

Appendix D Flood risk management roles and responsibilities

APPENDIX D FLOOD RISK MANAGEMENT ROLES AND RESPONSIBILITIES

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FLOOD RISK MANAGEMENT ROLES AND RESPONSIBILITIES

In relation to Kirklees, the Risk Management Authorities include:

- The Lead Local Flood Authority – Kirklees Council,
- Environment Agency,
- Water and sewerage companies – Yorkshire Water,
- Highways Authority – Kirklees Council and National Highways

Under the provisions of the Flood and Water Management Act the following duties and powers are common to all risk management authorities:

- Duty to cooperate with other risk management authorities,
- Duty to act consistently with the national and local strategies,
- Powers to take on flood risk functions from another RMA,
- Duty to contribute towards the achievement of sustainable development,
- Duty to be subject to scrutiny from the LLFA's democratic process.

SCHEDULE 3 SUSTAINABLE DRAINAGE (FWMA 2020)

The enactment of Schedule 31 of the FWMA means there is a requirement for the inclusion of SuDS in all new development which must be approved by the Council as the 'approving body'. The Council would also be expected to adopt and maintain SuDS for new developments once the development is complete. It is expected that legal, statutory guidance will be produced which will provide a more consistent approach to SuDS design and approval. It is expected that this would replace the non-statutory guidance and the Council's local guidance.

¹ [Schedule 3 Flood and Water Management Act 2010](#)

Some of the main roles and responsibilities in relation to flood risk management activities



Some of the main roles and responsibilities in relation to flood risk management activities for each RMA are as follows:

KIRKLEES COUNCIL LLFA

- Provides strategic leadership of local flood risk management authorities,
- Develops, maintains, applies and monitors a strategy for local flood risk (this Local Strategy) (FWMA 2010),
- Prepares Preliminary Flood Risk Assessments and Flood Risk Management Plans concerning flood risk attributable to surface water runoff, ordinary watercourses and groundwater (Flood Risk Regulations 2009),
- Has powers to carry out works to manage flood risk from surface water runoff, ordinary watercourses and groundwater (Land Drainage Act 1991),
- Is a statutory consultee to determine the acceptability of proposed SuDS (as per the enacted Schedule 3 of the FWMA 2010). Approvals must be given before the developer can commence construction, and sometime before the occupation of dwellings. Working with the local planning authority, planning conditions or obligations should be in place to ensure arrangements are in place for ongoing maintenance of any SuDS over the lifetime of development,



- Acts as a statutory consultee for planning authorities and responds to drainage designs for major planning applications (Town and Country Planning (Development Management Procedure) (England) Order 2015),
- Has powers to request information from any person in connection with the authority's flood risk management functions,
- Has a duty to investigate and publish reports on significant flood incidents in Kirklees (where appropriate and necessary) to identify which authorities have relevant flood risk management functions, and what they have done or intend to do (FWMA 2010)

The Council will endeavour to investigate flood incidents which meet the following criteria:

- Where one or more residential or business property suffers internal flooding
- Where there is a risk to life as a result of the depth and / or velocity of floodwater
- Where critical infrastructure (e.g. emergency services buildings, utility company infrastructure, schools, day centres, hospitals and main transport routes) suffer flooding or obstruction, or were in imminent danger of flooding
- Where five or more properties were in imminent danger of flooding, or
- Where local democratic pressures from elected members, committees, or other elected bodies, might be considered as a factor in determining whether a formal investigation should be carried out

- Has a duty to maintain a register of structures or assets that have a significant effect on flood risk (FWMA 2010). The LLFA has discretion to set a local indication of "significance" to determine which assets it records on the register, which is available for inspection

The Council's register of drainage assets aims to include the following structures or features:

Pipes and culverts:

- Where the diameter is greater than 600mm or cross-sectional area is greater than 0.3m² or
- Where the pipe/culvert has a recorded history of flooding or
- Where the pipe/culvert is within 20m of a cluster of 5 or more recorded flood incidents (non-cellar) – excluding pipes of 225mm diameter or less

Debris screen:

- Where a debris screen is blocked

Others:

- Reservoirs
- Mill ponds
- EA assets

SuDS:

- All new SuDS adopted by the LLFA

- Powers to designate structures and features with flood risk significance other than on main rivers (Land Drainage Act 1991). The Council will use these powers in a proportionate manner, determining an appropriate measure of significance for the flood risk. Any proposal to designate a structure or feature will be fully evidenced and justified,
- Has a duty to ensure local flood risk management functions are consistent with the national strategy,
- Has a duty to contribute towards the achievement of sustainable development in the exercise of flood risk management functions and to have regard to any ministerial guidance on this topic.

ENVIRONMENT AGENCY

- Carries out works to manage flood risk from main rivers (Water Resources Act 1991),
- Regulates the operation of large, raised reservoirs (Reservoirs Act 1975),
- Sets the direction for managing flood risk through the National Flood and Coastal Erosion Risk Management Strategy for England (FWMA, 2010),
- Prepares Preliminary Flood Risk Assessments and Flood Risk Management Plans for flooding from main rivers, reservoirs and the sea (Flood Risk Regulations 2009),
- Operates flood warning systems for the public (Ministerial Direction to the National Rivers Authority, 1996),
- Regulates the activities that may affect the risk of flooding from main rivers (Environmental Permitting Regulations (England and Wales) Regulations 2016),
- Carries out surveys and mapping (Flood Risk Regulations 2009, Water Resources Act 1991),
- Reports to the minister on flood and coastal erosion risk and how the national and local strategies are being applied by all the authorities involved (FWMA, 2010),
- Acts 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).

YORKSHIRE WATER

- Is responsible for public water supply and sewerage systems,
- Must manage the risk of flooding from its water supply networks and sewerage networks,
- Must produce Drainage and Wastewater Management Plans (DWMPs) to assess current and future capacity, pressures, and risks to the networks such as climate change and population growth. DWMPs must cover a minimum of 25 years,
- Must prepare and review water resource management plans and provide drought plans,
- Where appropriate, assists the LLFA in meeting its duties in line with the national strategy,
- Where appropriate, shares information and data with other RMAs, relevant to their flood risk management functions,



- Has a duty to effectually drain its area (includes sewage and surface water), in accordance with section 94 of the Water Industry Act 1991,
- Advises on the appropriate management of surface water and encouraging the use of SuDS,
- Creating a detailed understanding of flood risk from the public sewer system,
- A duty to ensure local flood risk management and drainage works are consistent with environmental regulations (including the Water Framework Directive).

. Highways Authority (Kirklees Council and National Highways)

- Are responsible for providing and managing highway drainage and some roadside ditches / gullies,
- Must ensure that new road projects do not increase flood risks,
- Are permitted to carry out drainage works on highways or adjoining land (Highways Act 1980),
- Has a duty to act in a manner which is consistent with the local and national strategies,
- Has a duty to share information with other RMAs relevant to their flood risk management functions.

