

‘Sink and Swim’ Seminar on the Flood and Water Management Act

21st April 2010

The seminar speakers including key players from DEFRA, the Environment Agency, Water Companies and Local Authorities who are in the forefront of development (Oxfordshire, Essex, West Berkshire and Cambridgeshire) discussing the affects the Flood and Water Management Act will have on Local Authorities.

The Act gained Royal Assent on April 8th 2010, as part of the ‘wash up’ before the dissolution of parliament and had all party support.

The Environment Agency

The Act places the following requirements for national management on the Environment Agency

- A responsibility to develop, maintain, apply and monitor a strategy for local flood risk management on main watercourses
- A responsibility to ensure arrangements are in place for the co-ordination of flood risk management across local authority areas – who does what
- To maintain a register of flood risk management structures, investigate flooding incidents where there is uncertainty over responsibility.

Local strategy focus is on the assessment and management of surface runoff, groundwater and minor watercourse flood risk including taking into account the effects of river and sewer systems on these.

Local Authorities

The Act places the following local management requirements on Local Authorities

- To develop, maintain, apply and monitor a strategy for local flood risk management
- To ensure arrangements are in place for the co-ordination of flood risk management across their area – who does what

- To maintain a register of flood risk management structures; investigate flooding incidents where there is uncertainty over responsibility
- To become the **Sustainable Drainage Adoption Authority** for all new SUDS constructed *regardless of whether they are on adoptable land or not* from 1st April 2011 (Schedule 3 of the ACT).

Local strategy focus is on the assessment and management of surface runoff, groundwater and minor watercourse flood risk including taking into account the effects of river and sewer systems on these.

Sustainable Urban Drainage Systems (SUDS)

The Act states that SUDS must be the first choice for drainage for all new developments. *This includes highways.*

A SUDS guidance document will be produced by DEFRA and will be out to consultation later this year. It will contain a hierarchy of SUDs systems from Permeable Pavements to conventional systems, which will only be allowed in exceptional circumstances eg in areas where swallow holes are common.

The SUDS Adoption Authority will have to take on all SUDS systems, which drain any development greater than a single house, and will have to ensure that these systems are maintained by the land owner (probably through Highway Inspectors). If the system fails and this leads to flooding, the Adoption Authority will be liable.

Also, before a Planning Authority can give planning permission, the SUDs Adoption Authority must check and approve the drainage for the development. If the drainage has not been approved, the Planning Authority cannot grant permission. There will be an appeal process for this but DEFRA has not decided who will operate it.

The SUDS Adoption Authority can charge a bond and fees for applications on schemes submitted to them.

The Adoption Authority will be either a County Council or a Unitary, but must be separate from the Planning Department.

The act can be found here

http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100029_en.pdf