

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

Purpose of the Report

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

Background

2. Following the introduction of the Flood & Water Management 2010 the committee has received annual reports outlining:
 - Gateshead Council's statutory responsibilities & 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 & essential service providers in order to manage flood risk and to prepare an annual report on local actions to manage flood risk.
3. Under the F&WMA each unity authority or county council is identified as the lead local flood authority (LLFA) for their district and they are expected to provide leadership & accountability for local FRM regarding surface water, groundwater & ordinary watercourses.
4. The Service Director of Highways & Waste is Gateshead Council's lead officer: the Highway & Flood Risk Management team is managing the function.

Lead local flood authority duties

5. The key implications of the legislation for local authorities are:
 - preparing, maintaining & publishing a local FRM strategy to link to the Environment Agency's (EA) national and to link to local strategies;
 - preparing, maintaining & publishing a register of third party FRM infrastructure assets;
 - investigating reported flooding incidents & 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 & oversight of other FRM bodies.

Local flood risk management strategy

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

Register of third-party flood risk management infrastructure

8. The register must include location, size, condition & 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 & map critical assets.

Investigation of flood incidents

9. 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.
10. Formal flooding investigations must be carried out for significant flooding events (as defined in the LFRMS). A flooding event report must also be published & distributed to other relevant flood risk management authorities. No formal flooding investigations were undertaken & reported in 2023 but a report will be prepared for the 08 September storm (Great North Run day).

Sustainable drainage systems statutory consultee

11. 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, & swales. SuDS also have the benefit of improving water quality.
12. The UK 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 in the Spatial Planning & Environment team for LLFA SuDS consultation replies.
13. Recent UK Government planning guidance has reinforced the importance of SuDS for sustainable development. The UK 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 & maintain SuDS for all major developments. The consultation process, development of design guides & the implementation of new regulations may take several years and will almost certainly be delayed beyond this year's general election.

Consenting of ordinary watercourse works

14. 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 & oversight of other FRM bodies

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

Recommendations

17. It is recommended that the Housing, Environment & Healthy Communities OSC:
 - 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 2025.