

National Flood and Coastal Erosion Risk Management Strategy for England

Annex A

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Outline of existing roles and responsibilities in relation to flood and coastal risk management activities

The risk management authorities (RMAs)

Environment Agency

The Environment Agency is the strategic risk management authority at a national level and manages the risk of flooding by:

- carrying out works to manage flood risk from main rivers and the sea (Water Resources Act 1991)
- carrying out works to manage coastal change (Coast Protection Act 1949)
- regulating the operation of large raised reservoirs (Reservoirs Act 1975)
- setting the direction for managing the risks through the national flood and coastal erosion risk management strategy for England (FWMA, 2010)
- preparing preliminary flood risk assessments and flood risk management plans for flooding from main rivers, reservoirs and the sea (Flood Risk Regulations 2009)
- warning and informing (Ministerial Direction to the National Rivers Authority, 1996)
- regulating activities that may affect the risk of flooding from main rivers (Environmental Permitting Regulations (England and Wales) Regulations 2016)
- Carrying out surveys and mapping (Flood Risk Regulations 2009, Water Resources Act 1991)
- reporting to the minister on flood and coastal erosion risk and how the national and local strategies are being applied by all of the authorities involved (FWMA, 2010)
- acting as a statutory consultee for planning authorities providing advice on planning applications, local plans and environmental assessments regarding flood risk from main rivers and the sea (Town and Country Planning (Development Management Procedure) (England) Order 2015)

County councils

County councils are the **lead local flood authority** for their area, and manage the risk of flooding by:

- developing, maintaining and applying a strategy for local flood risk (surface runoff, groundwater and ordinary watercourses) management in their areas (FWMA, 2010)
- preparing preliminary flood risk assessments and flood risk management plans for sources of flooding other than main rivers, reservoirs and the sea (Flood Risk Regulations 2009)
- carrying out works to manage flood risk from surface water and groundwater (Land Drainage Act 1991)
- maintaining a register of flood defences infrastructure in its area (FWMA, 2010)
- consenting to certain structural changes on ordinary watercourses (Land Drainage Act 1991)
- investigating flooding in its area (FWMA, 2010)
- acting as a statutory consultee for planning authorities and respond to the drainage design for major planning applications (Town and Country Planning (Development Management Procedure) (England) Order 2015)

County councils are also planning authorities in relation to minerals and waste and may implement policy to manage flood risk through developing minerals and waste plans.

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District councils

District councils (including any borough and city councils) are risk management authorities and therefore have a role to carry out works to manage flood risk from ordinary watercourses and the sea, and undertake those functions of an IDB where there is no IDB in place (Land Drainage Act 1991).

District councils are also planning authorities, responsible for developing the local plan, which must have regard to national planning policy. They work with lead local flood authorities and others to ensure decisions on development in their area effectively manage the risks from flooding.

District councils that are next to the sea also have the role of **coast protection authorities**. This includes leading on coastal erosion risk management activities, leading and supporting coastal groups and leading the production of shoreline management plans. In this role they work closely with the Environment Agency to ensure the best outcomes in managing coastal erosion risk.

Unitary authorities, London boroughs and Metropolitan boroughs
In some parts of the country, there is just one (unitary) tier of local government which provides all the local services. They are responsible for the provision of all local government services within a district and

therefore they combine the functions of a county council and a district council and have the responsibilities of both as outlined above.

Unitary Authorities, London boroughs and Metropolitan boroughs are **lead local flood authorities**. Unitary authorities that are next to the sea will also have the role of coast protection authorities.

Highway authorities

Highway authorities include county and unitary authorities, plus Highways England. They are risk management authorities responsible for providing and managing highway drainages and some roadside ditches. They must ensure that road projects do not increase flood risks. They can carry out drainage works on highways or adjoining land (Highways Act 1980).

Internal drainage boards

Internal drainage boards are risk management authorities responsible for managing water levels within their internal district. They have (amongst others) the following functions to manage the risk of flooding.

- carrying out works to manage flood risk from ordinary watercourses and the sea and to manage water levels within their internal drainage district (Land Drainage Act 1991)
- consenting to certain structural changes on ordinary Watercourses (Land Drainage Act 1991)

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Each internal drainage board is a local independent public authority established in areas of special drainage need in England. They have operational responsibilities and play an important role in the areas they cover (approximately 10% of England).

Water companies

Water companies are responsible for public water supply and, in some cases, for providing public sewers. All water companies are risk management authorities. Under the Water Industry Act 1991 and Water Resources Act 1991 they are required (amongst other things) to maintain a water supply system, prepare and review water resource management plans and provide drought plans. Water companies responsible for public sewers must also ensure those sewers effectually drain the areas they serve (this includes drainage of surface water). Water companies manage the risk of flooding from their water main and sewer networks. Every 5 years the Government issues strategic policy direction to the Water Services Regulation Authority (Ofwat).

Emergency responders

In addition to the roles and responsibilities given above, some risk management authorities have a statutory role to play in planning for emergencies.

The Civil Contingency Act (2004) sets out the roles and responsibilities of different organisations in responding to emergencies such as floods

and coastal change events. The duties here are about assessing risks, planning for them and warning the public. There is no specific duty to respond. It splits responders into two categories and imposes a different set of requirements on each category. Some risk management authorities are category 1 or category 2 responders.

Risk management authorities who also hold an emergency response role are:

Category 1:

- Environment Agency
- county councils
- unitary authorities
- district councils

Category 2:

- water and sewerage companies
- Highways England
- Transport for London
- The Secretary of State for Transport

Category 1 and 2 responders come together within local resilience forums (LRFs). LRF members aim to plan and prepare for localised incidents and catastrophic emergencies. LRFs help responders collaborate to identify potential risks and produce emergency plans to either prevent or mitigate the impact of any incident on their local communities. Further details are available on the local authority websites.

Other organisations and people with statutory roles

Regional Flood and Coastal Committees (RFCCs)

Regional Flood and Coastal Committees, established by the Environment Agency under the Flood and Water Management Act 2010, bring together members appointed by government, the Environment Agency and lead local flood authorities. Section 23 of the Flood and Water Management Act 2010 requires the Environment Agency to:

- consult each RFCC about the way in which it proposes to carry out its flood and coastal erosion risk management functions in the committee's region (Section 23(1)(a))
- take into account representations made by committees about the exercise of its flood and coastal erosion risk management functions in the committee's region (Section 23(1)(b))
- obtain the consent of the RFCC before the Environment Agency can implement its regional programme for the committee's region (Section 23(2))
- obtain the consent of the RFCC before the Environment Agency can raise a local levy from lead local flood authorities in the committee's region (Section 23(3))

- obtain the consent of the RFCC before spending local levies, special and general drainage charges (raised by the Environment Agency from occupiers of agricultural land) or IDB contributions to Environment Agency costs (raised from IDBs) (Section 23(4))

Riparian landowners

Riparian landowners are landowners who have a stretch of watercourse that runs on, under or alongside their property. They are normally responsible for that watercourse and are required to take reasonable steps to ensure it does not cause a risk of flooding to others.

Riparian landowners must also comply with any byelaws in place for watercourses on, under or alongside their land.

Steps they may be required to take include:

- report incidences of flooding, blockages, changes in flow and collapsed or badly damaged banks
- let water flow naturally and remove blockages where required
- ask permission before changing, removing or building flood defences on their land

Further information on landowner responsibilities can be found here: www.gov.uk/guidance/owning-a-watercourse.

Regulators

The main regulator with a role to play in helping to manage flooding or coastal change is Ofwat. Ofwat is responsible for ensuring that water and sewerage companies in England and Wales provide customers with a quality service at a fair price. Ofwat also give due consideration to Defra's strategic policy statement which emphasizes the current direction of travel on climate resilience.

Ofwat is required to act in a way best calculated to, amongst other things, secure the long-term resilience of water, wastewater systems and service provision under increased environmental pressures such as climate change (Water Industry Act 1991).

Government departments, agencies and devolved administrations

The Department for Environment, Food and Rural Affairs (Defra) has a key role in setting the direction and policy in relation to flooding and coastal change. It also provides funding for activities undertaken by risk management authorities through Grant-in-Aid given to the Environment Agency and the Environment Agency's FCERM grants process. The Environment Agency is an executive non-departmental public body of Defra.

To truly deliver resilient places, infrastructure, people, the environment and the government activities such as housing and growth need to be understood along with their impacts. Therefore it is critical that government departments, such as the Ministry of Housing, Communities and Local Government (MHCLG) the Department for Education, the Department for Business, Energy and Industrial Strategy

(BEIS), Department for Transport and HM Treasury that have a role in delivering a climate resilient nation are engaged in discussions.

In addition, other agencies such as the Forestry Commission, Natural England and Historic England will all have a role to play in understanding how their priorities can interact with and support the aims and objectives of this strategy.

Flooding can span country boundaries so risk management authorities that border Scotland should work with the Scottish Environmental Protection Agency and other relevant authorities in Scotland. Risk management authorities which border Wales must co-operate with Natural Resources Wales and other Welsh risk management authorities.

Other organisations and people

Communities including Flood Action Groups

Communities should understand their risk from flooding and coastal change and the options they have to manage this risk and increase their resilience to a changing climate.

Across the country there are many formal and informal community groups, partnerships and charities which have been set up to support those who have been affected by flooding and coastal change.

These groups are vital in providing support, advice and practical help. They can also support risk management authorities by engaging in discussions or taking action to managing the risk of flooding or coastal change.

Communities living and working in areas at risk should be represented within any local flood risk management partnerships that are formed, for example through attendance by members of local flood action groups. They should also be involved in community resilience initiatives.

Homeowners and renters should consider their own personal resilience.

It is important that all homeowners and renters take time to consider and understand the risk of flooding and coastal change to their property and the options they have to adapt to and manage this risk. For example, incorporating property level resilience measures or signing up for flood warnings.

Housebuilders/developers

Housebuilders and developers should consider the role they have in improving the resilience of people and places to flooding and coastal change. For example, they should consider the role of sustainable drainage systems and property flood resilience measures in new or existing developments.

Insurers

Insurance companies can provide help and support to those affected by flooding by providing repairs and finance.

Risk management authorities should be working with the insurance sector to help people and businesses to 'build back better' after a flood so they recover more quickly and improve their resilience to future flooding.

Flood Re is a re-insurance scheme backed by government and the insurance industry which aims to improve the availability and affordability of flood insurance for households at high flood risk.

Infrastructure providers

Infrastructure providers have a key role to play in helping to improve the resilience of people and places to flooding and coastal change.

Understanding the current and future resilience of different types of infrastructure and considering the best way to improve this resilience will be vital.

Businesses

There are many different types and sizes of businesses, the most important thing is that they all understand the impact of their risk from flooding and coastal change and the options they have to manage this risk and increase their resilience to a changing climate.

Some businesses, for example agricultural businesses, may have a particular role to play in helping to deliver climate resilient people, environment, places and infrastructure.