

**TITLE OF REPORT:** Flood and Water Management Act 2010 – Annual Progress Report

**REPORT OF:** Colin Huntington, Strategic Director, Housing, Environment & Healthy Communities

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## **SUMMARY**

To report progress in the implementation of the duties and responsibilities of Gateshead Council as lead local flood authority.

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## **Background**

1. Following the introduction of the Flood and Water Management 2010 the Committee has received annual reports outlining:
  - the Council's statutory responsibilities and duties in relation to local flood risk management (FRM), following the introduction of the Flood & Water Management Act 2010 (F&WMA);
  - the duties for local authority scrutiny committees to review work by public sector bodies and essential service providers in order to manage flood risk and to prepare an annual report on local actions to manage flood risk.
2. Under the F&WMA each unitary authority or county council is identified as the lead local flood authority (LLFA) for their district and they are expected to provide leadership and accountability for local FRM regarding surface water, groundwater and ordinary watercourses.
3. The Service Director of Highways & Waste is the Council's lead officer: the Highway & Flood Risk Management team is managing the function.

## **Lead local flood authority duties**

4. The key implications of the legislation for local authorities are:
  - preparing, maintaining and publishing a local FRM strategy to link to the Environment Agency's (EA) national and local strategies;
  - preparing, maintaining and publishing a register of third party FRM infrastructure assets;

- investigating reported flooding incidents and publishing a register of investigations;
- statutory consultee to the local planning authority (LPA) for sustainable drainage systems (SuDS);
- consenting of ordinary watercourse works (diverting, culverting, restricting flow);
- cooperation with and oversight of other FRM bodies.

### **Local flood risk management strategy**

5. Gateshead's local flood risk management strategy (LFRMS) was approved by full Council in January 2017.
6. The strategy is currently being revised and updated to reflect recent guidance from the Local Government Association. The strategy is being prepared jointly with Newcastle City Council and will be completed in the coming months.

### **Register of third party FRM infrastructure**

7. The register must include location, size, condition and ownership details of drainage infrastructure (river embankments, walls, revetments, culverts etc.) that prevent or limit flooding on ordinary watercourses. The register has been established and work is ongoing to survey, identify and map critical assets.

### **Investigation of flood incidents**

8. Informal flooding investigations are regularly undertaken by the FRM team. These typically result in the identification of small scale improvement works or general advice to customers.
9. Formal flooding investigations must be carried out for significant flooding events (as defined in the LFRMS). A flooding event report must also be published and distributed to other relevant flood risk management authorities. No formal flooding investigations were undertaken in 2021.

### **Sustainable drainage systems statutory consultee**

10. Sustainable drainage systems (SuDS) are natural or manmade green infrastructure features designed to store water or discharge water to the ground to limit flows to downstream drainage systems: examples include soakaways, ponds, and swales. SuDS also have the benefit of improving water quality.
11. The Government introduced regulations in April 2015 requiring major developments to incorporate SuDS as part of the site surface water management systems. The regulations established the LPA as the body responsible for approving SuDS and

the LLFA became a statutory consultee for the SuDS approval process. A dedicated officer is employed within the Spatial Planning & Environment team for LLFA SuDS consultation replies.

12. Recent Government planning guidance has reinforced the importance of SuDS for sustainable development. The Government will shortly be undertaking a consultation for the adoption of new SuDS by local authorities. The likelihood is that local authorities will be compelled to approve, adopt and maintain SuDS for all major developments. The consultation process, development of design guides and the implementation of new regulations may take several years.

### **Consenting of ordinary watercourse works**

13. Consenting procedures have been developed in conjunction with the EA. Typically five or six applications each year are received for the culverting or diversion of small lengths of watercourses.

### **Scrutiny and oversight of other FRM bodies**

14. Biannual liaison meetings take place with officers from the FRM team and officers from the EA and Northumbrian Water.
15. Regional groups of LLFA officers meet quarterly to share best practise, experience and local knowledge. The groups include officers (and members) with expertise in FRM, development management, planning policy and environmental management.

### **Recommendations**

16. It is recommended that the Committee:
  - notes the statutory responsibilities of Gateshead Council for local FRM and the measures taken to comply with those duties;
  - receives an annual progress report in March 2024.

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**EXTENSION:** 3073