

# Norfolk County Council

## Record of Individual Cabinet Member Decision

### Norwich Flood Risk Area and Review of the Second Cycle Flood Risk Management Plans

**Responsible Cabinet Member: Councillor Andy Grant (Cabinet Member for Environment and Waste)**

**Background and Purpose:**

Following the 2017 review of the Preliminary Flood Risk Assessment (PFRA) for the county, the Norwich urban area was identified as a Nationally Significant Flood Risk Area, with over 3,000 properties at risk from a 1:100 surface water flood event.

It must be noted that the level of risk to people and property within the Norwich urban area has not increased since the first PFRA in 2011. However, the national guidance on the criteria for identifying indicative Flood Risk Areas changed considerably.

Due to the status of the Flood Risk Area, the County Council as Lead Local Flood Authority (LLFA) must prepare a flood risk management plan for this area. To fulfil this, the County Council and partner organisations have reviewed and updated the measures from the Norwich Urban Area Surface Water Management Plan and Options Studies and drafted new measures for consultation.

Alongside this work, the Environment Agency (EA) has been reviewing and updating their Flood Risk Management Plans for the county. Officers have been consulted on the development of these draft measures where the County Council is involved.

**Decision:**

- 1. To support the Norfolk County Council measures for the Norwich Flood Risk area and countywide measures in the second cycle Flood Risk Management Plans for public consultation.**

**Is it a key decision?**

**No**

**Is it subject to call in?**


**Yes**

**If Yes – Deadline for Call in**

**Date: 4pm, Friday 11 June 2021**

**Impact of the Decision:**

The draft measures seek to build on the work the County Council is progressing with partners in areas of concentrated flood risk (as identified in the PFRA) and the measures that are proposed in Flood Risk Investigations.

<p>These measures do not limit our ability to progress schemes in other areas of risk as our priorities may change over the next 6 years, due to funding opportunities and from future flood events.</p>	
<p><b>Evidence and reason for the decision:</b> As set out in the attached report</p>	
<p><b>Alternative options considered and rejected:</b> As set out in the attached report</p>	
<p><b>Financial, Resource or other implications considered:</b> As set out in the attached report</p>	
<p><b>Record of any conflict of interest:</b> none</p>	
<p><b>Background Documents:</b></p> <ul style="list-style-type: none"> <li>• Appendix C - Flood Risk Management Plans - An Overview</li> <li>• Appendix D - Flood Risk Regulations 2009</li> </ul>	
<p><b>Date of Decision:</b></p>	<p><b>3/6/2021</b></p>
<p><b>Publication date of decision:</b></p>	<p><b>4/6/2021</b></p>
<p><b>Signed by Cabinet member:</b></p> <p>I confirm that I have made the decision set out above, for the reasons also set out</p> <div style="text-align: center;">  </div> <p><b>Signed:</b></p> <p><b>Print name: Cllr Andy Grant</b></p> <p><b>Date: 03/06/2021</b></p>	
<p><b>Accompanying Documents:</b></p> <ul style="list-style-type: none"> <li>• Norwich Flood Risk Area and review of the second cycle Flood Risk Management Plans Report</li> <li>• Appendix A - Draft FRA and FRMP Measures</li> <li>• Appendix B - PFRA 2017 Map</li> </ul>	

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Individual Cabinet Member Decision Report

Item No:

<b>Decision making report title:</b>	<b>Norwich Flood Risk Area and Review of the Second Cycle Flood Risk Management Plans</b>
<b>Date of meeting:</b>	<b>24 May 2021</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andy Grant (Cabinet Member for Environment and Waste)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>If this is a key decision, date added to the Forward Plan of Key Decisions.</b>	<b>N/A</b>

## Executive Summary

Following the 2017 review of the Preliminary Flood Risk Assessment (PFRA) for the county, the Norwich urban area was identified as a Nationally Significant Flood Risk Area, with over 3,000 properties at risk from a 1:100 surface water flood event. It must be noted that the level of risk to people and property within the Norwich urban area has not increased since the first PFRA in 2011. However, the national guidance on the criteria for identifying indicative Flood Risk Areas changed considerably.

Due to the status of the Flood Risk Area, the County Council as Lead Local Flood Authority (LLFA) must prepare a flood risk management plan for this area. To fulfil this, the County Council and partner organisations have reviewed and updated the measures from the Norwich Urban Area Surface Water Management Plan and Options Studies and drafted new measures for consultation.

Alongside this work, the Environment Agency (EA) has been reviewing and updating their Flood Risk Management Plans for the county. Officers have been consulted on the development of these draft measures where the County Council is involved.

The draft measures for the Norwich Flood Risk Area and second cycle Flood Risk Management Plan are detailed in Appendix A.

## Recommendation

- 1. To support the Norfolk County Council measures for the Norwich Flood Risk area and countywide measures in the second cycle Flood Risk Management Plans for public consultation.**

## **1. Background and Purpose**

- 1.1. Flood Risk Management Plans (FRMPs) are a requirement of the Flood Risk Regulations (2009), which set out a statutory process for flood risk planning over a 6-year cycle.

The Environment Agency (EA) and Lead Local Flood Authorities are required to:

- Assess the risk of flooding to people, the economy, and the environment.
- Identify areas where the risk of flooding is considered to be significant. These are designated Flood Risk Areas (FRAs), which were identified through PFRA in 2017.
- Prepare flood hazard maps which highlight the risk of flooding to receptors within FRAs - completed in December 2019.
- Prepare FRMPs that set objectives and identify measures to manage flood risk within the FRAs and the wider River Basin District (RBD).

The Final FRMP will have two main parts:

- A document providing an overview of the Anglian RBD and a description of the sources and risks of flooding.
- Information to describe how Risk Management Authorities (RMAs) intend to manage flood risk:
  - Structured as a set of objectives and measures on Flood Plan Explorer, which is a live GIS platform allowing measures to be presented spatially.

- 1.2. The Norwich urban area was identified as a Nationally Significant Flood Risk Area, with over 3,000 properties at risk from a 1:100 surface water flood event during the PFRA review in 2017.

It must be noted that the level of risk to people and property within the Norwich urban area has not increased since the first PFRA in 2011. However, the national guidance on the criteria for identifying indicative Flood Risk Areas changed from over 30,000 people at risk within a cluster where risk is most concentrated to over 3000 properties (approx. 7,200 people) at risk in a built-up area.

Officers from the County Council and relevant stakeholders have reviewed the proposed options, projects and maintenance regimes from the Surface Water Management Plan and Options Studies (completed in 2014). These have been revised and updated into draft measures for the FRA.

- 1.3. Alongside this work the EA have been reviewing and updating the measures from the first FRMP. They have held a series of stakeholder meetings to discuss the FRAs identified to be at risk from main river and coastal flooding, which are Great Yarmouth, Hunstanton and King's Lynn, and for FRMP measures across the County.

- 1.4. The draft measures for the Norwich FRA and second cycle FRMP must be reviewed by 22 June 2021.

Final changes to the consultation plans and measures in the Flood Plan Explorer software will be possible during August and September 2021 before the products are finalised for public consultation.

Public consultation is planned to launch on 22 October 2021.

## **2. Proposals**

- 2.1. The draft measures for the Norwich FRA and second cycle FRMP are detailed in Appendix A.

## **3. Impact of the Proposal**

- 3.1. The draft measures seek to build on the work the County Council is progressing with partners in areas of concentrated flood risk (as identified in the PFRA) and the measures that are proposed in Flood Risk Investigations.

These measures do not limit our ability to progress schemes in other areas of risk as our priorities may change over the next 6 years, due to funding opportunities and from future flood events.

## **4. Evidence and Reasons for Decision**

- 4.1. The Norwich urban area Surface Water Management Plan and Options Studies (completed in 2014), provided detailed evidence of the most cost beneficial schemes that could attract external funding.

The main work that came out of these studies was the CATCH project, which aims to install 2,000 leaky water butts across the high-risk catchments in Norwich. These water butts capture rainfall from storm events before it reaches the, mostly combined, sewer network, before releasing the water slowly after the storm peak has passed. This project is in its final months of completion and work is ongoing with installing the water butts.

Funding bids will be submitted to extend and improve this type of project in Norwich and other urban areas.

## **5. Alternative Options**

- 5.1. Discussions have been held with a wide range of organisations in the County and measures that are not viable have been discounted.

## **6. Financial Implications**

- 6.1. There are no additional financial requirements in the draft measures for the County Council. Bids for external funding will be required to progress capital schemes proposed in the draft measures.

## **7. Resource Implications**

7.1. **Staff:** N/A

7.2. **Property:** N/A

7.3. **IT:** N/A

## **8. Other Implications**

### **8.1. Legal Implications**

The duties to prepare PFRAs, FRMPs, and flood risk mapping and the review timescales are laid out in the Flood Risk Regulations 2009.

### **8.2. Human Rights implications**

N/A

### **8.3. Equality Impact Assessment (EqIA)**

Equality Impact Assessments will be undertaken in the preparation of the outline business case for the measures if they progress towards the implementation stage.

### **8.4. Health and Safety implications**

N/A

### **8.5. Sustainability implications**

Any proposed measures will consider sustainability and reduce flood risk, positively affecting sustainability.

### **8.6. Any other implications - None**

## **9. Risk Implications/Assessment**

9.1. Risk implications will be considered in the preparation of the outline business case for the measures if they progress towards the implementation stage.

## **10. Select Committee comments**

10.1. N/A

## **11. Recommendation**

11.1. **1. To support the Norfolk County Council measures for the Norwich Flood Risk area and countywide measures in the second cycle Flood Risk Management Plans for public consultation.**

## **12. Background Papers**

12.1. Appendix C - Flood Risk Management Plans - An Overview

Appendix D - Flood Risk Regulations 2009

## Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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**Email address:** [mark.ogden@norfolk.gov.uk](mailto:mark.ogden@norfolk.gov.uk)



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

### Norwich Flood Risk Area and Review of the Second Cycle Flood Risk Management Plans

#### Appendix A – draft measures for the Norwich FRA and second cycle FRMP

##### **Norwich Flood Risk Area**

- 1.1. By 2023, Norfolk County Council will review the local flood risk in all sub-catchments within the Norwich urban area and re-assign Critical Drainage Catchments if appropriate
- 1.2. Between 2021 and 2027, Norfolk County Council will work with Anglian Water, Norwich City Council, Broadland District Council, South Norfolk District Council and other stakeholders to submit funding bids to implement further small-scale SuDS retrofit schemes, including the use of smart water storage installations
- 1.3. Between 2021 and 2027, Norfolk County Council, with partners, will seek opportunities to achieve flood risk betterment in urban regeneration schemes (such as Transforming Cities) and master planning for major urban redevelopment (such as the East Norwich Redevelopment Area)
- 1.4. Between 2021 and 2027, Norfolk County Council will continue to offer grants to property owners who suffer surface water flooding, to help install PLR measures; and to implement small scale drainage improvement works if external funding can be secured
- 1.5. Between 2021 and 2027, Norfolk County Council will continue to prioritise consultation responses to major planning applications, while seeking opportunities for flood risk betterment, in Critical Drainage Catchments and will work with LPAs to increase the flood risk knowledge of planning officers who deal with minor development
- 1.6. Between 2021 and 2027, Norfolk County Council will review the level of protection provided by major drainage assets constructed as part of new development to include in the flood risk asset register if relevant
- 1.7. Between 2021 and 2027, Norfolk County Council will work with Anglian Water, Norwich City Council, Broadland District Council, South Norfolk District Council and other stakeholders to engage with Parish Councils, community groups and other organisations to increase the understanding of local flood risk
- 1.8. Between 2021 and 2027, Norfolk County Council will seek funding to implement GIS mapping of drainage assets across the Norwich urban area
- 1.9. By 2024, Norfolk County Council will trial the use of gully sensors to inform the drainage maintenance regime



### **: Second Cycle Flood Risk Management Plans**

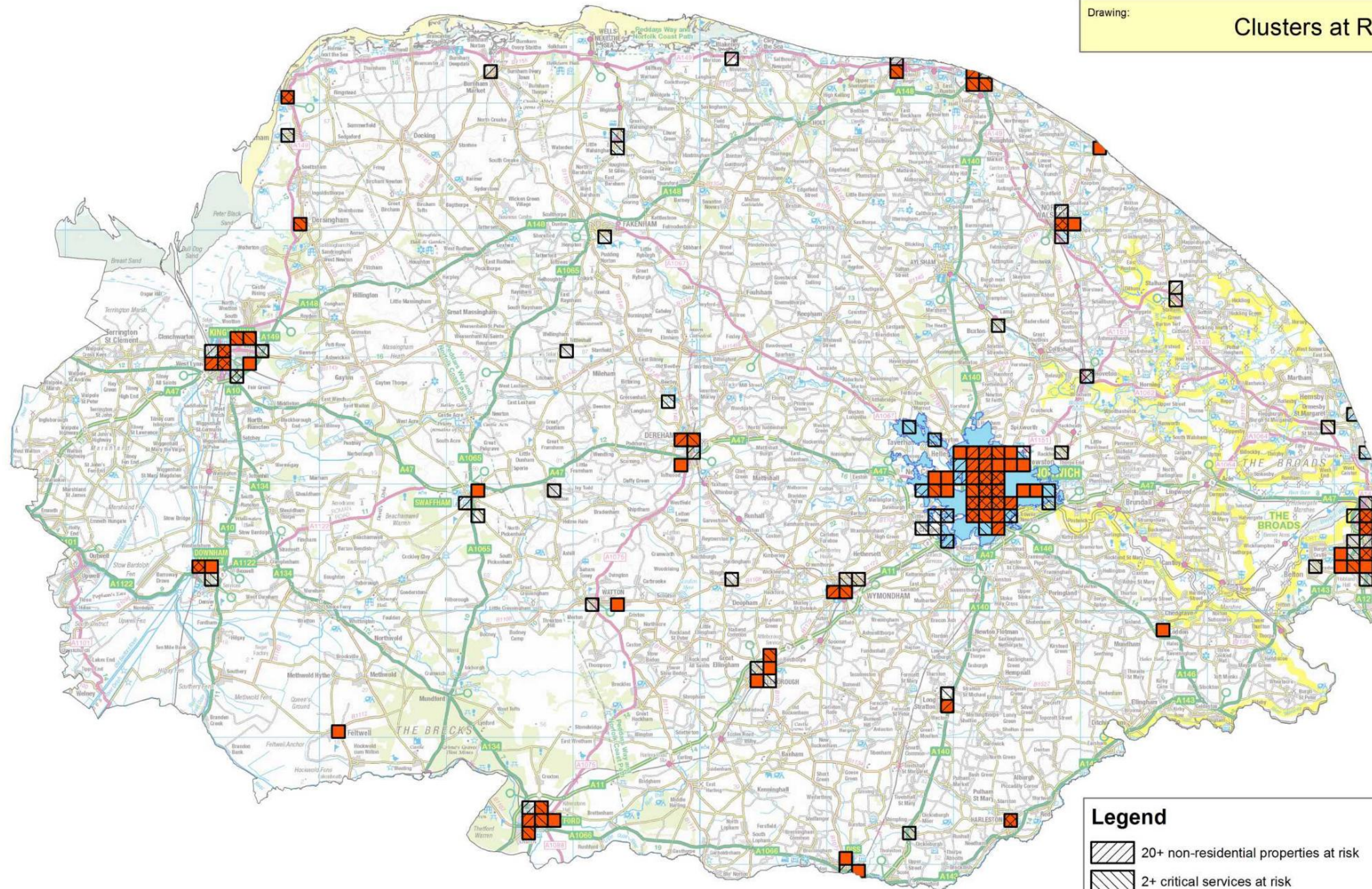
- 2.1. By 2023, Norfolk County Council will work with Anglian Water and the Borough Council of King's Lynn and West Norfolk to identify and implement opportunities in Hunstanton to reduce the risk of surface water flooding in the in the Hunstanton, Anglian Flood Risk Area.
- 2.2. Between 2021 and 2025, Norfolk County Council and Anglian Water will work in partnership with the Borough Council of King's Lynn & West Norfolk and King's Lynn IDB to investigate and consider options in King's Lynn to manage the risk of flooding from surface water in the King's Lynn, Anglian Flood Risk Area.
- 2.3. By 2024, the Environment Agency, Norfolk County Council and the Borough Council of King's Lynn and West Norfolk will explore potential funding mechanisms and opportunities in King's Lynn to cover the funding gap to maintain flood defences in the future in the King's Lynn, Anglian Flood Risk Area.
- 2.4. By 2024, the Borough Council of King's Lynn and West Norfolk will work with the Environment Agency and Norfolk County Council to endeavour to produce a Supplementary Planning Document in King's Lynn to consider how planning, growth, and regeneration policies may need to be amended to account for any changes in standard of service provided by flood defences as a result of any future funding gaps in the King's Lynn, Anglian Flood Risk Area.
- 2.5. By 2024, the Borough Council of King's Lynn and West Norfolk will work with the Environment Agency and Norfolk County Council to endeavour to produce a Supplementary Planning Document in King's Lynn to consider how planning, growth, and regeneration may provide opportunities to bring about betterment for existing flood risk in the King's Lynn, Anglian Flood Risk Area.
- 2.6. Between 2021 and 2027, Norfolk County Council will carry out a flood investigation in Attleborough to manage the risk of flooding from all sources in Attleborough, in the Cam and Ely Ouse Management Catchment.
- 2.7. Between 2021 and 2027, Norfolk County Council will work with Highways England to investigate flood risk to the A149 and A47 in North West Norfolk to identify potential measures to mitigate this risk and reduce the impact of flooding to people living and working in the North West Norfolk Management Catchment.
- 2.8. Between 2021 and 2027, Norfolk County Council will continue to investigate and, if viable progress surface water flood risk management schemes in Crimplysham, Watton and Thetford to manage the risk of surface water flooding in the Cam and Ely Ouse Management Catchment.
- 2.9. Between 2021 and 2027, Norfolk County Council will continue to investigate and, if viable progress natural flood management schemes in Besthorpe, Ovington, and Saham Toney to manage the risk of surface water flooding in the Cam and Ely Ouse Management Catchment.

- 2.10. Between 2021 and 2027, Norfolk County Council will continue to investigate and, if viable progress surface water flood risk management schemes (aligned to the tactical plans) in Downham Market and Marham to manage the risk of surface water flooding in the Fens and Lowlands Strategic Area.
- 2.11. Between 2021 and 2027, Norfolk County Council will continue to progress, if viable the property level resistance project (phase 2) in West Norfolk to manage the risk of surface water flooding in the North West Norfolk Management Catchment.
- 2.12. Between 2021 and 2027, the Environment Agency, Anglian Water and Norfolk County Council will (1) work with Great Yarmouth Borough Council to identify and implement opportunities (if they arise) in Great Yarmouth to reduce the risk of flooding from all sources and, in doing so: (2) seek, through engaging with bodies such as The Broads Authority, RSPB, and Norfolk Wildlife Trust, opportunities for potential biodiversity net gain and landscaping improvements through development proposals in the Great Yarmouth, Anglian Flood Risk Area.
- 2.13. By 2026, the Environment Agency, Great Yarmouth Borough Council, Anglian Water and Norfolk County Council will have developed detailed local flood risk planning guidance in Great Yarmouth to help ensure that development is sustainable and resilient to future climate change in the Great Yarmouth, Anglian Flood Risk Area.
- 2.14. Between 2021 and 2027, the Environment Agency will work with Norfolk Rivers Trust, River Waveney Trust, water companies, landowners, Norfolk County Council, and IDBs (amongst others) in the Broadland Rivers Management Catchment to undertake habitat improvements, such as floodplain reconnection, in-channel work, and riparian tree planting, to reduce the risk of flooding and meet Water Framework Directive requirements in the Broadland Rivers Management Catchment.







Drawing:

## Clusters at Risk



### Legend

-  20+ non-residential properties at risk
-  2+ critical services at risk
-  200+ people at risk
-  Norwich built up area



# Flood Risk Management Plans: An Overview

- Flood Risk Management Plans (FRMP) are a requirement of the Flood Risk Regulations (2009), which set out a statutory process for flood risk planning over a 6 year cycle.
- The Environment Agency and Lead Local Flood Authorities are required to:
  - Assess the risk of flooding to people, the economy, and the environment.
  - Identify areas where the risk of flooding is considered to be significant. These are designated **flood risk areas** (FRAs), which were identified through **Preliminary Flood Risk Assessments** (PFRAs) in 2018.
  - Prepare **flood hazard maps** which highlight the risk of flooding to receptors within FRAs - completed in **December 2019**.
  - Prepare FRMPs that set **objectives** and identify **measures** to manage flood risk within the FRAs and the wider River Basin District (RBD). The Anglian RBD is shown in Figure 1.
- The Final FRMP will have two main parts:
  - A document providing an overview of the Anglian RBD and a description of the sources and risks of flooding.
  - Information to describe how Risk Management Authorities (RMAs) intend to manage flood risk:
    - Structured as a set of objectives and measures on Flood Plan Explorer, which is a live GIS platform allowing measures to be presented spatially.

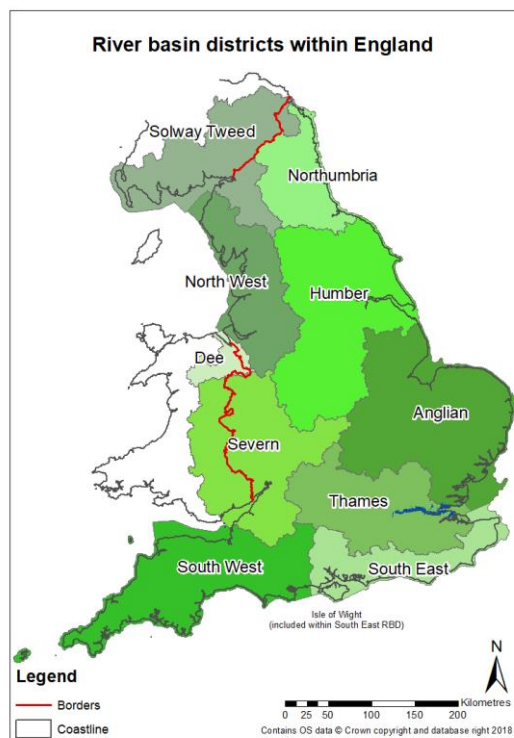


Figure 1: River Basin Districts within England

# 1. Flood Risk Areas in the Anglian RBD

FRAs have been identified for both main rivers and the sea (EA led), and surface water (LLFA led) (Table 1).

**Table 1:** FRAs within the Anglian RBD

Environment Agency	Cambridgeshire County Council	Essex County Council	Leicestershire County Council	Milton Keynes Council	Norfolk County Council	Northamptonshire County Council	Rutland County Council	Southend-on-Sea Borough Council	Suffolk County Council
Alconbury & Alconbury Weston	Cambridge	Canvey Island	Market Harborough	Milton Keynes	Norwich	Northampton	Oakham	South Essex	Ipswich
Boston	Huntingdon	Chelmsford							
Great Yarmouth	March	Colchester							
Horncastle		South Essex							
Hunstanton									
King's Lynn									
Lincoln									
Lowestoft									
Mablethorpe									
Northampton									
Oakington									
Saffron Walden									
Skegness									
Spalding									
Wisbech									

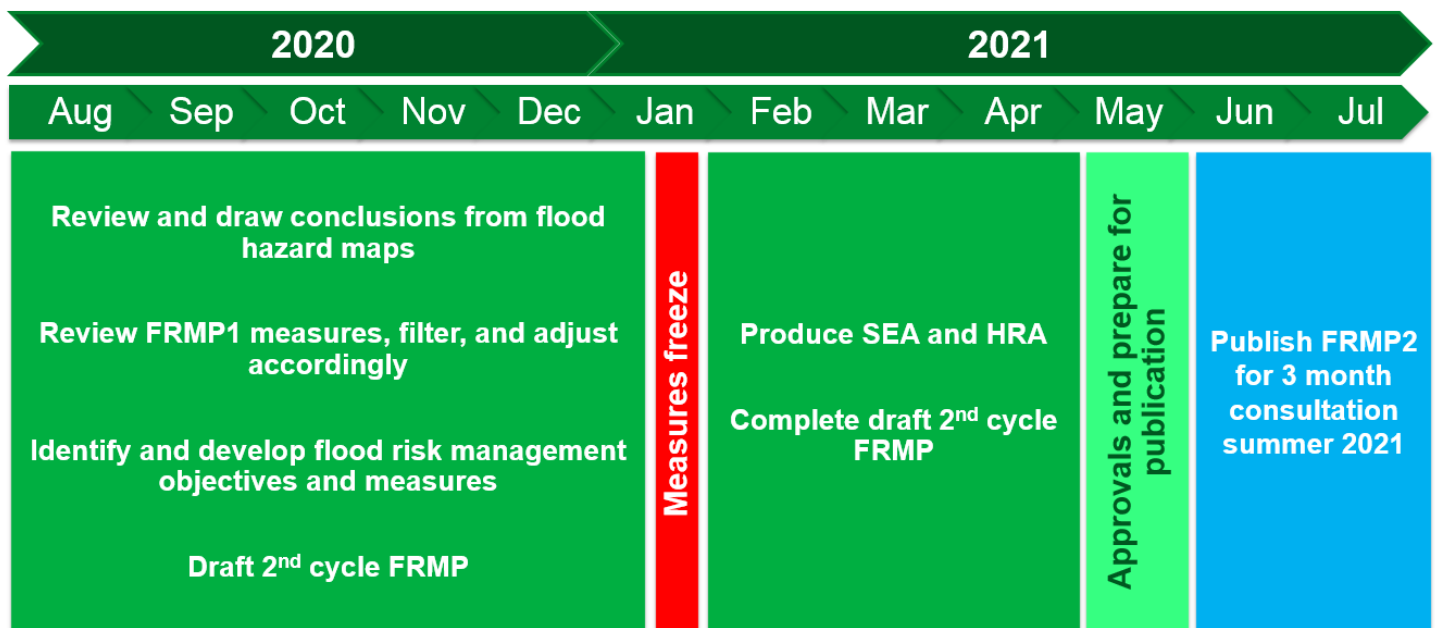
## 2. FRMP Objectives

- Objectives have been developed by the EA national FRMP team to ensure consistency and to assist in delivering the goals of the Flood and Coastal Erosion Risk Management (FCERM) Strategy, see Appendix A for the full list of FRMP objectives.
- The FRMP objectives will:
  - support the objectives of the 25 YEP and other national policy initiatives
  - meet the needs of local areas and places
  - provide a consistent framework for the development of measures
- Areas are able to select objectives which are locally relevant and achievable.
- Objectives chosen for FRAs should be locally relevant and achievable in that area.
- **For each FRA, a minimum of one objective needs to be chosen from each of the 5 objective sub categories, see Appendix A).**

## 3. FRMP Measures

- Measures are actions that will be taken by RMAs to prevent flooding and protect individuals, communities, and the environment against the consequences of flooding as well as making arrangements for forecasting and warning.
- Risk management measures are described as:
  - **Prevention**
  - **Protection**
  - **Preparedness**
  - **Prevention**
  - **Recovery**
  - **Review**
- FRMPs must include details of objectives for managing flood risk and the proposed measures to achieve those objectives.
- Measures must address:
  - The prevention of flooding
  - The protection of individuals, communities and the environment against the consequences of flooding
  - Arrangements for forecasting and warning
- All measures should be **Specific, Measurable, Attainable, Relevant, and Time-bound**. For example:
  - **By 2023, xx County Council will complete a study for the xx flood risk area to identify possible sites for SuDS to reduce surface water flooding.**
- For 'business as usual' flood risk management activities, a set of National Once Measures are being developed to avoid duplication (**available shortly**).
- Local flood risk plans (LFRMS, SWMP etc.) should be integrated into the FRMP, rather than being a duplication.

## 4. FRMP Timeline



- The EA and LLFAs should review the [hazard maps](#) showing the risks and impacts of flooding in flood risk areas to inform the production of flood risk management plans.
- FRMP1 measures should be reviewed by the EA and LLFAs to review those which are ongoing and edit to make them ‘SMART’ as required.
- FRMP2 objectives should be selected and measures formulated based on local knowledge, previous studies, stakeholder engagement etc.
- Draft the FRMP2 document.
- Measures must be finalised by **15 January** (measures freeze) to allow the Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA) to be carried out by the EA.
- FRMP2 document to be drafted and finalised ahead of approval and formal consultation in **summer 2021**.

## 5. Measures Development (draft)

- **N.B. This approach is yet to be finalised and is pending approval from the Anglian FRMP board.**
- To help gather information to use in formulating measures, the EA intend to hold meetings and workshops (virtually):
  - FRA-scale meetings will focus on formulating detailed measures.
  - Management catchment/RBD-scale workshops will focus on creating high level strategic measures.
- To facilitate meaningful discussion, the meetings and workshops will be structured around themes that link to the National FCERM Strategy that map to the FRMP objectives:
  1. **Flood Resilient Places**
  2. **Adaptive Pathways**
  3. **Environmental Enhancement**
  4. **Growth and Development**
  5. **Infrastructure Resilience**
  6. **Ready to Respond**
  7. **Recovery**

# Appendix A: Developing consistent 2nd cycle flood risk management plan objectives

## Climate resilient places

### **Sub category 1 - reducing the likelihood of flooding**

1. By 2027 risk management authorities will have developed a long term strategic vision and delivery plan for managing future flood risk from all sources
2. By 2027, risk management authorities will have worked together to develop and / or implement adaptive approaches that plan for a range of future flood and coastal change scenarios.
3. By 2027, risk management authorities will have worked with those communities that may be significantly affected by flooding and / or coastal change in the future and will have identified and / or be progressing the most appropriate flood risk management options.
4. By 2027, risk management authorities will have worked with communities, landowners and businesses to determine the level of maintenance of flood risk assets needed to manage flood risk, and they will have taken a risk based approach to decide how or if they will be maintained in the future.
5. By 2027, risk management authorities will have worked with communities, landowners and businesses to understand wider maintenance activities needed to manage the risk of flooding and coastal change and who will contribute to make that happen.
6. By 2027, risk management authorities will have worked with communities and landowners to identify and carry out schemes which work with natural processes to reduce the risk of flooding and coastal change.

### **Sub category 2 - minimising the consequences of flooding for human health**

7. By 2027, risk management authorities will have developed and/or delivered a programme of flood risk management capital schemes and/or maintenance to reduce risk of flooding and coastal change and its adverse consequences for human health and wellbeing.

### **Sub category 3 - minimising the consequences of flooding for the environment including cultural heritage**

8. By 2027, actions by risk management authorities to address current and future risk of flooding and coastal change will have helped achieve the environmental objectives set out in the river basin district's river basin management plan.
9. By 2027, risk management authorities will have worked with catchment and coastal partnerships, landowners and managers and communities to make use of nature based solutions to reduce the risk of flooding and coastal change and contributed to achieving wider environmental benefits.
10. By 2027, risk management authorities will have worked with Natural England and other partners to ensure that the delivery of flooding and coastal change risk management programmes have contributed to the local nature recovery strategies so that new and restored habitats contribute to reducing flood and coastal risk.

## Today's growth and infrastructure resilient in tomorrow's climate

### **Sub category 4 - minimising the consequences of flooding for economic activity**

11. By 2027, risk management authorities will have worked with infrastructure owners, businesses and the community to identify priority infrastructure that needs to be made resilient to current and future risk of flooding and coastal change and will have discussed in partnership how this will be achieved and / or worked together to increase resilience.
12. By 2027, risk management authorities will have provided evidence and advice to infrastructure providers and supported them to take account of future flooding and coastal change in their infrastructure investment.



13. By 2027, risk management authorities will have worked with communities and businesses to understand and implement a plan for how flood and coastal erosion risk management activities can contribute towards sustainable growth and prosperity in a climate resilient way (and vice versa).
14. By 2027, and in line with national planning policy, new development in areas at risk will take into account the risk of flooding and coastal change now and in the future.

## **A nation ready to respond and adapt to flooding and coastal change**

### **Sub category 5 - minimising the consequences of flooding for human health**

15. By 2027, risk management authorities will have worked with communities to: raise awareness of the level of flood risk that they face; help them understand the role of emergency responders and ensure they know what to do in an emergency to help themselves.
16. By 2027, risk management authorities will have worked with communities to help them understand the potential impact of flooding and coastal change on their lives and livelihoods to encourage them to take action.
17. By 2027, risk management authorities will have supported people living in places at risk of flooding and / or coastal change to develop and / or implement community led initiatives to be better prepared for, and resilient to, flooding.
18. By 2027, risk management authorities, local responders and other partners will have worked together to help people and businesses recover more quickly after flooding.

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S T A T U T O R Y   I N S T R U M E N T S

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**2009 No. 3042**

**ENVIRONMENTAL PROTECTION**

**The Flood Risk Regulations 2009**

<i>Made</i>	- - - -	<i>13th November 2009</i>
<i>Laid before Parliament</i>		<i>19th November 2009</i>
<i>Coming into force</i>	- -	<i>10th December 2009</i>

The Secretary of State is designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the environment.

The Secretary of State makes the following Regulations under the powers conferred by that section.

**PART 1**

**GENERAL PROVISIONS**

**Citation, commencement and extent**

- 1.—(1) These regulations may be cited as the Flood Risk Regulations 2009.
- (2) They come into force on 10th December 2009.
- (3) A duty imposed under these regulations to prepare or publish a document may be satisfied by having prepared or published a document before these regulations came into force.
- (4) Subject to paragraph (5) these regulations extend to England and Wales only.
- (5) This regulation and regulation 37 also extend to Scotland.

**“Flood”**

- 2.—(1) “Flood” includes any case where land not normally covered by water becomes covered by water.
- (2) It does not matter for the purpose of paragraph (1) whether a flood is caused by—
  - (a) heavy rainfall,
  - (b) a river overflowing or its banks being breached,
  - (c) a dam overflowing or being breached,
  - (d) tidal waters, or
  - (e) any other event (or combination of events).

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<sup>(a)</sup> See the European Communities (Designation) Order 2008 (S.I. 2008/301).  
<sup>(b)</sup> 1972 c. 68.

(3) But “flood” does not include—

- (a) a flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system, or
- (b) a flood caused by a burst water main (within the meaning given by section 219 of the Water Industry Act 1991<sup>(a)</sup>).

### **“Risk”**

3. “Risk” means a risk in respect of an occurrence assessed and expressed (as for scientific and insurance purposes) as a combination of the probability of the occurrence with its potential consequences.

### **“Main river” and “reservoir”**

- 4.—(1) “Main river” has the meaning given by section 113 of the Water Resources Act 1991<sup>(b)</sup>.
- (2) “Reservoir” has the meaning given by the Reservoirs Act 1975<sup>(c)</sup>.

### **“River basin district”**

5. “River basin district” has the meaning given by regulation 2 of the Water Environment Regulations.

### **“Minister”**

6.—(1) “The Minister” means—

- (a) the Secretary of State in relation to England, and
- (b) the Welsh Ministers in relation to Wales.

(2) For the purposes of anything done in relation to a river basin district which includes land in England and land in Wales, a reference to the Minister is a reference to the Secretary of State and the Welsh Ministers acting jointly.

### **“Lead local flood authority”**

7.—(1) “Lead local flood authority” in relation to an area in England means—

- (a) the unitary authority for the area, or
- (b) if there is no unitary authority, the county council for the area.

(2) “Unitary authority” means—

- (a) the council of a county for which there are no district councils;
- (b) the council of a district in an area for which there is no county council;
- (c) the council of a London borough;
- (d) the Common Council of the City of London;
- (e) the Council of the Isles of Scilly.

(3) “Lead local flood authority” in relation to an area in Wales means—

- (a) the county council for the area;
- (b) the county borough council for the area.

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<sup>(a)</sup> 1991 c. 56. Relevant amendments were made by section 101 of, and Schedule 8 to, the Water Act 2003.

<sup>(b)</sup> 1991 c. 57.

<sup>(c)</sup> 1975 c. 23.

## **“Water Environment Regulations”**

8. “Water Environment Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003<sup>(a)</sup>.

## **PART 2**

### **PRELIMINARY FLOOD RISK ASSESSMENTS**

#### **Duty to prepare preliminary assessment maps and reports: Environment Agency 9.—**

- (1) The Environment Agency must prepare in relation to each river basin district—
  - (a) a preliminary assessment map, and
  - (b) a preliminary assessment report in relation to flooding from—
    - (i) the sea,
    - (ii) main rivers, and
    - (iii) reservoirs.
- (2) This regulation is subject to regulations 31 and 32.

#### **Duty to prepare preliminary assessment reports: lead local flood authorities**

10. —(1) A lead local flood authority must prepare a preliminary assessment report in relation to flooding in its area.

(2) A lead local authority is not required to include in its report information about flooding from a source mentioned in regulation 9(1)(b) unless the authority thinks that it may affect flooding from another source.

- (3) The Environment Agency—
  - (a) must review a preliminary assessment report prepared under this regulation, and
  - (b) may recommend modifications.

(4) Following a review, a lead local flood authority may revise its preliminary assessment report.

(5) The Agency’s power to require information under regulation 36 includes power to require a lead local flood authority to provide a preliminary assessment report by a specified date.

- (6) This regulation is subject to regulations 33 and 34.

#### **Preliminary assessment maps**

11. —(1) A preliminary assessment map is a map of the river basin district showing—
  - (a) the borders of each river basin and each river sub-basin in the area,
  - (b) any areas of coastline,
  - (c) topography, and
  - (d) the purposes for which the land in the area is used.

- (2) The map must be based on all of the following—
  - (a) relevant information which is in the possession of the Environment Agency;
  - (b) relevant information which is in the possession of an authority listed in regulation 36(3);
  - (c) relevant information which is available to the public.

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<sup>(a)</sup> S.I. 2003/3242.

## **Preliminary assessment reports**

- 12.—(1) A preliminary assessment report is a report about—
- (a) past floods, and
  - (b) the possible harmful consequences of future floods.
- (2) The report must be based on all of the following—
- (a) relevant information which is in the possession of the person preparing the report;
  - (b) relevant information which is in the possession of the Environment Agency;
  - (c) relevant information which is in the possession of an authority listed in regulation 36(3);
  - (d) relevant information which is available to the public.
- (3) The floods to be included under paragraph (1)(a) are those—
- (a) which had significant harmful consequences for—
    - (i) human health,
    - (ii) economic activity, or
    - (iii) the environment (including cultural heritage), or
  - (b) which would have significant harmful consequences for those matters if they were to occur now.
- (4) But the report may ignore past floods of a kind that are not likely to occur now.
- (5) The report must include—
- (a) any information that the person making the report has about the extent and the conveyance route of past floods, and
  - (b) an assessment of the harmful consequences of past floods.
- (6) The assessment of possible consequences of future floods for the purposes of paragraph (1)(b) must take account of—
- (a) topography,
  - (b) the location of watercourses,
  - (c) the location of flood plains that retain flood water,
  - (d) the characteristics of watercourses,
  - (e) the effectiveness of any works constructed for the purpose of flood risk management,
  - (f) the location of populated areas,
  - (g) the areas in which economic activity is concentrated, and
  - (h) the current and predicted impact of climate change and any other long term developments.
- (7) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of a preliminary assessment report.

## **Duty to identify flood risk areas: Environment Agency**

- 13.—(1) The Environment Agency must—
- (a) determine in relation to each river basin district whether, in its opinion, there is a significant flood risk from—
    - (i) the sea,
    - (ii) main rivers, and
    - (iii) reservoirs, and
  - (b) identify the part of the river basin district affected by that risk (the “flood risk area”).
- (2) The Agency may have regard to any guidance issued by the Minister about the criteria for assessing whether a risk of flooding is significant.

- (3) This regulation is subject to regulation 32.

**Duty to identify flood risk areas: lead local flood authorities**

**14.—**(1) A lead local flood authority must—

- (a) determine whether, in its opinion, there is a significant flood risk in its area, and
- (b) identify the part of the area affected by the risk (the “flood risk area”).

(2) In making a determination under paragraph (1)(a), a lead local authority is not required to take into account flooding from a source mentioned in regulation 13(1)(a) unless the authority thinks that it may affect flooding from another source.

(3) The authority may have regard to any guidance issued by the Minister about the criteria for assessing whether a risk of flooding is significant.

(4) The Environment Agency—

- (a) must review the determination and identification of flood risk areas under paragraph (1), and
- (b) may recommend that the lead local flood authority identifies—
  - (i) a different flood risk area,
  - (ii) an additional flood risk area, or
  - (iii) no flood risk area.

(5) If the lead local flood authority disagrees with a recommendation of the Agency, the matter must be referred to the Minister.

(6) On a referral the Minister must determine the flood risk area (if any) for which the lead local authority must prepare a flood hazard map and a flood risk map under regulation 19.

(7) In making a determination under paragraph (6) the Minister must have regard to the cumulative effect of the risk of flooding identified by the Agency and the lead local flood authority.

(8) The Agency’s power to require information under regulation 36 includes power to require a lead local authority to notify the Agency of its determination and identification of a flood risk area by a specified date.

- (9) This regulation is subject to regulation 34.

**Publication**

**15.—**(1) The Environment Agency must publish—

- (a) the preliminary assessment maps for each river basin district, and
- (b) the preliminary assessment reports prepared by the Agency and by the lead local flood authorities for each river basin district.

(2) The first preliminary assessment maps and the first preliminary assessment reports for each river basin district must be published before 22nd December 2011.

**Review: Environment Agency**

**16.—**(1) The Environment Agency must review—

- (a) the preliminary assessment maps and the preliminary assessment reports prepared by it under regulation 9, and
- (b) its determination and identification of flood risk areas under regulation 13.

(2) Following a review, the Environment Agency may prepare a revised preliminary assessment map or report.

- (3) The first review must be completed before 22nd December 2017.

- (4) Subsequent reviews must be carried out at intervals of no more than 6 years.

### **Review: lead local flood authorities**

17. —(1) A lead local flood authority must review—
- (a) the preliminary assessment report prepared by it under regulation 10, and
  - (b) its determination and identification of flood risk areas under regulation 14.
- (2) Following a review, a lead local authority may prepare a revised preliminary assessment report.
- (3) The first review must be completed before 22nd June 2017.
- (4) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (5) Regulation 10 applies in relation to a review of a preliminary assessment report as it applies to the first report.
- (6) Regulation 14 applies in relation to a review of a determination and identification of flood risk areas as it applies in relation to the first determination or identification of flood risk areas.

## **PART 3**

### **FLOOD HAZARD MAPS AND FLOOD RISK MAPS**

#### **Duty to prepare flood hazard maps and flood risk maps: Environment Agency**

18. The Environment Agency must prepare in relation to each flood risk area identified by it under regulation 13—

- (a) a flood hazard map relating to the risk of flooding from—
  - (i) the sea,
  - (ii) main rivers, and
  - (iii) reservoirs, and
- (b) a flood risk map.

#### **Duty to prepare flood hazard maps and flood risk maps: lead local flood authorities 19.—**

- (1) A lead local flood authority must prepare in relation to each relevant flood risk area—
- (a) a flood hazard map, and
  - (b) a flood risk map.
- (2) “Relevant flood risk area” means—
- (a) the flood risk area identified by the lead local flood authority under regulation 14(1), or
  - (b) if a referral is made to the Minister, the flood risk area determined by the Minister under regulation 14(6).
- (3) A lead local authority is not required to include in the maps that it prepares information about flooding from a source mentioned in regulation 18(1)(a) unless the authority thinks that it may affect flooding from another source.
- (4) The Environment Agency—
- (a) must review flood hazard maps and flood risk maps prepared under this regulation, and
  - (b) may recommend modifications.
- (5) Following a review, a lead local flood authority may revise its flood hazard map or flood risk map.
- (6) The Agency’s power to require information under regulation 36 includes power to require a lead local flood authority to provide a flood hazard map or a flood risk map by a specified date.

### **Flood hazard maps**

20. —(1) A flood hazard map is a map which identifies flood risk areas and shows—
- (a) the likely extent (including water level or depth) of possible floods,
  - (b) the likely direction and speed of flow of possible floods, and
  - (c) whether the probability of each possible flood occurring is low, medium or high (in the opinion of the person preparing the map).
- (2) The floods to be included are those for which a significant flood risk has been identified under regulation 13 or 14.
- (3) But the following may be ignored—
- (a) a medium or high probability flood caused only by groundwater,
  - (b) a medium or high probability flood which would affect only an area of coastline that, in the opinion of the person preparing the map, is adequately protected against flooding.
- (4) In paragraph (3) “groundwater” means water which is below the surface of the ground and in direct contact with the ground or subsoil.
- (5) For the purposes of this regulation—
- (a) the probability of a flood occurring is low if the chances of it occurring in any 12 month period are 0.1% or less,
  - (b) the probability of a flood occurring is medium if the chances of it occurring in any 12 month period are more than 0.1% but not more than 1%, and
  - (c) the probability of a flood occurring is high if the chances of it occurring in any 12 month period are more than 1%.
- (6) The information included in a flood hazard map must not be inconsistent with the information included in the river basin management plan for the district.
- (7) In this regulation and regulation 21 “river basin management plan” means a river basin management plan prepared under regulation 11 of the Water Environment Regulations.
- (8) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of flood hazard maps.

### **Flood risk maps**

21. —(1) A flood risk map is a map showing in relation to each flood risk—
- (a) the number of people living in the area who are likely to be affected in the event of flooding,
  - (b) the type of economic activity likely to be affected in the event of flooding,
  - (c) any industrial activities in the area that may increase the risk of pollution in the event of flooding,
  - (d) any relevant protected areas that may be affected in the event of flooding,
  - (e) any areas of water subject to specified measures or protection for the purpose of maintaining the water quality that may be affected in the event of flooding, and
  - (f) any other effect on—
    - (i) human health,
    - (ii) economic activity, or
    - (iii) the environment (including cultural heritage).
- (2) “Relevant protected area” means an area—
- (a) that is a protected area within regulation 8(2)(a) or (b)(ii) or (iv) of the Water Environment Regulations, and
  - (b) that is registered under regulation 8(1) of those regulations.



(3) The information included in a flood risk map must not be inconsistent with the information included in the river basin management plan for the district.

(4) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of flood risk maps.

### **Publication**

22.—(1) The Environment Agency must publish the flood hazard maps and flood risk maps prepared by the Agency and the lead local flood authorities for each river basin district.

(2) The first flood hazard maps and the first flood risk maps for each river basin district must be published before 22nd December 2013.

### **Review: Environment Agency**

23.—(1) The Environment Agency must review each flood hazard map and each flood risk map prepared by it under regulation 18.

(2) Following a review, the Agency may prepare—

- (a) a revised flood hazard map;
- (b) a revised flood risk map.

(3) The first review must be completed before 22nd December 2019.

(4) Subsequent reviews must be carried out at intervals of no more than 6 years.

(5) The Agency must, so far as is reasonably practicable, co-ordinate a review under this regulation with a review of a river basin district under regulation 5(2) of the Water Environment Regulations.

### **Review: lead local flood authorities**

24.—(1) A lead local flood authority must review each flood hazard map and each flood risk map prepared by it under regulation 19.

(2) Following a review, a lead local flood authority may prepare—

- (a) a revised flood hazard map;
- (b) a revised flood risk map.

(3) The first review must be completed before 22nd June 2019.

(4) Subsequent reviews must be carried out at intervals of no more than 6 years.

(5) Regulation 19 applies in relation to a review of a flood hazard and flood risk map as it applies to the first such map.

## **PART 4**

### **FLOOD RISK MANAGEMENT PLANS**

#### **Duty to prepare flood risk management plans: Environment Agency**

25. The Environment Agency must prepare a flood risk management plan in relation to each flood risk area identified by it under regulation 13.

#### **Duty to prepare flood risk management plans: lead local flood authorities**

26.—(1) A lead local flood authority must prepare a flood risk management plan in relation to each relevant flood risk area.

(2) “Relevant flood risk area” means—

- (a) the flood risk area identified by the lead local flood authority under regulation 14(1), or
  - (b) if a referral is made to the Minister, the flood risk area determined by the Minister under regulation 14(6).
- (3) The Environment Agency—
- (a) must review a flood risk management plan prepared under this regulation, and
  - (b) may recommend modifications.
- (4) Following a review, a lead local flood authority may revise its flood risk management plan.
- (5) The Agency's power to require information under regulation 36 includes power to require a lead local flood authority to provide a flood risk management plan by a specified date.

### **Flood risk management plans**

27. —(1) A flood risk management plan is a plan for the management of a significant flood risk.
- (2) The plan must include details of—
- (a) objectives set by the person preparing the plan for the purpose of managing the flood risk, and
  - (b) the proposed measures for achieving those objectives (including measures required by any provision of an Act or subordinate legislation).
- (3) In setting the objectives, the person preparing the plan must have regard to the desirability of—
- (a) reducing the adverse consequences of flooding for—
    - (i) human health,
    - (ii) economic activity, or
    - (iii) the environment (including cultural heritage), and
  - (b) reducing the likelihood of flooding, whether by exercising powers to carry out structural work or otherwise.
- (4) The measures must, in particular, include measures relating to—
- (a) the prevention of flooding,
  - (b) the protection of individuals, communities and the environment against the consequences of flooding, and
  - (c) arrangements for forecasting and warning.
- (5) In determining the proposed measures for achieving the objectives, the person preparing the plan must have regard to—
- (a) the costs and benefits of different methods of managing the flood risk,
  - (b) the information included in the flood hazard map and the flood risk map,
  - (c) the river basin management plan for the area,
  - (d) the effect of floodplains that retain flood water,
  - (e) the environmental objectives, within the meaning of regulation 2 of the Water Environment Regulations, and
  - (f) the likely effect of a flood, and of different methods of managing a flood, on the local area and the environment.
- (6) A flood risk management plan must include—
- (a) a map showing the boundaries of the flood risk area,
  - (b) a summary of the conclusions drawn from the flood hazard maps and flood risk maps for the area,

- (c) a description of the proposed timing and manner of implementing the measures mentioned in paragraph (2)(b), including details of the bodies responsible for implementation,
- (d) a description of the way in which implementation of those measures will be monitored,
- (e) a report of the consultation under paragraph (7), and
- (f) where the person preparing the report thinks it appropriate, information about how the implementation of measures under the flood risk management plan and the river basin management plan for the area will be co-ordinated.

(7) The Environment Agency and each lead local flood authority must consult the following about the proposed content of a flood risk management plan—

- (a) authorities listed in regulation 36(3) that may be affected by the plan, and
- (b) the public.

(8) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of flood risk management plans.

(9) In this regulation “river basin management plan” means a river basin management plan prepared under regulation 11 of the Water Environment Regulations.

### **Publication**

28.—(1) The Environment Agency must publish the flood risk management plans prepared by the Agency and by the lead local flood authorities for each river basin district.

(2) The first flood risk management plans for each river basin district must be published before 22nd December 2015.

### **Review: Environment Agency**

29.—(1) The Environment Agency must review each flood risk management plan prepared by it under regulation 25.

(2) The first review must be completed before 22nd December 2021.

(3) Subsequent reviews must be carried out at intervals of no more than 6 years.

(4) Following a review, the Agency must prepare a revised flood risk management plan.

(5) The revised flood risk management plan must—

- (a) take account of the likely impact of climate change on the occurrence of floods,
- (b) include an assessment of the progress made towards implementing the measures under regulation 27(2)(b), and
- (c) if any measures proposed in the previous flood risk management plan have not been implemented, include a statement of the reasons why those measures have not been implemented.

### **Review: lead local flood authorities**

30.—(1) A lead local flood authority must review a flood risk management plan prepared by it under regulation 26.

(2) The first review must be completed before 22nd June 2021.

(3) Subsequent reviews must be carried out at intervals of no more than 6 years.

(4) Following a review, the lead local flood authority must prepare a revised flood risk management plan.

(5) The revised flood risk management plan must—

- (a) take account of the likely impact of climate change on the occurrence of floods,

- (b) include an assessment of the progress made towards implementing the measures under regulation 27(2)(b), and
  - (c) if any measures proposed in the previous flood risk management plan have not been implemented, include a statement of the reasons why those measures have not been implemented.
- (6) Regulation 26 applies in relation to a review of a flood risk management plan as it applies to the first such plan.

## PART 5

### EXCEPTIONS

#### **Preliminary flood risk assessments: Environment Agency**

- 31.**—(1) Regulation 9(1)(b) does not apply to the Environment Agency in relation to a river basin district if before 22nd December 2010—
- (a) the Agency carries out an assessment (whether or not the assessment complies with the requirements of Part 2) of the flood risk in the district from—
    - (i) the sea,
    - (ii) main rivers, and
    - (iii) reservoirs, and
  - (b) having regard to that assessment, the Agency considers that there is a significant flood risk in the district.
- (2) Where paragraph (1) applies—
- (a) the Agency must prepare a preliminary assessment report for the river basin district before 22nd December 2017,
  - (b) the first review of the preliminary assessment report must be carried out no more than 6 years after the date on which the documents are published, and
  - (c) regulations 15(2) and 16(3) do not apply in relation to the first preliminary assessment report to be prepared by the Agency for the relevant river basin district.
- (3) This regulation ceases to apply in relation to a river basin district on completion of the first review of the preliminary assessment map prepared by the Agency for the area.

#### **Part 2: Environment Agency**

- 32.**—(1) Regulations 9(1)(b), 13 and 16 do not apply to the Environment Agency in relation to a river basin district if the Environment Agency determines before 22nd December 2010 that it will prepare a flood hazard map, a flood risk map and a flood risk management plan for the whole of the river basin district.
- (2) Where paragraph (1) applies, these regulations have effect with the following modifications—
- (a) the reference in regulation 18 to each flood risk area identified by the Agency is a reference to the river basin district,
  - (b) the reference in regulation 20(1) to flood risk areas is a reference to the river basin district,
  - (c) regulation 20(2) is omitted, and
  - (d) the reference in regulation 25 to each flood risk area identified by the Agency is a reference to the river basin district.
- (3) Where paragraph (1) applies, the Environment Agency must review the decision whether—

- (a) to prepare a new flood hazard map, flood risk map and flood risk management plan for the river basin district, or
  - (b) to prepare a preliminary assessment report for the district in accordance with Part 2 of these regulations.
- (4) The first review must be completed before 22nd December 2017.
- (5) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (6) Where the Agency prepares a preliminary assessment map and report following a review under this regulation—
- (a) Part 2 (apart from regulations 15(2) and 16(3) insofar as they relate to the report to be prepared by the Agency) shall apply to the Agency in relation to the district (and this regulation shall cease to apply), and
  - (b) the first review of the preliminary assessment map and report under regulation 15 must be carried out no more than 6 years after the date on which the documents are published.

### **Preliminary flood risk assessment: lead local flood authorities**

33.—(1) Regulation 10 does not apply to a lead local flood authority if before 22nd December 2010—

- (a) the authority carries out an assessment (whether or not the assessment complies with the requirements of Part 2) of the flood risk in its area, and
  - (b) having regard to that assessment, the authority considers that there is a significant flood risk in the area.
- (2) Where paragraph (1) applies—
- (a) the authority must prepare a preliminary assessment report for its area before 22nd June 2017,
  - (b) the first review of the preliminary assessment report must be carried out no more than 6 years after the date on which the report is published, and
  - (c) regulations 15(2) and 17(3) do not apply in relation to the first report prepared by the authority.

(3) This regulation ceases to apply in relation to a lead local flood authority on completion of the first review of the preliminary assessment report prepared by the authority.

### **Part 2: lead local flood authorities**

34.—(1) Part 2 does not apply to a lead local flood authority if the authority determines before 22nd December 2010 that it will prepare a flood hazard map, a flood risk map and a flood risk management plan for the whole of its area.

(2) Where paragraph (1) applies, these regulations have effect with the following modifications—

- (a) the reference in regulation 19(1) to a relevant flood risk area is a reference to the authority's area,
  - (b) the reference in regulation 20(1) to flood risk areas is a reference to the authority's area,
  - (c) regulation 20(2) is omitted, and
  - (d) the reference in regulation 26(1) to a relevant flood risk area is a reference to the authority's area.
- (3) Where paragraph (1) applies, the authority must review the decision whether—
- (a) to prepare a new flood hazard map, flood risk map and flood risk management plan for the whole of its area, or
  - (b) to prepare a preliminary assessment report in accordance with Part 2 of these regulations.
- (4) The first review must be completed before 22nd June 2017.

- (5) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (6) If the authority prepares a preliminary assessment report following a review under this regulation—
- (a) Part 2, apart from regulations 15(2) and 17(3), shall apply in relation to the lead local flood authority (and this regulation shall cease to apply),
  - (b) the first review of the preliminary assessment report under regulation 17 must be carried out no more than 6 years after the date on which the report is published.

## PART 6

### CO-OPERATION

#### Duty to co-operate

**35.**—(1) A relevant authority must co-operate with any other relevant authority which is exercising any function under these regulations.

(2) The following are “relevant authorities”—

- (a) the Environment Agency, and
- (b) each lead local flood authority.

#### Power to require information

**36.**—(1) An authority listed in paragraph (3) must comply with any request of the Environment Agency to provide information which the Agency reasonably requires in connection with its functions under these regulations.

(2) The Environment Agency and an authority listed in paragraph (3) must comply with a request of a lead local flood authority to provide information reasonably required in connection with the lead local flood authority’s functions under these regulations.

(3) The authorities are—

- (a) a lead local flood authority,
- (b) a district council for an area for which there is no unitary authority,
- (c) an internal drainage board (within the meaning given by section 1 of the Land Drainage Act 1991(a)),
- (d) a highway authority (within the meaning given by section 1 of the Highways Act 1980(b)),
- (e) a company which holds an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991(c) or a licence under Chapter 1A of Part 2 of that Act,
- (f) a reservoir undertaker (within the meaning given by section 1 of the Reservoirs Act 1975(d)),
- (g) a navigation authority (within the meaning given by section 219 of the Water Industry Act 1991,

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(a) 1991 c.59.

(b) 1980 c.66. Section 1 has been amended by section 8 of, and paragraph 1 of Schedule 4 to, the Local Government Act 1985, section 21(2) the New Roads and Street Works Act 1991 and section 259 of the Greater London Authority Act 1999.

(c) 1991 c. 56. Relevant amendments were made by the Competition and Service (Utilities) Act 1992 (sections 40 and 42 and schedule 1), the Competition Act 1998 (section 54 and 74 and schedule 10), the Competition Act 1998 (Competition Commission) Transitional, Consequential and Supplemental Provisions Order 1999 (S.I. 1999/506) (article 30), the Water and Sewerage Undertakers (Inset Appointments) Regulations 2000 (S.I. 2000/1842) (regulation 2), the Enterprise Act 2002 (sections 86, 164 and 278 and schedules 9 and 25), the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592) (article 16), and the Water Act 2003 (sections 11, 36, 53 to 56 and 101 and schedules 4, 8 and 9).

(d) 1975 c. 23. Relevant amendments were made by section 190 of, and Schedule 25 to, the Water Act 1989 and regulation 2 of, and Schedule 2 to, the Environment Act 1995 (Consequential Amendments Regulations 1996 (S.I. 1996/593).

- (h) a harbour authority (within the meaning given by section 313 of the Merchant Shipping Act 1995<sup>(a)</sup>),
  - (i) Natural England,
  - (j) the Historic Building and Monuments Commission for England,
  - (k) the Countryside Council for Wales, and
  - (l) the Welsh Ministers.
- (4) The information must be provided—
- (a) in the form or manner specified in the request, and
  - (b) within the period specified in the request.

## PART 7

### NORTHUMBRIA AND SOLWAY TWEED RIVER BASIN DISTRICTS

#### Northumbria River Basin District

37.—(1) These regulations apply in relation to the Northumbria River Basin District, including the part of the district that is in Scotland.

(2) Before exercising any function under these regulations in relation to the Northumbria River Basin District, a relevant authority must consult the Scottish Environment Protection Agency.

(3) The following are “relevant authorities”—

- (a) the Environment Agency, and
- (b) each lead local flood authority.

(4) “Northumbria River Basin District” has the meaning given by regulation 2 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003<sup>(b)</sup>.

#### Solway Tweed River Basin District

38.—(1) In relation to the Solway Tweed River Basin District, these regulations apply only to the part of that district that is in England.

(2) “Solway Tweed River Basin District” has the meaning given by regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(c)</sup>.

13th November 2009

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs  
**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations transpose Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks for England and Wales.

Part 1 of the regulations is introductory.

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(a) 1995 c. 21. A relevant amendment was made by section 29 of, and Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997.

(b) S.I. 2003/3245.

(c) S.I. 2004/99.

Part 2 imposes duties on the Environment Agency and local authorities to prepare preliminary assessment reports about past floods in each river basin district, and the possible harmful consequences of future floods. The Environment Agency is also under a duty to prepare a preliminary assessment map of each river basin district. Following these assessments, the authorities must identify areas which are at significant risk of flooding. The assessments and decisions of areas at significant risk must be reviewed at least every 6 years.

Part 3 imposes a duty on the Environment Agency and local authorities to prepare flood risk maps and flood hazard maps for each area which has been identified as being at significant risk of flooding.

Part 4 imposes a duty on the Environment Agency and local authorities to prepare a flood risk management plan for each area which has been identified as being at significant risk of flooding. The plan must set objectives for the purpose of managing the flood risk and propose measures for achieving those objectives.

Part 5 provides some exceptions to these duties.

Part 6 imposes duties on the Environment Agency and relevant local authorities to co-operate with one another for the purpose of these regulations, and certain authorities to comply with requests to supply information those purposes.

Part 7 makes special provision for the two river basin districts which straddle the border between England and Scotland.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector, and a transposition note have been prepared and are available on the Defra website at [www.defra.gov.uk](http://www.defra.gov.uk).

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STATUTORY INSTRUMENTS

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