

APPENDIX C STATUS OF LEGISLATION FOR LOCAL FLOOD RISK MANAGEMENT

| Key local FRM powers and duties | Context | Update |
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| Flood Risk Regulations (2009) (on a rolling six year basis) | | |
| Preliminary Flood Risk Assessment (PFRA) | This is a high level screening of local sources of flooding to inform a decision on whether there is a significant (in national terms) 'Flood Risk Area' (FRA). | PFRA completed June 2011 There are no FRAs in Nottinghamshire and so the next action required under the regulations is the 2017 PFRA. |
| Flood Risk and Hazard Mapping | Detailed mapping is needed for the where there are Flood Risk Areas. The Environment Agency has produced mapping for all LLFAs, regardless of whether there is a FRA or not and called this the Updated Flood Map for Surface Water. | The updated flood map for surface water was published in December 2013 and incorporates both flood risk and hazard mapping for Nottinghamshire |
| Flood Risk Management Plan | Only required where there is a FRA. | Not required in Nottinghamshire at this time. |
| Flood and Water Management Act (2010) | | |
| Statutory duty to develop, maintain, apply and monitor a Local Flood Risk Management Strategy | <p>The Strategy will set out roles and responsibilities for flood risk management, objectives for managing flood risk, measures to achieve those objectives, an assessment of viability and sources of funding, an assessment of flood risk, how the strategy will be implemented and how it will meet wider environmental objectives.</p> <p>It provides a platform to bring together flood risk information and prioritise where action is taken to greatest effect. Future investment needs for flood alleviation work and sources of funding will also be considered.</p> <p>The Strategy needs to be developed in partnership and consultation with other RMAs, County Council services with an interest in flood risk management and the public.</p> | <p>Project started in summer 2011 and steered by the Local Flood Risk Management Steering Group.</p> <p>Initial consultation questionnaire in Spring 2012 attracted over 400 responses.</p> <p>The production of an initial Outline Strategy in summer 2013, the draft final Local Strategy will be written and consulted on in Summer 2015, with a view to completion in 2015.</p> <p>The Strategy is accompanied by a Strategic Environmental Assessment, Habitats Regulations Assessment and Summary Document.</p> |
| Statutory duty to Investigate, where the Council deems 'necessary or appropriate' | <p>The Pitt Review recognised that many of those affected by flooding in summer 2007 did not know who to turn to and problems were passed from one organisation to another.</p> <p>This gives the Council a duty to investigate flooding incidents and determine which organisation(s) have roles and responsibilities and what actions they are taking. It does not give the Council responsibility for taking action to prevent flooding happening again and therefore managing expectations will be a key element of how this is taken forward.</p> | <p>Flood investigations are being undertaken where the County Council is aware that five or more properties in a locality have been affected by internal flooding (over the threshold of the property).</p> <p>The County Council will seek to complete investigations within a reasonably practical timescale which depends on available resources and input from local residents and businesses, their representatives, Risk Management Authorities and other organisations.</p> <p>The County Council will undertake both flooding and less serious land drainage investigations on a prioritised basis, with regard to both the consequences and frequency of flooding.</p> |
| Statutory duty to hold a Register and Record of Structures and Features where the Council deems these to 'have a significant effect on flood risk' | <p>The drainage network has been heavily modified over time. Ownership and management of the network is fragmented and split between private owners, infrastructure owners and operators, the Environment Agency, Internal Drainage Boards and the District, Borough and County Councils.</p> <p>A thorough understanding of how drainage systems work in practice (both under and over-ground) is essential for making both proactive decisions about future investment, maintenance and planning applications and reactive operational decisions when flooding is forecast or occurring.</p> | <p>The County Council have made a considerable effort to collate historic drainage records which have proved to be critical to informing on-going flood and land drainage investigations.</p> <p>The Highways Asset Management System CONFIRM is being configured to hold drainage asset information and in future to feed into a programme for land drainage maintenance work.</p> <p>Assets considered significant are being identified on the basis of flood risk and can be made available for inspection on request and in the long term will be</p> |

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| | | published online as suitable. |
| Power to designate third party assets as flood structures. | <p>Assets like garden walls, informal embankments and the walls of buildings can help to reduce the chance of flooding occurring. Removing or altering these could increase flood risk.</p> <p>This gives the Council the power to designate such assets, such that they cannot be removed or altered without permission. A designation is a local land charge. The Council will need to decide on a proportionate and risk basis where it wishes to do this.</p> | <p>The County Council are building up an understanding of where such assets are having an effect through on-going investigation work and will make decisions on a case by case basis, where legal designation is clearly necessary and justified.</p> |
| Powers to do works | <p>The Council has powers to do works to manage flooding from surface water and groundwater. The Council wishes to work in partnership with Districts, Boroughs, the Environment Agency and IDBs with regards to works on Ordinary Watercourses and Main Rivers, as suitable.</p> <p>The Flood and Water Management Act also gives the Council powers to do works for environmental benefit.</p> <p>Any works must have regard to the Local FRM Strategy.</p> <p>National funding policy places an emphasis on beneficiaries contributing towards schemes and allocates national funding in terms of the outcomes achieved e.g. properties protected.</p> | <p>The County Council hold a budget of £600,000 for flood alleviation schemes and wishes to work in partnership with other RMAs to take forward schemes and secure funding from as many appropriate sources as possible to maximise investment.</p> <p>National "Flood and Coastal Erosion Risk Management Grant in Aid" (FCERM GiA) funding is bid for annually through the Environment Agency. Local Levy (regional funding) may also be available. Both are allocated by the River Trent Regional Flood and Coastal Committee (RFCC) on which the County Council are represented.</p> <p>The Local Strategy will explore priorities and funding opportunities for schemes, with a long term aim to hold an overall programme of all flood alleviation schemes in the County.</p> |
| Consenting to works and enforcement activity on Ordinary Watercourses | <p>The County Council is now responsible for issuing consents for works and enforcement activity (for example on unconsented works or to clear blockages) on Ordinary Watercourses outside of Internal Drainage Board areas.</p> | <p>The County Council has established a system for registering and monitoring land drainage consents and issued 11 in 2012. It is likely that the number will increase as awareness increases of the need for consent.</p> <p>Informal work to raise awareness of riparian landowner responsibilities is being undertaken where issues have been found and formal warrant training for Officers is planned.</p> <p>The application form and guidance can be accessed from our website.</p> |
| <p>Role of the Council as the Sustainable Drainage Systems (SUDS) Approving Body (SAB)</p> <p>This duty has been superseded by the announcement on 18th December 2014 that planning policy will be strengthened so that existing planning system can encourage the use of SuDS</p> | <p>From 6th April 2015, Local Planning Authorities will need to ensure Sustainable Drainage Systems are considered in developments of 10 or more dwellings. The County Council as LLFA will be a statutory consultee to these applications to ensure surface water management is being adequately addressed</p> | <p>Following consultations in 2014 and 2015, the NPPG supporting the NPPF has been updated accompanied by a Ministerial Statement on Sustainable Drainage Systems (18 December 2014) whereby applications for major development must demonstrate prioritisation of SuDS unless shown to be inappropriate. NCC as a LLFA has a statutory consultee role as of 16th April 2015 to comment on the sustainable drainage proposals of all major development applications</p> <p>Guidance on the role of the County Council as statutory consultee is currently being developed.</p> <p>Informal advice, guidance and support is being given to all Local Planning Authorities on local flood risk management.</p> |