

# **Flood and Water Management Act**

## **Progress Update and Key Next Steps**

**16 April 2010**

### **Recent announcements and events**

The Flood and Water Management Bill gained royal assent on the 8<sup>th</sup> April 2010, and was published as an Act yesterday.

### **Key Elements of the Act**

The Act clearly sets out which bodies are responsible for managing flood risk. The Environment Agency (EA) has been given a strategic overview role while local authorities have a new leadership role in local flood risk management.

The provisions set out in the new Act include:

- New statutory responsibilities for managing flood risk – There will be national strategies and guidance on managing flood risk in England and Wales. Unitary and county councils will bring together the relevant bodies, who will have a duty to cooperate, to develop local strategies for managing local flood risk.
- Protection of assets which help manage flood risk – The Environment Agency, local authorities and internal drainage boards will be able to ensure that private assets which help manage the risks of floods cannot be altered without consent. For example, putting a gate in a wall that is helping protect an area could increase the risk of flooding.
- Powers to carry out environmental works - the Environment Agency, local authorities and internal drainage boards will be able to manage water levels to deliver leisure, habitat and other environmental benefits.
- Sustainable drainage - drainage systems for all new developments will need to be in line with new National Standards to help manage and reduce the flow of surface water into the sewerage system.
- New sewer standards - all sewers will be built to agreed standards in future so that they are adopted and maintained by the relevant sewerage company.
- It will reduce the burden on regulated reservoirs where people are not at risk, but introduce regulation for some potentially risky reservoirs currently outside of the system.

### **Flood Risk Regulations 2009**

The Act was meant to address the requirement to transpose the EU Floods Directive in to law in England & Wales. However, as the deadline for transposition was not going to be met, this was achieved through The Flood Risk Regulations 2009. It is proposed to consolidate these regulations with the relevant provisions from the Flood and Water Management Act and appropriate existing legislation as soon as possible to create a single coherent set of provisions dealing with flood risk assessment and management.

Under the Flood Risk Regulations 2009, Preliminary Flood Risk Assessments (PFRA) must be produced by December 2011, Flood hazard maps by December 2013 and Flood Risk Management Plans (FRMP) by December 2015.

The detailed timetable for the PFRA's is now emerging, and Lead Local Flood Authorities will need to submit our responses to the EA by 22 June 2011. The PFRA must identify areas of significant risk from any/all sources of flooding, called Flood Risk Areas. The PFRA should build upon existing readily available information, working in partnership with the EA and district councils. A living draft of detailed DEFRA guidance on the preparation of PFRA's is expected soon, together with a consultation on the definition of 'significance' in relation to flood risk.

## How are District Authorities and other stakeholders impacted?

**District Authorities** retain their duties under the Land Drainage Act for prevention, mitigation and remedying of flood damage for ordinary watercourses, and the responsibilities for managing flood risk enshrined in planning legislation.

The new legislation gives the **Environment Agency** a strategic overview role for all forms of flooding and coastal erosion. They also have direct responsibility for the prevention, mitigation and remedying of flood damage for main rivers and coastal areas.

**County and Unitary Authorities** become the Lead Local Flood Authority (LLFA), with responsibility for developing, maintaining and applying a local flood risk strategy. LLFAs are required to:

- produce EU Floods Directive risk assessments, maps and plans,
- ensure that flooding is investigated,
- maintain a register of assets relevant to flooding,
- designate structures that are relevant to flood risk,
- ensure use of sustainable drainage on new developments
- build partnerships and ensure effective multi-agency working

**Internal Drainage Boards** will continue to exercise their duties for the general supervision of all matters relating to drainage in their area, including those of an environmental and recreational nature.

**Riparian Owners** also retain all the duties and responsibilities for watercourses in their land set out in the Land Drainage Act.

**Water Companies** will continue to be responsible for public sewers, and will have a more formal role in the management of surface water as a statutory consultee for Sustainable Drainage Approval.

All stakeholders will have increased responsibilities for the sharing of data and multi-agency working.

## Critical Next Steps

North Yorkshire County Council will hold a launch event on the 7<sup>th</sup> June 2010 to kick off the process for collating the information needed to produce our PFRA. A letter of invitation to key officers has been sent to the Chief Executives of the district and borough councils and to other key stakeholders.

We have also started the process of developing policy statements, strategic plans and protocols for the management of local flood risk, as required by our new duties under the act.