

(INFORMATION ITEM)

**TO: ENVIRONMENT, CULTURE & COMMUNITIES OVERVIEW & SCRUTINY PANEL  
22 JANUARY 2013**

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**THE FLOOD AND WATER MANAGEMENT ACT 2010 AND THE LOCAL FLOOD  
RISK MANAGEMENT STRATEGY  
Chief Officer: Environment & Public Protection**

**1 INTRODUCTION**

- 1.1 The Council has a number of significant new duties in respect of flooding and flood risk management. Bracknell Forest Council identified as the Lead Local Flood Authority (LLFA) must comply with the Floods and Water Management Act (FWMA) (2010) and manage present and future flood risk holistically and in a sustainable manner.
- 1.2 The associated duties of the FWMA has led the Environment Culture & Communities Department to manage for a period of 18 months to understand these duties and work through the funding sources and resource implications.
- 1.3 The preparation of the Local Flood Risk Management Strategy is just one of the key duties placed on the LLFA. Set against a backdrop of increased national public awareness of flooding this strategy will be used to determine how flood risk is to be managed now and in the future in a local context.
- 1.4 This information note outlines the key duties within the FWMA, and in particular highlights the developing structure of the Local Flood Risk Management Strategy.

**2 SUPPORTING INFORMATION**

Background to the Flood and Water Management Act 2010

- 2.1 Within the last 30 years the responsibility for flood risk management within England has changed considerably. Following the extreme floods of 2007 the Pitt review stressed the importance of implementing coordinated legislation for the effective management of surface water with increased responsibility for upper tier local authorities. Many of the recommendations contained within the Pitt review were implemented within the FWMA.
- 2.2 In 2009 the Flood Risk Regulations came into force which transposed the EU Flood Directive into UK legislation. This required all LLFAs to produce a Preliminary Flood Risk Assessment which involved collecting information on past flood history and identifying future flood risk areas.
- 2.3 The results of this PFRA confirm that the Borough is not at risk of significant flooding but indicate that there are a very small number of extremely localised areas which have experienced flooding on more than one occasion as a result of intense rainfall (the last experience in July 2007). Even on these severe occasions the number of properties reported to us as experiencing internal property flooding was < 10. The issues posed are in relation to surface water flooding caused by intense rainfall which

is inherently more difficult to mitigate the risk of and respond to than fluvial based flooding.

- 2.4 The implementation of the FWMA has involved work relating to a large number of disciplines within the EC&C Department, the duties themselves have been managed across the Highway Asset Management team, Highway Adoptions team and Emergency Planning function.

Overview of the Council's Key Responsibilities

- 2.5 There are some general duties within the FWMA to address. All have been enacted, with the exception of SuDs

Investigation of Flooding Incidents

- 2.6 The LLFA has a duty to develop a flood investigation policy, this will outline the criteria by which it will formally investigate and publish the results of flood incident investigations. The policy will become more structured by setting significance thresholds for investigation.

Asset Register

- 2.7 The LLFA has a duty to maintain a **register** (publicly available) of structures or features which have a significant effect on flood risk and a **record** of information about each of those structures or features, including information about ownership and state of repair.

Designation of Assets

- 2.8 The LLFA has a duty to identify and designate drainage assets that are owned, maintained or operated by third parties that assist in managing flood risk.

Consent and Enforcement for Works on Ordinary Watercourses

- 2.9 The LLFA has a duty to formally approve works on ordinary watercourses including piping and maintenance.

Sustainable Drainage Systems (SuDs)

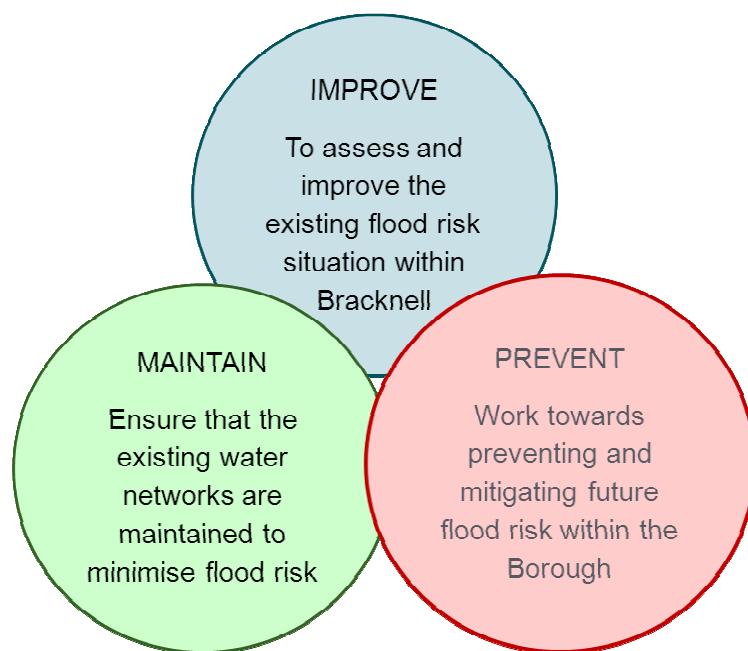
- 2.10 The LLFA has a duty to ensure that Councils include responsible and sustainable surface water drainage, where practicable in all new development or redevelopment and new highways. Such drainage would need to be built to new national standards to reduce the risk of flood damage and improve water quality. The SuDs duty will commence from April 2014.

- 2.11 Any construction work which affects the ability of the ground to absorb water will require the developer (or the householder) to submit a drainage application for the proposed work. The application will need to show how it is proposed to deal with surface water using SuDs and the council will have to set up a SuDs Approving Body (SAB) to receive and approve such applications.

- 2.12 Drainage approval will be required before any works can proceed and the approvals system will run in parallel with, but independent of, the current planning system. All SuDs will need to be designed, constructed and maintained in accordance with national standards.

### The Local Flood Risk Management Strategy

- 2.13 The FWMA requires the Environment Agency to develop, maintain, apply and monitor a national strategy for flood and coastal erosion management in England. The overall aim of this strategy is to ensure the risk of flooding is properly managed.
- 2.14 Local strategies must be developed consistent and in line with the national strategy. To address some of the skill gaps a consultant has been commissioned to support the production of the Local Flood Risk Management Strategy.
- 2.15 In order to ensure that the Local Flood Risk Management Strategy meets the key criteria of managing flood risk in a local context it has been necessary to develop three overarching principles which are supported via a number of objectives. The principles are based on the theme of IMPROVEMENT, MAINTAINANCE and PREVENTION.



- 2.16 The Local Flood Risk Management Strategy will be set out in a number of chapters and annexes broadly detailed as below:

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|-------------|---|
|             | Executive Summary   |
| - Chapter 1 | Introduction and Objectives   |
| - Chapter 2 | Roles and Responsibilities  |
| - Chapter 3 | Nature of Flood Risk within Bracknell Forest  |
| - Chapter 4 | Options and Funding<br>Action Plan / Programme of Actions<br>Conclusions  |
| - Annexes   | Consenting Process<br>Register / Record of Assets<br>Designation Process<br>Flood Investigation Policy<br>Sustainable Drainage Systems<br>Reservoir Plans<br>Sandbag Policy |

- 2.17 Although this duty has been enacted there is no deadline for its production. The intention is to have the local Flood Risk Management Strategy available for a period of public consultation following approval and sign off via the executive work programme in April 2013. The strategy also requires the development of a Strategic Environment Assessment and Habitats Regulations Assessment.

### **3 EQUALITIES IMPACT ASSESSMENT**

- 3.1 Not applicable to this report.

### **4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 The Council has to be in a position to ensure that all these new duties are enacted.

#### Contacts for further information

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