1949; and • Environment Act 1995
By whom	EA in discussion with Defra
By when	From 1 April 2008
Issues	

STRAND 3: RELATIONSHIPS & COMMUNICATIONS

Strong relationships and clear communication channels, particularly between the Environment Agency and Local Authorities, are key to the successful delivery of the Coastal Strategic Overview. Communications are not simply for raising awareness, but

making it clear what people have done, what they are not going to do, how it will be different and the role each partner needs to play to make it work.

COM1	<p>Inform all partners and stakeholders so that they are aware of the:</p> <ul style="list-style-type: none"> • need for the changes being made in the Coastal Strategic Overview and their role; • programme for implementation and how it affects them; • actions already undertaken; and • actions currently in progress. <p>Approaches</p> <ul style="list-style-type: none"> • website; • newsletter; • existing networks.
By whom	Defra, LA and EA
By when	From now until implementation in April 2008
Issues	

COM2	<p>Inform key partners of implications arising from changes so that they can decide upon their action to implement the Coastal Strategic Overview. This will require collaborative working.</p> <ul style="list-style-type: none"> • Defra to lead; • Environment Agency to liaise with RFDCs; • LAs to liaise with Coastal Groups.
By whom	Defra, EA and LAs
By when	From now until implementation in April 2008
Issues	

STRAND 4: SHORELINE MANAGEMENT PLANS (SMPS)

Shoreline Management Plans (SMPs) will continue to be non-statutory documents, although constituting a material consideration in the planning process, which will form the main basis for long term strategic planning and investment decisions within coastal cells. In due course, SMPs will need to be consistent with, and flow from, statutory River Basin Management Plans (RBMPs) and form part of the mechanism for delivering the Water Framework Directive (WFD). The main changes as a result of the Coastal Strategic Overview will be to give EA a strategic oversight of all SMP production and quality control. This will be effected by the following actions.

SMP1	<p>Amend current SMP Guidance so that:</p> <ul style="list-style-type: none"> • subject to confirmation by the EA, the relevant Coastal Group will determine who should be the most appropriate body to lead each SMP (ie local authority or EA); • whoever leads the SMP should, in addition to full and effective stakeholder engagement, specifically draw on expertise from the Coastal Group on local issues and from the EA in ensuring that national best practice is adopted; • the guidance is clear that in creating an SMP, and agreeing its content with EA, LAs and other stakeholder bodies are under a duty to have
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	<p>regard to the principles of the RBMP relating to that water body;</p> <ul style="list-style-type: none"> EA will maintain a consistently strong representation on all Coastal Groups (and any SMP Steering Groups) and in so doing the EA should influence the development of SMPs to ensure that the final documents will be fit for purpose; EA will check the quality, consistency and sustainability of all draft SMPs against the SMP guidance and WFD principles and approve them on behalf of Defra; EA will check that consistent Action Plans for SMPs are prepared. SMPs will continue to be 'adopted' by the RFDCs and LAs; EA will ensure that all SMP2 reporting occurs to HLT3 timetable (or any successor target) by March 2010; Where there is a dispute on a major issue in an SMP, EA will strive to resolve it; but if this is not possible they would refer the issue to Defra for Ministerial decision.
By whom	EA
By when	1 April 2008
Issues	

SMP2	Draw up an overall programme for SMP production and allocate funding to the lead body for their development. This will form part of the process of grant allocations being undertaken by EA under powers delegated by Defra.
By whom	EA
By when	1 April 2008
Issues	Need to ensure that grant delegation includes powers to fund SMPs.

SMP3	<p>Ongoing work and monitoring with CLG, local planning authorities and others to:</p> <ul style="list-style-type: none"> ensure that SMPs are given significant weight in the spatial planning process (ie Regional Spatial Strategies, local development plans, PPS25 and any successor to PPG20); ensure that PPS25 Practice Guide places sufficient weight on SMPs, and similarly that SMPs are given sufficient weight in any successor to PPG20.
By whom	Defra and EA; LAs and Planners
By when	From 1 April 2008
Issues	

SMP4	Identify scope for, and put into practice, the use of byelaws, FEPA licences, call-in powers and other levers to ensure that SMPs are not compromised by local activities, eg construction of informal defences.
By whom	EA working with LAs and other partners. Defra with regard to Marine Bill compatibility
By when	From 1 April 2008
Issues	Compatibility of a future Marine Bill with this intention (eg in relation to FEPA licences)

STRAND 5: DELIVERY OF COASTAL WORKS

This is the strand under which works will be identified, prioritised, funded and delivered. It will largely build on existing arrangements albeit with the EA assuming many of the roles previously undertaken by Defra, including formal delegation of the grant making role.

DEL1	Formal delegation to EA of Defra Ministerial roles under the Coast Protection Act 1949 for: <ul style="list-style-type: none"> • paying grants to coast protection authorities (section 21); and • approving works proposed by coast protection authorities (section 5).
By whom	Defra Working Group
By when	1 April 2008
Issues	When delegating Ministerial functions to EA, these have to be in identical terms to the function conferred on the Minister.

DEL2	Revised Grant Memorandum which reflects the delegation of the Ministerial approvals role to EA and which also requires that, in considering such grants, EA must be satisfied on the effectiveness of the arrangements for: <ul style="list-style-type: none"> • procurement; • delivery management; and • long-term asset management.
By whom	Defra Working Group
By when	1 April 2008
Issues	

DEL3	Allocate all funding to EA for flood and coastal erosion risk.
By whom	Defra
By when	31 December 2007
Issues	Consider whether there should be underpinning minima for coastal erosion and LA/IDB funding.

DEL4	Jointly with EA, develop Defra priorities, targets and Outcome Measures to be achieved for the funding available for the period 2008-11.
By whom	Defra
By when	31 December 2007
Issues	EA and LAs need to know asap in order to meet their programming requirements.

DEL5	Establish arrangements for: <ul style="list-style-type: none"> • assessing all flood and coastal erosion risk identified through approved SMP Action Plans, on a nationally consistent basis; • assessing funding priorities flowing from the above risk assessment on a nationally consistent basis;
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	<ul style="list-style-type: none"> • ensuring that all operating authorities set in hand arrangements to develop strategies and schemes in order to fit in with the multi-year works programmes; • identifying which body (EA or LA) is best placed to undertake flood and coastal erosion risk management activity for each stretch of the coastline (this being mapped under DEL8); • ensuring that EA takes overall responsibility for all sea flooding risk management decisions – thereby creating one body accountable for decision making in relation to all sea flooding (even if delivery is by LAs on EA's behalf); • indicating to all operating authorities how funding will support works in the multi-year works programme and agree what will be delivered, where and when; • approving projects developed by all operating authorities ensuring they comply with the grant memorandum (including satisfactory arrangements for procurement, delivery and long term asset management); • allocation of funding to the works programmes (within EA delegated limits); • consideration with RFDCs of proposed works programmes and funding allocations, in accordance with an agreed approach; • future long-term monitoring of the coast which continues to inform decision making and support research and SMP development.
By whom	EA (working with LAs and CGs)
By when	1 April 2008
Issues	A mechanism for funding long term maintenance of a defence implemented by a local authority on behalf of EA.

DEL6	<p>Manage effective delivery of the flood and coastal erosion risk management programme by:</p> <ul style="list-style-type: none"> • producing a national works programmes based on: <ul style="list-style-type: none"> ○ risk assessments and identified funding priorities; ○ 20 year investment plan; ○ Defra Outcome Measures, targets and priorities; ○ SMP Action Plans; ○ quantum of funding available; • allocating funding to projects within the works programme; • attaching conditions relating to (amongst other things) procurement, delivery and long term asset management; • ensuring that expenditure is effectively monitored and reallocated to other works as necessary; • monitoring compliance with all conditions of grant; • taking over project management and/or long term maintenance of works if this is not being done satisfactorily by other operating authorities).
By whom	EA
By when	From 1 April 2008
Issues	

DEL7	Make the EA procurement framework available to other operating authorities
By whom	EA
By when	After 1 April 2008
Issues	Needs to be compliant with EU rules

DEL8	Produce coastal responsibility maps to show who is responsible for delivering flood and coastal erosion risk management on each stretch of the coast and: <ul style="list-style-type: none"> • Publish on website for the public; • Establish a process whereby coastal responsibility maps will be adopted by operating authorities.
By whom	EA working with LAs and other partners
By when	1 April 2008
Issues	These maps will need to be agreed with RFDCs and Coastal Groups