

## *Institute of Highway Engineers*

### *Sink and Swim Seminar on the Flood and Water Management Act*

*21<sup>st</sup> April 2010*

The seminar had a varied list of speakers including speakers from DEFRA, Environment Agency, Water Companies and Local Authorities discussing the affects the Flood and Water Management Act will have on Local Authorities.

The Act gained Royal Assent on April 8<sup>th</sup> 2010, as part of the Wash Up before the dissolution of parliament and had all party support.

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

- Requirement to develop, maintain, apply and monitor a strategy for local flood risk management on main watercourse.
- Ensure arrangements are in place for the co-ordination of flood risk management across their area - who does what.
- 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.
- Maintain a register of flood risk management structures, investigate flooding incidents where there is uncertainty over responsibility.

The Act places the following requirements on Local Authorities for Local management

- Requirement to develop, maintain, apply and monitor a strategy for local flood risk management.
- Ensure arrangements are in place for the co-ordination of flood risk management across their area - who does what.
- 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.
- 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 if they are on adoptable land or not from April 1<sup>st</sup> 2011 (Schedule 3 of the ACT).

With regards to SUDs the ACT states that for all new developments SUDS must be the first choice for drainage and these includes highway. A SUDS guidance document will be produced by DEFRA which will be out to consultation later this year and this will contain a hierarchy of SUDs systems from Permeable Pavements to conventional systems, which can only be used in exceptional circumstances, i.e. 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. 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 have checked and approved the drainage for the development and if this has not been approved, the Planning Authority cannot grant permission. There will be an appeal process for this but DEFRA has not concluded who will operate it.

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

The authority will be either a County Council or 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](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100029_en.pdf)

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