



Environment
Agency



We are the Environment Agency. It's our job to look after your environment and make it a better place – for you, and for future generations. The Environment Agency. Out there, making your environment a better place.



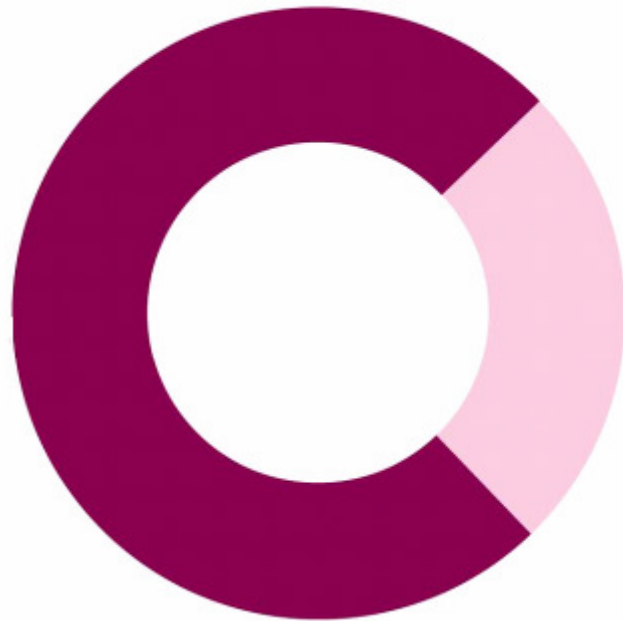
The Legislative Landscape for Flood and Coastal Risk Management

Neil Emmott

Project Manager, Flood and Water Management Bill

28 April 2010

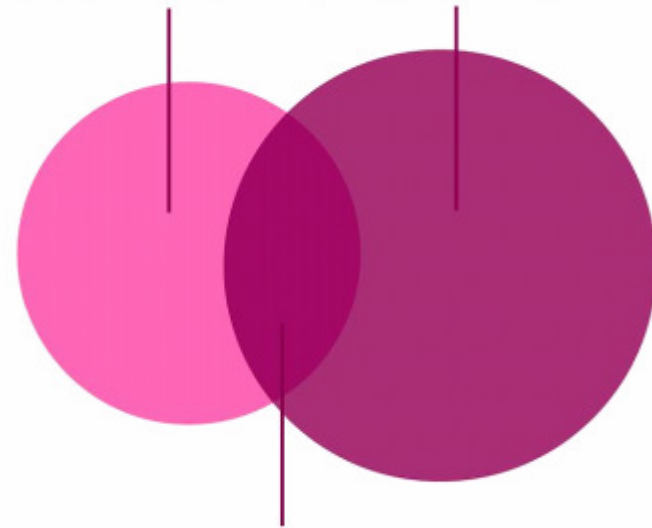
Properties at risk of flooding



- 23.8m properties not susceptible to flooding
- 5.5m properties at risk of flooding

>2.6m properties at risk of river and coastal flooding

>3.9m properties at risk of surface water flooding



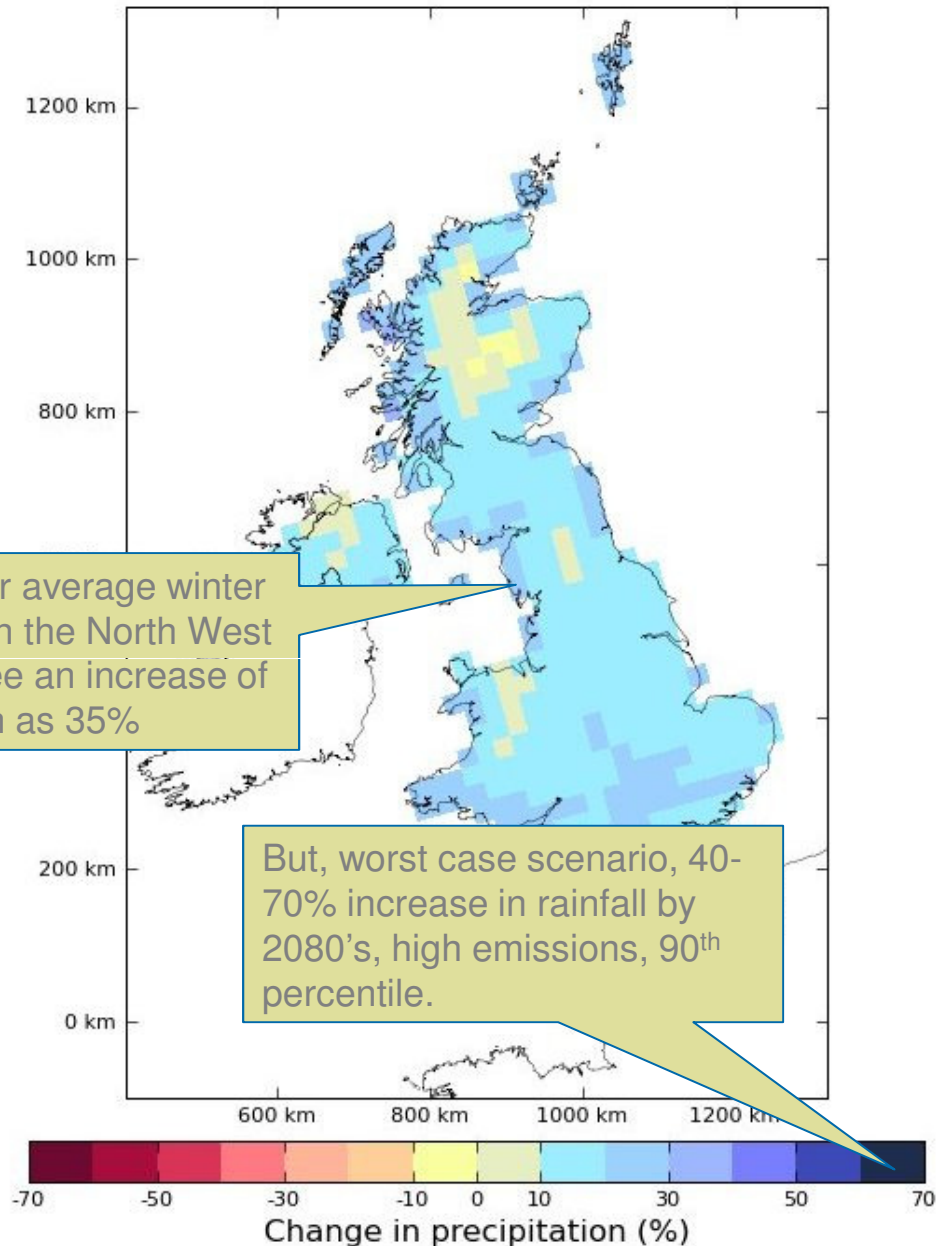
>1m properties at risk from river, coastal and surface water flooding

Increases in Winter Rainfall in the 2080's, Medium Emissions, Central Estimate

In winter, precipitation increases are in the range +10% to +30% over the majority of the country. The biggest changes in winter precipitation are seen along the western side of the UK.

However average winter rainfall in the North West could see an increase of as much as 35%

But, worst case scenario, 40-70% increase in rainfall by 2080's, high emissions, 90th percentile.



Drivers for legislative change

Summer 2007 Floods

➔ The Reviews

The European and International Context

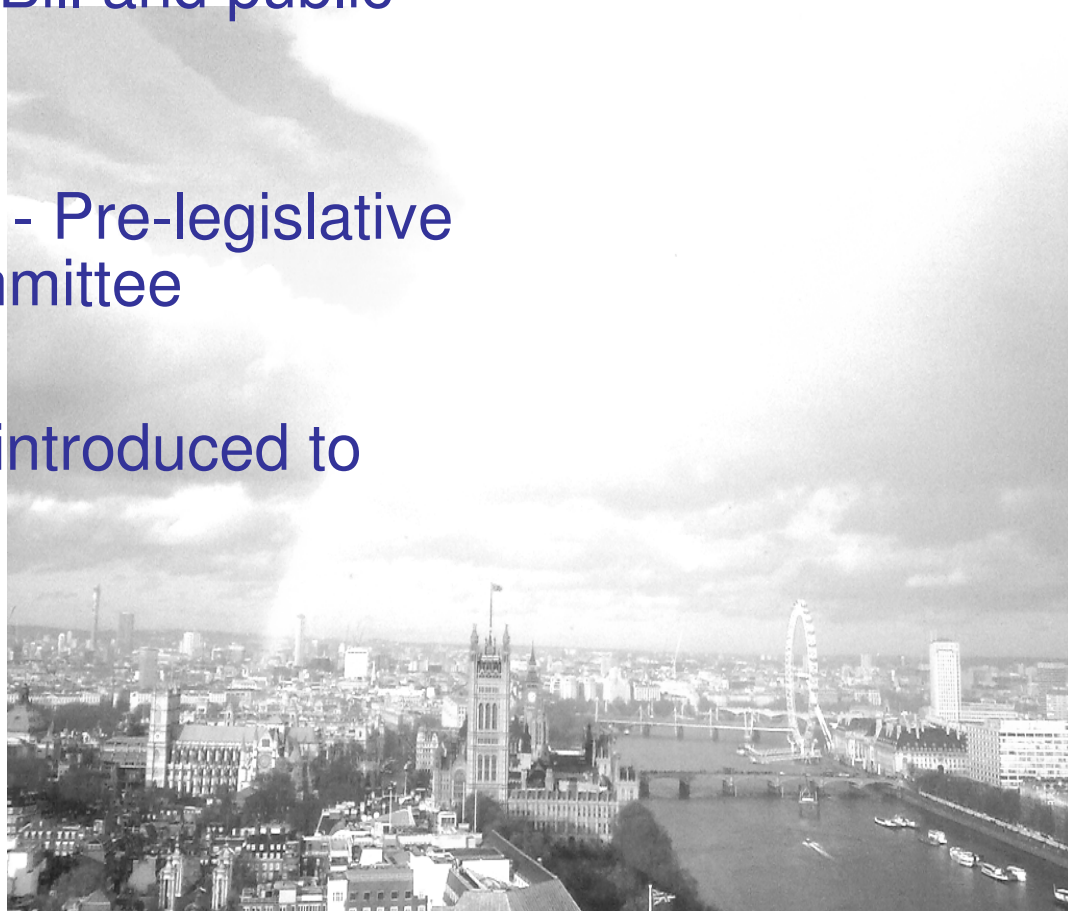
➔ Major floods in Europe in 2002, 2005 and 2006 led to adoption of EU Floods Directive in 2007



Tewkesbury Abbey, 2007

Development of the Flood and Water Management Act

- ➔ April-July 2009 - Draft Bill and public consultation
- ➔ June-September 2009 - Pre-legislative scrutiny by EFRA Committee
- ➔ November 2009 – Bill introduced to Parliament
- ➔ April 2010 – Royal Assent



The Act – what's new?

➔ New definitions

- ➔ Flood
- ➔ Risk
- ➔ Risk management
- ➔ Lead Local Flood Authority (LLFA)
- ➔ Risk Management Authority (RMA)

➔ New elements - including

- ➔ Flood and Coastal Erosion Risk Management
- ➔ Surface runoff and groundwater
- ➔ Clarification of roles and responsibilities
- ➔ Modified works powers



Flood and Water Management Act 2010

CHAPTER 29

CONTENTS

PART 1

FLOOD AND COASTAL EROSION RISK MANAGEMENT

1. Key concepts and definitions

- 1 "Flood" and "coastal erosion"
- 2 "Risk"
- 3 "Risk management"
- 4 "Flood risk management function"
- 5 "Coastal erosion risk management function"
- 6 Other definitions

2. Strategies, co-operation and funding

- 7 National flood and coastal erosion risk management strategy: England
- 8 National flood and coastal erosion risk management strategy: Wales
- 9 Local flood risk management strategies: England
- 10 Local flood risk management strategies: Wales
- 11 Effect of national and local strategies: England
- 12 Effect of national and local strategies: Wales
- 13 Co-operation and arrangements
- 14 Power to request information
- 15 Civil sanctions
- 16 Funding
- 17 Levies

3. Supplemental powers and duties

- 18 Environment Agency: reports

Roles and Responsibilities

Risk Management Authority

Environment Agency

Lead Local Flood Authority

District Council or IDB

Strategic level

National Strategy (by WAG in Wales), reporting and general supervision

Input to National Strategy, produce Local Strategy and investigate floods

Input to National and Local Strategies

Operational level

Main Rivers, Sea (flooding and erosion)

Surface Runoff, Groundwater

Ordinary Watercourses, Sea (with EA consent)

Arrangements underpinned by duties to cooperate and share data, ability to delegate functions and scope for Ministerial directions

Designation of third-party assets



- Third-party assets make up 56% of all assets in England and Wales;
- The Act requires owners to notify the designating authority if they wish to remove, alter or replace a designated asset.

Management of Local Flood Risk



Updated reservoir legislation



- 25,000m³ ⇔ 10,000m³
- Risk-based rather than volumetric approach
- No cost for registration
- Only high-risk reservoirs will be regulated

The Floods Directive

Preliminary Flood Risk Assessment



Identify areas with potential significant flood risks



Develop Flood Hazard Maps and Flood Risk Maps



Develop Flood Risk Management Plans

- For each river basin district
- By 22/12/2011

- No process specified

- For areas with significant risks
- By 22/12/2013

- For areas with significant risks
- By 22/12/2015

Flood Risk Regulations 2009

Environment Agency

- Produce deliverables for main rivers, sea and reservoirs
- Coordinating body for implementing the Regulations
 - Support LLFA with national guidance and data
 - Review LLFA deliverables

Local authorities

- Produce deliverables for other sources of flooding



Relationship with Flood and Water Management Act

- ➔ Draft transposition appeared in draft Bill
- ➔ Regulations introduced in parallel with Bill
- ➔ Use the same language as the Bill e.g.
 - flood
 - risk
 - Lead local flood authority
- ➔ Same division of operational responsibility between Environment Agency and LLFAs

Next steps – Flood Risk Regulations

- ➔ Letter from Defra to CLG (and separately WAG)
- ➔ Preliminary Flood Risk Assessments required by June 2011
- ➔ Build on readily available information
- ➔ Work in partnership with water/sewerage companies and the Environment Agency

Thank you

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