
FLOOD AND WATER MANAGEMENT ACT 2010

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an overview of the Flood and Water Management Act 2010 and seek endorsement of the draft Preliminary Flood Risk Assessment.

Summary

2. After the severe floods in England and Wales in 2007 the Government appointed Sir Michael Pitt to review arrangements to prepare for and respond to floods. The Pitt review resulted in a number of recommendations, many of which have been made statutory through the Flood and Water Management Act.
3. The Flood and Water Management Act has placed a number of new duties on local authorities and has made Darlington Borough Council the Lead Local Flood Authority (LLFA).
4. One of the duties of a LLFA is to produce a Preliminary Flood Risk Assessment (PFRA) for their area. Every authority in the Country is producing a PFRA to the same template and timetable.
5. The PFRA provides a high level overview of flood risk from local flood sources including surface water, ground water and ordinary water courses. The assessment has been brought together from existing information and is one of the first stages in taking forward the new duties of the LLFA to review arrangements to prepare for and respond to floods.
6. This report seeks endorsement of the Preliminary Flood Risk Assessment (PFRA)
Appendix 1.

Recommendation

7. It is recommended that Cabinet note the contents of this report and endorse the draft Preliminary Flood Risk Assessment

Reasons

8. The recommendations are supported to meet statutory requirements.

Richard Alty
Director of Place

Background Papers

No Background papers were used in the preparation of this report.

Bill Westland : Extension 2552
bs

S17 Crime and Disorder	The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.
Health and Well Being	The report itself identifies areas at risk of flooding, and will lead to further work that will address those risks and thereby contribute to the health and well-being of residents at risk of flooding.
Sustainability	The impacts of climate change in so far as they affect flooding patterns are considered by the report.
Diversity	There are no specific impacts on diversity.
Wards Affected	All wards are affected
Groups Affected	All groups are affected
Budget and Policy Framework	This report does not change the budget or policy framework
Key Decision	This report is not a key decision.
Urgent Decision	The Council is required to submit the Preliminary Flood Risk Assessment to the Environment Agency.
One Darlington: Perfectly Placed	The report addresses key issues involved in the Council's contribution to delivering the Sustainable Community Strategy
Efficiency	The report has no direct impacts on efficiency but will lead to work that will mitigate the impact of flood events.

MAIN REPORT

Information and Analysis

9. After the severe floods in England and Wales in 2007 the Government appointed Sir Michael Pitt to review arrangements to prepare for and respond to floods. The Pitt review resulted in a number of recommendations, many of which have been made statutory through the Flood And Water Management Act.
10. Darlington Borough Council has a new responsibility as the Lead Local Flood Authority (LLFA) under the Flood Risk Regulations (The Regulations) and the Floods and Water Management Act 2010 to manage local flood risk. An overview of the principal new duties are:
 - (a) **Local Strategy for Flood Risk** – to be responsible for developing, maintaining and applying a strategy for local flood risk management which should include risks from surface water run off, groundwater and ordinary watercourses. The first stage of this is a Preliminary Flood Risk Assessment, providing information on which to base future strategy and actions.
 - (b) **Partnership Working** – to convene and co-ordinate any bodies necessary to deliver an effective joined up management of flood risk. Key partners will include the Environment Agency, water undertakers, land owners etc.
 - (c) **European Flood Directive Requirements** – to fulfil the requirements of the EU floods directive in relation to sources of flood risk including a requirement to complete Preliminary Flood Risk assessments and prepare surface water management plans for areas of greatest risk. The PFRA process provides a consistent approach for managing flood risk across Europe and has a 6 year planning cycle.
 - (d) **Flood Expertise** – to develop centres of engineering and flood risk expertise in partnership with other key partners.
 - (e) **SUDs Approving Body** – to approve, adopt and maintain sustainable drainage systems (SUDS) that meet national standards for development. SUDS provide a low environmental impact solution to drainage of structures such as buildings and highways. There are many variations but they can involve the use of tanks or balancing ponds where water can collect before being allowed to slowly drain into the environment or water courses.
 - (f) **Investigation of Flood Incidents** – to investigate and record details of significant flood events in their area.
 - (g) **Asset Register** – to maintain a register of structures or assets that may have an effect on flood risk, the register must be available for inspection and should have details of ownership and condition.
 - (h) **Works Powers** – to undertake works to manage flood risk and also to designate structures or assets that are relied on for flood risk management.

11. The Floods and Water Management Act is being enacted in stages and work on all of these new elements of responsibility is ongoing. Further reports will be brought to Cabinet as appropriate to take forward the Council's new duties.

Preliminary Flood Risk Assessment

12. One of the requirements of the EU Flood Directive is that authorities across Europe carry out Preliminary Flood Risk Assessments. In England the Environment Agency is steering this work and providing support, information and templates to local authorities. The draft Preliminary Flood Risk Assessment (PFRA) for Darlington is attached as **Appendix 1**.
13. The PFRA is intended to provide a high level overview of the flood risk from ordinary watercourses (as opposed to main rivers for which the Environment Agency has responsibility), surface water and ground water.
14. This assessment is predominantly based on existing publicly available data from the Environment Agency (supplemented with local data where available). The assessment identifies areas within the Borough of Darlington that may be at risk from surface water flooding (based largely on topography).
15. The approach to the assessment is based on a 6 year planning cycle which has 4 main elements:-
 - a) Undertake the PFRA
 - b) Identify flood risk areas
 - c) Prepare flood hazard and risk maps
 - d) Prepare flood risk management plans
16. The PFRA concludes that a number of areas within Darlington are or are likely to be at risk from surface water flooding. However, the level of risk is not significant when measured against criteria established by DEFRA.
17. The production of the assessment is a starting point for further work on flood management to ensure that locally and nationally we are better prepared for flood incidents. It has been produced in accordance with Environment Agency standard templates and utilised much of their existing information. The assessment must be submitted to the Environment Agency, who have already provided an initial assessment and guidance on the draft to ensure it contains the correct level of detail and information to ensure it meets statutory requirements.
18. This report seeks endorsement of the PFRA.