

# Guidance Notes

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## Guidance Notes: ASSET MAINTENANCE, REGISTER AND DESIGNATION

*These guidance notes are designed to help you understand Derbyshire County Council's (DCC) approach to asset management. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of this guidance.*

### What is an asset?

An asset – or more accurately a flood risk management asset – is a feature or structure that affects the occurrence of flooding or progression of flood water. It may be natural or man-made and may or may not be designed for this purpose. It may also have an effect in one or more different types of flooding.

DCC, as the Highways Authority, is responsible for maintaining assets and structures that are associated with the Highway network. This includes, but is not limited to:

#### Bridges



#### Culverts



#### Trash Screens



#### Roadside Ditches



#### Road Gullies



#### Kerb Drainage



It is important to understand an asset's ability to manage flooding is somewhat governed by its purpose and its relationship with its surroundings. It is therefore important to note that the vast majority of Highway drainage connects to other forms of drainage infrastructure and the way in which these function can have an impact upon the Highway network.

Highway drainage infrastructure is only designed to accommodate draining surface water from the Highway and not designed to accept third party water. Often in storm events excessive surface water from adjoining land overwhelms the Highway drainage systems, leading to increased Highway flooding.

### Asset Maintenance

Asset management is reliant on accurate and up to date information on the existing asset stock. Currently DCC are running a number of projects with the aim of enhancing the asset information of Highway drainage assets and improving the way we store records of these types of assets.



#### Updating Information on DCC Structures and Assets

Current projects and operations promote the accurate and effective management of the County asset stock include the following:

- Following an extensive county wide survey, DCC now have comprehensive records of the locations of the vast majority of the county's 180,000 Highway gullies. These have been cross referenced with our gully cleansing cycles to ensure we hold an informed dataset.
- DCC is currently rolling out an 'intelligent gully cleansing' project which allows gully cleansing operatives to record live data and feed-back the condition of the asset. This information allows DCC to build up a profile/history of each road gully over a long period of time and where possible adjusting the cleansing frequency of a gully to provide a more efficient level of service for Derbyshire.
- In accordance with Section 21 of the FWMA, DCC have developed and are maintaining an Asset Register and Record that documents information about assets which are deemed to have a significant impact on flood risk locally (see below).
- DCC now operates a single asset management system where data on a variety of assets, including Highway drainage assets and culverts as well as Highway flood enquiry data is stored.

The effective functioning of existing assets, particularly those of local importance to flood risk, can be critical to community resilience from the impacts of flooding. Improving the management of data surrounding assets and structures can allow DCC to react to flood warnings more effectively and direct resources to where they are needed most. The overall investment in

asset management can reap long term cost savings. Whereas DCC are striving to improve the management of assets within the Highway infrastructure, the responsibility of managing private assets (i.e. those that are within private land) rests with the relevant landowner. In many cases, the flood resilience of a local community rests with the private landowners who maintain critical assets such as culverts and trash screens. DCC do not routinely maintain any private assets as we have no legal duty to do so. The [Riparian Landownership Guidance Notes](#) can provide more detailed information on the duties of private landowners.

### Asset Register and Record

Section 21 of the Flood and Water Management Act (FWMA, 2010) places a legal duty upon DCC, as the Lead Local Flood Authority (LLFA) for Derbyshire, to establish and maintain an Asset Register and Record of structures or features which, in the opinion of the authority, are likely to have a significant effect on flood risk in its area. In the absence of national guidance to define 'significant flood risk', the thresholds have been locally agreed by the Derbyshire Strategic Flood Board.

An asset that is defined as having a significant effect on flood risk and therefore warrants inclusion on the Asset Register and Record is one that, should it fail, would have the potential to cause a 'locally significant' flooding event. A 'locally significant' flooding event is defined fully in the [Flood Reporting and Enquiries Investigation Guidance Notes](#) but usually involves more than five residential properties being internally flooded.



For an asset to be included on the Asset Register and Record DCC require the type of asset, location, ownership and current serviceable condition. Assets can be public or private assets however inclusion on the Asset Register or Record alone does not afford an asset any increased maintenance provision. Private assets, even those on the DCC Asset Register and Record, will remain the maintenance responsibility of the private landowner.

According to the FWMA, Derbyshire's Asset Register and Record must be available for inspection by the Secretary of State at all reasonable times. For more information please contact the DCC FRM team directly.

### Designation of Assets

The legal aspects of designation are set out in Section 30 and Schedule 1 of the FWMA. Statutory designation of structures or features natural or man-made, is a form of legal protection to structures or features which are considered to have a significant flood risk management function. This is to



ensure that the risk of a person altering or removing a structure/feature, which has an important drainage or flood risk function, is prevented. Once a feature is legally designated, the owner must seek consent from the designating authority to alter, remove or replace it. Walls, earth embankments, attenuation ponds and isolated pieces of naturally high ground can all be designated features.

Other primary legislation such as the Water Resources Act 1991 and the Land Drainage Act 1991 contains similar types of legal protection for watercourses and flood defences. Local Land Drainage or Flood Defence Byelaws also exist for this purpose. However, designation is a way to cater for important structures and features that are not already protected by other legislation. Thus designation doesn't duplicate previously existing powers it adds to them. The powers to designate are permissive which means that there is not a mandatory duty to use them. Designation is an additional 'Tool' in the 'Toolbox' for authorities to use if and where required.

To ensure a consistent approach to designation, the following criteria must be satisfied for DCC to consider the designation of a given structure/feature.

1. The designating authority thinks the existence or location of the structure or feature affects flood risk,
2. The designating authority has flood risk management functions in respect of the risk which is affected (i.e. groundwater, surface water and ordinary watercourse flooding),
3. The structure or feature is not designated by another designating authority, and
4. The owner of the structure or feature is not a designating authority.

Legal designation can be undertaken within the Derbyshire administrative area by DCC, the Environment Agency or one of Derbyshire's eight District/Borough authorities. DCC hasn't considered it necessary or appropriate to designate any structures or features to date<sup>1</sup>. Future proposed designation of features will be subject to consultation with the Strategic Flood Board.

**Derbyshire County Council**  
 Flood Risk Management Team  
 Economy, Transport & Environment  
 County Hall, Matlock, Derbyshire, DE4 3AG  
 Tel: (01629) 538563  
 Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

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<sup>1</sup> December 2014

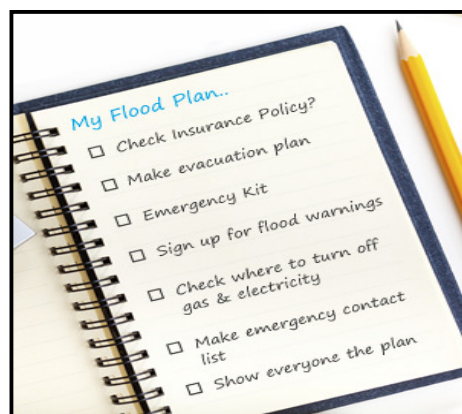
## Guidance Notes: BEFORE, DURING AND AFTER A FLOOD

*These guidance notes are designed to help you before, during and after a flood event. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

### Before a flood event

If your property is at risk of flooding, you may wish to consider creating a householder flood plan which may include the following:

- A list of contact details and where you can go in an emergency.
- Detailed photos of your property and contents.
- Copies of your building and contents insurance cover (don't undervalue your contents).
- Know how to turn off your electricity, gas or water supply.
- Collate an emergency supply of pet essentials, medication, torch, bottled water, non-perishable food, blankets, first aid kit etc.
- Move personal documents, irreplaceable items to a higher floor.
- Sign up for the Environment Agency's flood warnings
  - **Online:** [www.gov.uk/sign-up-for-flood-warnings](http://www.gov.uk/sign-up-for-flood-warnings)
  - **Telephone:** 0345 988 1188



Amendments you could consider making to your property and land to improve resilience may include:

- Raise the threshold of your property (such as doors), where possible.
- Create low embankments around your property.
- Install flood resistant gates to boundaries.
- Install a thin water proof protective wall coating to outside walls.
- Install non-return valves in waste pipes and outlet pipes.
- Install flood resistant airbrick covers.
- Install water resistant external doors.
- Install internal pump and sump systems.
- Concrete under-floor voids.
- Raise electrical sockets, TV points etc. and any white goods.

## During a flood event

Your first priority in the event of a potential flood is to look after yourself and the people around you. It is advisable to keep listening to a local radio and monitor weather updates. You should always listen to the emergency services and evacuate when told to do so.

You should never put yourself or anyone around you at risk however if the water hasn't reached you then you could:

- Move your car to a safe place.
- Move any essential items upstairs or raise them above the floor.
- Collect safe drinking water.
- Turn off electricity, gas and water.
- Gather spare clothing, food and other supplies.
- Locate your pets.

If the water has reached you then:

- Check on people/pets in your household to ensure they are safe.
- Raise or move any items upstairs where safe to do so.
- Turn off electricity, gas and water where safe to do so i.e. not when standing in flood water.
- Put plugs in sinks/bath and weigh them down.
- Evacuate when told to do so and take supplies.

## After a flood event

Do not attempt to re-enter your property until you are sure that it is safe to do so.

After a flood event you need to speak immediately with your insurers. Once you have informed your insurer a clean-up and any necessary repairs may take weeks or even months to be complete. You may need to speak with your insurance company about the potential for temporary accommodation. It is advised that you:

- Photograph or film any damaged property.
- Keep copies of any letter, emails, receipts etc.

After the flood event you may like to consider the use of self-resilient techniques as discussed earlier and in our [Self Resilience Guidance Notes](#).

Unfortunately Derbyshire County Council do not provide a clean-up service.

## Contaminated flood water

Harmful bacteria can be present in flood water. If flood water is contaminated with sewer waste then the risks can be even higher. In the first instance it may

be worth you contacting your local environmental health team at your District/Borough Council who may be able to provide guidance.

- Always use protective clothing (waterproof gloves or clothing) whilst attempting any clear up.
- Always wash your hands after handling anything that may have been contaminated with flood water.
- Do not allow children to play in flood water or affected grassland or paved area until they have been cleaned and restored to their normal condition. Always wash contaminated toys.
- Remove dirty water and silt from the property (may require pumping) and ensure your property is thoroughly dried out.
- Use waterproof plasters and clean any cuts that may have been in contact with flood water.
- Replace any private manhole covers and contact the County Council to replace any that are not privately owned.
- Remove all soft furnishings and fittings damaged beyond repair.
- Disinfect all surfaces.
- Don't eat any food that has been in contact with floodwater.
- Do not use any electrical items that have been in contact with floodwater. Please check with an electrician.

## Useful resources

### *National Flood Forum*

A national charity dedicated to supporting and representing communities and individuals at risk of flooding.

**Tel:** (01299) 403055

**Website:** [www.nationalfloodforum.org.uk](http://www.nationalfloodforum.org.uk)

**Useful guidance material:** National Flood Forum's '[Ready for Flooding](#)' booklet

### *Blue Pages*

For an independent directory of flood mitigation products please refer to the Blue Pages website at [www.bluepages.org.uk](http://www.bluepages.org.uk)

### *Government Website*

<https://www.gov.uk/prepare-for-a-flood>



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Flood Risk Management Team  
Economy, Transport & Environment  
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Tel: (01629) 538563  
Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

## Guidance Notes: COMMUNICATIONS STRATEGY

*These guidance notes are designed to help you understand how the Derbyshire County Council (DCC) are looking to promote the awareness of flood risk management across the County. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

The National Flood and Coastal Risk Management Strategy recognises that authorities involved in flood risk management will have to work with communities in managing flood risk by focusing “...on the needs of individuals, communities and businesses, including them in decision making and in the management of risk”.

DCC’s FRM team believe that communicating with the local people of Derbyshire, as well as all relevant flood Risk Management Authorities (RMAs) and organisations is key to help manage flood risk at the local level, putting the residents of Derbyshire at the heart of all decision making and empowering localism.

Communicating with the local residents and businesses of Derbyshire in managing flood risk will help:

- understand the needs of local individuals, communities and businesses;
- communicate better informed plans, decisions and policies;
- communities understand what flood risk means for them, including what they should do in a flood and what they could do to manage risk;
- communities recover more quickly after a flood;
- meet set goals (including timescales);
- increase local support;
- develop the reputation of Derbyshire as the Lead Local Flood Authority (LLFA) and other partners; and
- help manage expectations.

### Prioritisation of Communication

All members of the community of Derbyshire are important to the County Council however due to the limited resources available, the support and guidance of the FRM team has to be prioritised to ensure that those that need our help the most receive it.

The awareness of flood risk varies across Derbyshire. At present the FRM team have prioritised any communication activities to the communities in

Derbyshire that have triggered the locally significant threshold whilst also supporting as many other areas that have requested support. As the demand for resources increases the FRM team will have to prioritise their approach as best they can.

The following table highlights the current methodology for prioritisation of communication and support activities:

High Priority	<p>Where a flood event has triggered a formal threshold of investigation:</p> <ul style="list-style-type: none"> <li>• Risk to life</li> <li>• Risk to properties internally (5 'urban' dwellings, 2 'rural' dwellings)</li> <li>• Risk to critical infrastructure</li> </ul>
Medium Priority	<p>Perceived high-medium risk area based on historical knowledge or predictive data (using a variety of data sources)</p> <p>Perceived risk from a variety of sources of flooding</p> <p>Supporting areas of importance for priority for other Risk Management Authorities (i.e. Environment Agency / Water Companies)</p> <p>Communities or individuals particularly in flood risk areas or areas of historical flooding</p>
Low Priority	<p>Areas / properties at risk of or have suffered from groundwater flooding (not in combination with other sources)</p> <p>Areas or properties that have experienced garden flooding</p> <p>Areas predicted to be at a low risk of flooding</p>

Moving forward, the communities at risk dataset provided by the Environment Agency and DCC's historical flood data will be utilised to further refine these categories for prioritisation of communication and support. These will be targeted for priority in the order shown in the table overleaf.

Priority	Community Awareness and Risk	Description of Community	Communication required
High	Low community awareness, at a direct flood risk	Communities identified at risk of direct and potentially serious flooding but are lacking in awareness of the future risks and possibly not aware of previous flood events	Members of these communities are potentially concerned that being informed of the risk will increase their insurance premiums unnecessarily. This group requires careful consultation to ensure that they understand the levels of risk, what is being done about it and what they can do to help themselves.
	High community awareness, at a direct flood risk	Communities that have suffered from, or come close to flooding in the past and are aware of the future risks	Members of these communities require information about what steps they can take and are being taken in their community. They also need assurances that the organisations involved in addressing flood risk management are working together effectively to reduce the risk.
Medium	Low awareness, at an indirect flood risk or no risk	Communities that are at low or no risk of flooding themselves but may be highly likely to exacerbate flood risk to others  Or communities that are not identified as being at risk of direct flooding but may still be affected by flooding due to it restricting access to property and local services etc.	The actions of members of these communities may increase flood risk to others, for example through the obstruction of ordinary watercourses or paving over parts of their property which increases runoff to downstream areas.  It also will include farmers who may require guidance with land management practices.



Low	High awareness, at a low risk or indirect risk	Communities that have a good understanding of the local risk but it is low	It would be beneficial for this group to be supported where required.
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### Types and Level of Communication

DCC will continue to work with all RMAs to educate and communicate information regarding flood risk. Levels and types of communication vary within the communities of Derbyshire. In some instances different levels of advice or guidance will be appropriate to ensure that hard to reach groups are engaged. The FRM team have been very lucky to be supported by some very active communities that are acutely aware of the risks of flooding. In some instances differing advice would be appropriate to vulnerable groups in terms of actions they can take to make themselves more resilient. Consideration will also need to be given as to what communications to make to those renting from private landlords who may have less ability to build up resilience in rented accommodation.

The FRM team will continue to use the following methods of communication with the community of Derbyshire including:

- Public meetings (daytime and evening) and flood awareness events.
- Leaflets and guidance documents.
- The County Council website.
- Questionnaires, surveys and consultations.
- Exhibitions.
- Media.
- Workshops and presentations.

DCC will continue to work with County Elected Members, all District/Borough Councils and Town/Parish Councils where possible to help disseminate information at a local level. A broad range of communications is required for the residents of Derbyshire to minimise mistrust, lack of interest and lack of understanding.

#### **Derbyshire County Council**

Flood Risk Management Team  
 Economy, Transport and Environment Department  
 County Hall, Matlock, Derbyshire, DE4 3AG  
 Tel: (01629) 538563  
 Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

## Guidance Notes: DATA HELD, SOURCES AND REQUESTS

*These guidance notes are designed to help you understand the data held by Derbyshire County Council (DCC), the sources of this data and how to obtain any data. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

In 2011 DCC, became the Lead Local Flood Authority (LLFA) for Derbyshire, responsible for coordinating the management of flood risk from local sources (groundwater, surface water and ordinary watercourses). In 2011, in order to establish one set of historic flood information for the County, the FRM team requested and received all data held from the eight District/Borough Authorities and all Town/Parish partners. Additional information was provided by the three presiding water companies within Derbyshire (Severn Trent Water, Yorkshire Water and United Utilities), from the Environment Agency and from the Derbyshire Fire and Rescue service. Since then DCC have continued to collate a range of data assisting with the work of the FRM team.

### Data held and sources of this data

The following table displays the flood data sources available for Derbyshire, a description of the data held, the location of where/how the data is held or accessed and how often the data is updated. The list is not exhaustive but indicates the key data that the FRM team utilise in decision making.

FLOOD DATA SOURCES AVAILABLE FOR DERBYSHIRE				
DATA TYPE	HELD BY	DESCRIPTION	LOCATION	UPDATED
Historical flood records	DCC	DCC hold a computerised list of flood incidents reported to the County Flood Risk Management and Highways teams which is provided by a number of sources including; District/Borough engineers, County Council engineers, parish councillors and/or the local community.	DCC Computer Network	Quarterly or after a severe weather event

Surface water flood maps	DCC	DCC have modelled and produced Flood Maps for Surface Water (FMfSW) for Derbyshire. The maps show a representation of what happens to rainfall which falls on a model of land in Derbyshire. The output produced is however intended to be used at a high level and not to identify individual properties at risk.	DCC Computer Network	Subject to future review
Ground water flood maps	EA	The EA have produced strategic scale mapping that shows indicative flood risk areas for groundwater emergence. This information was made available by the EA to DCC to complete their Preliminary Flood Risk Assessment (PFRA).	Environment Agency Computer Network	Request from the EA
Main River fluvial flood maps	EA	The EA has developed flood maps for main rivers in England and Wales which provide guidance on areas likely to be at risk from main river flooding. The flood maps are available publicly to view online. The EA provide this data to Derbyshire.	EA Website <a href="http://maps.environment-agency.gov.uk/wiyby">http://maps.environment-agency.gov.uk/wiyby</a>	Request from the EA
British Geological Survey (BGS) Data	DCC FRM team	DCC are licenced to hold BGS data for Derbyshire. The data set is a strategic overview of geological information for Derbyshire including distance to groundwater table, likelihood of instability of ground, appropriateness of area for infiltration etc.	DCC Computer Network	Approximately every 5 years
Highways Records and Reports	DCC Highways Team	DCC Highways team hold data regarding historic issues relating to Highway drainage across the County. The team also hold limited information pertaining to the Highway drainage network.	DCC Computer Network	Quarterly or after a severe weather event
Water Company Data	Water companies	DCC have access to water company flood data including their DG5 (Director General) register including from Yorkshire	Water Company Computer Network	Request from the Water Company

		Water, Severn Trent Water and United Utilities.		
Canal and River Trust Data	Canal and River Trust	DCC hold records from the Canal and River Trust relating to all canals, locks, canal weirs, river weirs, sluices, culverts, aqueducts, embankments, reservoirs, stop/safety/flood gates and channel retaining walls including details of ownership and state of repair (where known).	Canal and River Trust Computer Network	Request from the Canal and River Trust
Asset Register	DCC	Under S21 of the FWMA DCC are duty bound to hold a register of assets across Derbyshire that are known to have significant impact on flood risk.	DCC Computer Network (the public can view a copy of the register upon request)	As and when a new asset is identified.
Historical Land Maps	DCC	DCC hold a range of historical land maps for Derbyshire.	DCC Computer Network	-
Reservoir Flood Mapping	EA	The EA has produced a reservoir flood map which is available publicly to view on their website. These flood maps detail those areas at risk should a reservoir breach occur. This information is also made available to DCC's Emergency Planning Team.	EA website <a href="http://maps.environment-agency.gov.uk/wiyby">http://maps.environment-agency.gov.uk/wiyby</a>	Request from the EA
Sough data	EA	The EA hold data about old stone soughs (often hidden) across Derbyshire, mainly linked to the lead mining areas of Derbyshire (Derbyshire Dales and the High Peak). This information has been made available to DCC.	DCC Computer Network	Request from the EA
Communities @ Risk	DCC FRM Team and EA	The EA have recently undertaken an exercise utilising all the data they hold to identify communities most at risk of flooding. The EA have recently	DCC and EA Computer Network	Request from the EA



		shared this information with DCC although it is currently at a very early stage in its development.		
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### Quality of data

DCC strive to obtain the best quality data available. In some instances however the data collated may be anecdotal (e.g. historical flood information). The FRM team take into account the quality of the data when utilising it to inform any work and also make the public or any receiving authorities aware of the source when sharing the data.

### Confidence rating

The FRM team have applied a confidence rating to all reported historical data. The methodology used is as follows:

<b>High Confidence</b>	<ul style="list-style-type: none"> <li>- Incident witnessed by an officer of the FRM team, or a member of a Risk Management Authority.</li> <li>- Reported information to the FRM team supported by photos, videos and other evidence as well as timings and dates, where the source is easily identified.</li> </ul>
<b>Medium Confidence</b>	<ul style="list-style-type: none"> <li>- Reported information that is supported with some evidence where the source is believed to be known but not confirmed by an FRM team member.</li> </ul>
<b>Low Confidence</b>	<ul style="list-style-type: none"> <li>- Reported information where the exact date of the incident and source is unknown or where there is conflicting information.</li> </ul>

### Requesting information

Anyone has a right to request environmental information from a public authority.

### Environmental Information Requests

Under the Environmental Information Regulations (2004) the county council must provide any environmental information held to a member of the public upon request. This is known as an Environmental Information Request. In some instances however the County Council are able to refuse a request for this information such as if the information is incomplete or if disclosure of the information may result in harm. In some instances the data held by the County Council may be subject to a confidentiality agreement.

### Freedom of Information Requests

Where a request for information made to the County Council is not environmental then it may fall under the Freedom of Information Act (2000). The Freedom of Information Act 2000 provides public access to information held by public authorities. Sometimes the FRM team may be asked to respond to a Freedom of Information request.

A request for information can however be refused where:

- It would cost too much to collate the data,
- The request is vexatious,
- The request repeats a request from the same person.

For more information then please visit the government's website for how to make a freedom of information request at:

<https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act>

### **Confidentiality agreements**

Certain types of data the County Council hold may be subject to a confidentiality agreement which means that there are restrictions as to what can be released. Confidentially agreements have been entered into with the three water companies that cover Derbyshire and also for the British Geological Survey data. Certain sources of data provided by the Environment Agency are also subject to data restrictions.

### **Sharing information**

Section 13 of the Flood and Water Management Act (FWMA, 2010) states that all relevant authorities should co-operate and share information relating to their flood risk management functions. The FRM team have provided a number of datasets to, and have also received a number of datasets from a range of Risk Management Authorities in Derbyshire (as highlighted in this guidance). The FRM team strive to share as much knowledge and data as possible to encourage integrated flood risk management.

### **Frequently Asked Questions**

#### **How do I make a request for environmental information?**

Please send your request for environmental information through to the County Council's FRM team (using the contact details at the bottom of these guidance notes) and include your contact details for providing a response. A request for environmental information does not have to make any reference to the regulations nor does it have to be directed to the correct member of staff. Once received, the County Council then have 20 working days in which to provide a response to your request.

Is there a charge for a request for environmental information?

Currently there is no charge for providing a response for a request of environmental information from Derbyshire County Council.

Will any flooding information that I report to the County Council be shared with insurance companies and therefore affect my insurance premium?

As a Local Government body Derbyshire County Council are governed by the Data Protection Act which controls how personal information is used or shared. All insurance companies have access to their own data that informs their judgement on insurance decisions. Decision making for insurance is outside the remit of the County Council.

**Derbyshire County Council**

Flood Risk Management Team

Economy, Transport and Environment Department

County Hall, Matlock, Derbyshire, DE4 3AG

Tel: (01629) 538563

Email: [flood.team@derbvshire.gov.uk](mailto:flood.team@derbvshire.gov.uk)

## Guidance Notes: ENFORCEMENT POWERS

*These guidance notes are designed to provide you with information about Derbyshire County Council's (DCC) enforcement powers. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of this guidance.*

In many instances the partial or full blockage of a watercourse can result in flooding to land or in the worst case properties, businesses and/or critical infrastructure. DCC are committed to raising awareness of riparian responsibilities for flood risk management. Where the FRM team have been made aware of a potential blockage or obstruction to an ordinary watercourse the team will look to work with all parties involved to help resolve the problem before considering the use of their permissive enforcement powers.

The key aims of enforcement in flood risk management are to ensure the proper flow of water in a watercourse and over the floodplain, the control of water levels and security of existing assets. To achieve these aims, enforcement action may be used to rectify unlawful and damaging, or potentially damaging works, always using a risk based priority approach.

### DCC's approach to enforcement

The powers that DCC holds in relation to land drainage enforcement are permissive. DCC do not have a duty to carry out works or to take enforcement action. It is at the County Council's discretion as to when/if they want to exercise them. Only where all avenues have been exhausted may the FRM team consider enforcement action. Therefore prior to the consideration of exercising enforcement powers members of the FRM team will exercise all other team functions including riparian landownership communication, education and awareness techniques. The County Council are committed to promoting the awareness of land drainage laws and riparian landowner responsibilities (please refer to the [Riparian Landownership Guidance Notes](#)).





If the County Council's enforcement powers were ever to be exercised the County Council will do so using the following guiding principles:

- **Openness:** Provision of information and advice about how we carry out our work, including consultation with stakeholders.
- **Helpfulness:** Provision of advice and assistance on compliance in a courteous, efficient and prompt manner.
- **Proportionality:** Action taken to be proportional to the risks posed.
- **Consistency:** Duties to be carried out in a fair, equitable and consistent manner and with arrangements in place to promote consistency.

### Powers under Section 25 of the Land Drainage Act

It is the responsibility of the riparian landowner to ensure that watercourses are maintained properly so that they do not pose a flood risk. For more information regarding riparian landownership please refer to the [Riparian Landownership Guidance Notes](#).

Under Section 25 of the Land Drainage Act (LDA) the County Council have permissive powers to undertake works to maintain the flow of an ordinary watercourse and to carry out the works in default and recover their expenses from the riparian landowner.



It is at the County Council's discretion as to when they exercise these powers and the County Council will determine whether or not to exercise their permissive powers on a case by case basis. In coming to a decision as to whether to exercise its powers the Authority will take into account:

- The past compliance performance of the offender;
- The likely effectiveness and risk of the enforcement options;
- The consequences of non-compliance; and
- The public interest.

A decision to take enforcement action will only be fully considered where all other avenues of communication have been exhausted and/or there is robust evidence to support that five or more residential properties have been affected or at direct risk of internal flooding and /or there is a risk to life and/or critical infrastructure. The County Council may exercise their permissive powers only

in these extreme circumstances due to the overarching risk on the public purse. The County Council do not hold an earmarked financial reserve to which could be allocated to a risk based activity of this nature. There are often huge costs associated with these processes and in some instances the County Council may lose a case and therefore lose any money it was hoping to claim back. This again links back to the public's interest to pursue this legal avenue as it will be at the risk of public finances.

### **Powers under Section 24 of the Land Drainage Act**

Enforcement action (not necessarily criminal sanction) may be taken where damaging or potentially damaging works have been undertaken without consent or are in contravention to issued land drainage consent under Section 23 of the LDA. It is also important to note that failure to obtain land drainage consent for a consentable activity prior to carrying out the works may be a criminal offence. Any person acting in contravention of Section 23 of the LDA, may be liable, on conviction, to a fine of up to £5,000, and to a further fine of up to £40 for every day contravention is continued after conviction. Under Section 24 of the LDA, DCC has the power to take any action deemed necessary to remedy the effect of contravention of failure to gain consent, and recover the expense of doing so from the offender. For more information relating to the consenting process please visit DCC's [website](http://www.derbyshire.gov.uk/environment/flooding/default.asp)<sup>2</sup>.

### **Powers under Section 14a of the LDA**

Section 14a of the LDA gives DCC the permissive powers to carry out improvement and construction works to mitigate flood risk from an ordinary watercourse. To date the FRM team have not exercised this power and would only be exercised using a priority based approach as explained earlier.

### **Further advice for helping to resolve nuisance flooding**

The County Council are committed to help resolve any flooding nuisance enquiries by mediation and using open and transparent dialogue with all parties. Please contact a member of the FRM team at the details at the end of this guidance note for further support and assistance for helping to resolve flooding enquiries relating to land management.



<sup>2</sup> <http://www.derbyshire.gov.uk/environment/flooding/default.asp>

Where nuisance flooding is being caused by new development (buildings, walls or hard surfaces e.g. driveways, car parks, pavements) you may wish to contact the your District/Borough Council local planning team to see if there has been a breach of planning permission. This can be investigated via their local planning enforcement team.

There is no law that governs the management of surface water. As a property owner you have the right to defend your property from surface water; however you must not pipe this water in a concentrated manner onto adjacent land. Historically there have been some surface water issues resolved under Case Law and therefore you could seek to pursue your concerns through the civil courts. You should seek your own legal advice if you are considering taking legal action and bear in mind that you may be responsible for not only your legal costs but those of the other party if unsuccessful, and you may have to bear some of their costs even if you are successful.

**Derbyshire County Council**

Flood Risk Management Team

Economy, Transport &amp; Environment

County Hall, Matlock, Derbyshire, DE4 3AG

Tel: (01629) 538563



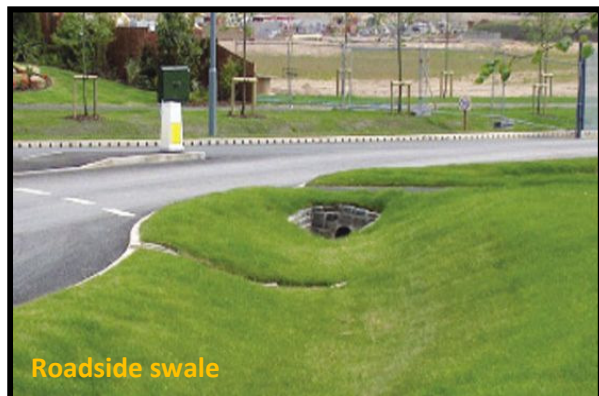
## Guidance Notes: ENVIRONMENTAL BEST PRACTICE

*These guidance notes are designed for the encouragement of environmental best practice in Derbyshire to ensure that the environment of Derbyshire is preserved and where possible enhanced. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

To ensure that Derbyshire County Council (DCC) promote sustainable working practice and help to deliver environmental benefits where possible the following best practice guidance is relevant.

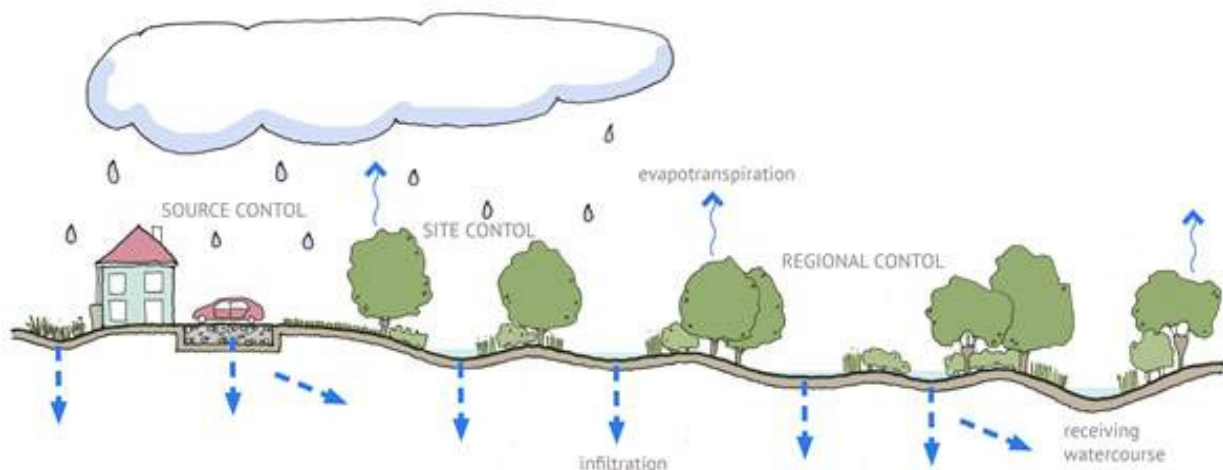
### Natural flood resilience and drainage systems

Where possible the opportunity for natural flood defences should be utilised due to the multiple benefits that can be provided including; social, amenity, environmental and in most cases economic. The images below illustrate flood risk management/drainage options that are actively promoted across Derbyshire. Derbyshire's Local Flood Risk Management Strategy promotes working with natural processes; however this does not mean that traditional hard defences will not be needed, but that more sustainable approaches are favoured when assessing future flood mitigation options.



## Sustainable Drainage Systems (SuDS)

Traditional piped drainage systems have always focussed on removing water from the surface of developed land during rainfall events and into pipes before rapid delivery to local watercourses and sewage treatment works. The modern and more sustainable approach is SuDS. SuDS help to slow down the flow rate, the sediment/pollutant loading and where possible the volume of water flowing off paved surfaces by applying multiple stages of treatment where water is stored and released back to the system or filtrate back into the sub soil at a controlled rate. This is known as the SuDS management train. Treatment stages are ideally engineered using natural materials and follow natural topography to reduce operational and maintenance costs. As well as flood risk management SuDS have additional benefits including; water quality, bio-diversity, amenity value, climate change mitigation, recharging aquifers and the ground with water storage for the future.



### The 'SuDS management train' – [www.susdrain.org](http://www.susdrain.org)

There is a wealth of information available in the public domain covering more detail on the principles, design, application and benefits of SuDS. A good source of information, including different SuDS elements and how these have been utilised in a number of case studies, is [Susdrain](http://Susdrain)<sup>3</sup>, a website which is run by sustainable drainage professionals.

### SuDS maintenance and adoption

If designed correctly, SuDS should maintain flood risk and environmental mitigation functions efficiently for their lifetime, with only minimal maintenance required. However, prior to building SuDS, developers should ensure that the long term maintenance of the development is secured through the system adoption by a competent organisation. At present, in the absence of any

<sup>3</sup> [www.susdrain.org](http://www.susdrain.org)

budget or legislative duty, DCC is unable to adopt any SuDS that serve private development. Therefore the responsibility for ensuring the long term adoption and maintenance of SuDS rests with the developer.

### **Sustainable riparian corridor management**

It is important that the riparian environment is effectively and sustainably managed to enable the watercourse to function as naturally as possible for flood risk management, particularly in rural areas.

The River Restoration Centre has produced a [Manual of River Restoration Techniques](#)<sup>4</sup> which advocates best practice techniques for river restoration and sustainable river management. This manual provides a number of case study examples for the different techniques. For further advice and guidance please speak to a member of the FRM team or the Environment Agency.

### *Vegetation management*

As the riparian landowner there is a legal requirement to maintain the free passage of water. Excessive vegetation growth can restrict the passive movement of water and requires maintenance. Riparian landowners should be mindful to not cause the spread of invasive plants, impact upon any nesting birds, and impact upon any wildlife or protected species or cause excessive silt movement during any maintenance works. Where possible any riparian landowner should liaise with a member of the FRM team prior to undertaking any works.

Defra have produced a handbook which promotes good practice for channel management and supports better decisions on when and how to manage channels for flood risk and land drainage. This is available [online](#)<sup>5</sup> in early 2015.

### *Siltation*

Excessive siltation can reduce the capacity of the watercourse to store or convey water and can cause or exacerbate flood risk, particularly in urban environments or where watercourses are culverted. Silts can also smother the bed of the watercourse and damage the habitat of river plants and animals, degrading the ecological quality.

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<sup>4</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>

<sup>5</sup> <http://evidence.environment-agency.gov.uk/FCERM/en/Default/FCRM.aspx>



### *Bank stabilisation*

There are a number of techniques that can be employed to restrict the erosion of the banks of a watercourse. In an area where bankside erosion is particularly bad and/or vegetation is unable to properly establish, ecologically sensitive bank stabilisation techniques such as willow spiling can be particularly effective. Live willow stakes thrive in the moist environment and protect the soils from further erosion allowing other vegetation to establish and protect the soils. Please refer to the '[revetment and supporting river banks](#)'<sup>6</sup> section of the River Restoration Centre website.

The FRM team recommend that bank erosion is avoided where possible and encourage all landowners to avoid using machinery and vehicles close to or within the watercourse.



**Example of willow spiling for bank stabilisation**



**Example of a more sustainable farm animal drinking point**

### *Farm animal drinking areas*

The FRM team recommend that in rural farming environments drinking areas for farm animals are sensibly designed and preferably not directly linked to the watercourse. Where this cannot be avoided the FRM team strongly encourage restricted areas of the watercourse for drinking to try to limit the damage to the watercourse banks by animals. Excessive trampling of the river banks can result in large amounts of silts becoming mobilised which can deposit downstream, sometimes restricting the capacity of bridges or culverts. Excessive siltation can also degrade the river habitat for plant and animal species, impacting on flood risk as well as the ecology of the watercourse. Please refer to the '[providing public, private and livestock access](#)'<sup>7</sup> section of the River Restoration website.

<sup>6</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>

<sup>7</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>

### *Watercourse crossing points*

The FRM team recommend that all vehicular activity within a watercourse is limited to an absolute minimum so as to restrict the amount of damage and silt/pollutant movement within the watercourse. It is recommended that where a bridge is not appropriate that a formal ford structure is constructed within the watercourse to facilitate a crossing point. Please refer to the '[providing public, private and livestock access](#)'<sup>8</sup> section of the River Restoration website.

### **Culverts, deculverting and river restoration**

Culverted watercourses are often constructed to enable the efficient drainage of an area and allow land to become developable. In many cases watercourses become hidden or buried and relatively inaccessible often with buildings on top of them, resulting in the reduced ability to maintain the flow of the watercourse and increased flood risk.

Culverted watercourses require regular maintenance to ensure that they function correctly. In most cases they also require trash screens at their entrance to ensure they do not become blocked by large debris, further adding to the maintenance requirements. Culverting results in the loss of natural riverside and in channel habitat through the direct loss of vegetation which creates complex habitats for a wide variety of plants and animals to thrive in. Culverts can also be impassable to some river animal species and fish. In some, mainly urban areas, culverted watercourses can become extremely polluted due to cross connections associated with developments and industry. Culverting of watercourses also alters the natural sediment transport regime resulting in displaced energy which can exacerbate or cause erosion upstream or downstream. Excessive erosion can weaken river banks and also results in excessive sediment in the watercourse which can be harmful to the plants and animals of the river environment.

The FRM team are committed to support the Environment Agency in meeting the requirements of the Water Framework Directive (WFD, 2000) and therefore will seek to restrict the amount of consents under the Land Drainage Act (1991) for the culverting of watercourses in Derbyshire.

Consent for large stretches of watercourses to be culverted will not normally be granted. Only in extreme circumstances such as the requirement for access or for the installation of critical infrastructure will consent for culverting be granted.

<sup>8</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>

- *Construction of a bridge* – if the bridge is free spanning there will be no impact on the hydraulics of the watercourse and the bed and banks can remain undisturbed
- *Construction of a ford* – for smaller watercourses with the requirement for less frequent crossing
- *Diversion of a watercourse* – In some instances the diversion could improve the hydraulics and ecology of the watercourse although there can be disadvantages with this option.

Where practical the FRM team encourage the de-culverting and renaturalisation of watercourses restoring to open channel in Derbyshire.

De-culverting can bring many benefits including; reducing the need for regular maintenance and trash screens, reducing blockages and enhancing the river environment by providing a more varied habitat. In some cases small sections of open channel can be beneficial for flood risk management allowing for flood water to disperse naturally and thus slowing the movement of flood water downstream.

The FRM team recommend that any development does not encroach within 8m of the banks of an ordinary watercourse and would strongly discourage any construction over a watercourse.

Please note that the Environment Agency have set byelaws for Main Rivers.

For any guidance on river restoration please contact the [River Restoration Centre](http://www.therrc.co.uk/)<sup>9</sup>.

### Introducing and enhancing blue corridors and green infrastructure

‘Blue corridors’ is a term used to describe the environment located alongside a watercourse such as the banks and immediate flood plain either side. A blue corridor’s primary function is to allow the dispersion of flood water when the river channel becomes too full. Blue corridors also provide natural habitat and amenity value to an area. ‘Green infrastructure’ refers to high quality ‘green’ spaces that provide a range of benefits in urban environments. Green infrastructure includes parks, fields, woodlands, rivers, gardens etc. and can be designed and managed to deliver a wide variety of benefits, including flood alleviation, habitat and amenity.

The FRM team encourage the enhancement of blue corridors and green infrastructure in all development across Derbyshire to help reduce flood risk as well as helping to meet the requirements of the WFD.

<sup>9</sup> <http://www.therrc.co.uk/>

## Enhancing outfalls and bridge wing walls in the riparian environment

Concrete outfalls and bridge wing walls can be unsightly and un-sympathetic to the riparian environment. Outfalls can often create localised scour if they are installed at the wrong angle which can result in bank instability and sediment deposition downstream. As discussed earlier this can damage the habitat of the riparian ecology. In some instances outfalls are also installed which are oversized for the purpose required.

In most cases the structural elements of outfalls and bridge wing walls must comprise of pre-cast concrete however the detail around the structure can be designed so as to fit in with the riparian environment and improve the visual amenity and habitat. Example sustainable techniques include:



Example of concrete bagwork

- gabions with natural stone facing with coir matting and planting at the surface; and
- concrete bagwork around the pre-cast concrete which provides a more suitable surface for a variety of vegetation to establish.

Please refer to the '[enhancing outfalls to rivers](#)'<sup>10</sup> and '[providing public, private and livestock access](#)'<sup>11</sup> sections of the River Restoration Centre website for further guidance.

Any activities within or in close proximity to an ordinary watercourse may require land drainage consent from the FRM team under the Land Drainage Act (1991).

For further information please refer to our website [www.derbyshire.gov.uk/flooding](http://www.derbyshire.gov.uk/flooding) or contact the FRM team on the details at the end of the guidance.

### Derbyshire County Council

Flood Risk Management Team

Economy, Transport and Environment Department

County Hall, Matlock, Derbyshire, DE4 3AG

Tel: (01629) 538563

Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

<sup>10</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>

<sup>11</sup> <http://www.therrc.co.uk/manual-river-restoration-techniques>



## Guidance Notes: FLOOD REPORTING AND ENQUIRY INVESTIGATION

*These guidance notes are designed to help you understand Derbyshire County Council's (DCC) Flood Enquiry Investigation policy. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

The extent to which a particular flood enquiry is investigated by Derbyshire's FRM team is determined on a case-by-case basis considering factors such as the likely source, duration and severity of impact of the flood incident.

The FRM team considers flood investigations in two distinct areas:

- enquiries where a formal investigation is required as a flood has triggered a threshold response; and
- enquiries where an informal investigation is required to determine the cause and potential solution to a problem.

### Formal flood investigations

One of DCC's key duties under the Flood and Water Management Act (FWMA, 2010) is to investigate flood events that occur within its area, as it deems necessary.

Section 19 of the FWMA states:

*On becoming aware of a flood in its area, a DCC must, to the extent that it considers it necessary or appropriate, identify:*

- which Risk Management Authorities have relevant flood risk management functions; and
- whether each of those Risk Management Authorities has exercised, or is proposing to exercise, those functions in response to a flood event.

Although the FWMA does not specify that DCC must resolve the flooding issue, the conclusion of any flood investigation findings will try to identify actions which may reduce the future likelihood of similar events or identify measures to mitigate the impacts. DCC must investigate the cause, publish the results of the investigation and notify any of the identified Risk Management Authorities.

In some circumstances a reported flood enquiry in Derbyshire triggers a 'formal investigation'. The trigger for a formal investigation is when the enquiry meets or exceeds locally agreed criteria. This criteria was agreed by DCC's Strategic Flood Board. The thresholds have been subject to consultation as follows:

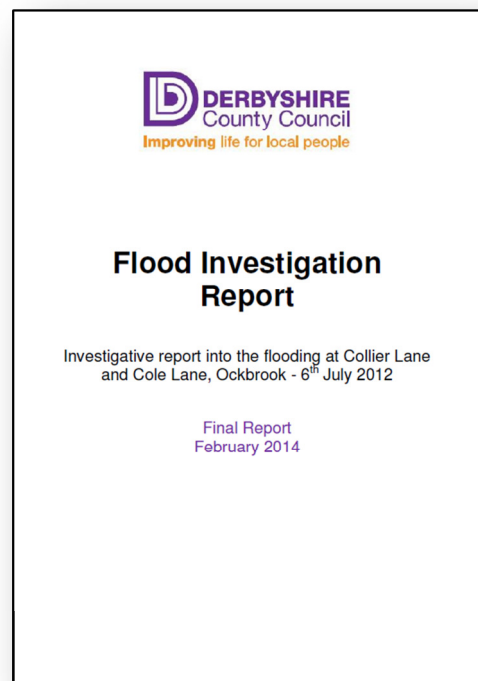
- An event where five or more residential properties, or two or more non-residential (industrial/commercial) have been internally flooded;
- An event where a flooding problem is recurring and is supported by records or anecdotal evidence as having occurred more than once in a ten year return period for any given location;
- An event where threat to life and/or threat of injury or harm has occurred;
- An event which affects an area or community with a concentration or high proportion of vulnerable people;
- An event which impacts on critical infrastructure (water, sewage treatment, electricity/gas distribution, telecommunications and the strategic transport network) in excess of twelve hours before restoration of service; and
- An event which impacts on essential services (emergency services, NHS, Local or Central Government services) in excess of twelve hours before restoration of service.

A formal 'Flood Investigation Report' undertaken by Derbyshire County Council may include content such as the following:

- All available background information and associated historical flooding data;
- A summary of the FRM teams understanding of the event;
- Relevant Risk Management Authorities responsibilities;
- A summary of findings; and
- Recommended actions.

Responsible Risk Management Authorities in Derbyshire could include:

- The County Council and associated Highways Authority
- Highways Agency
- Yorkshire Water





- Severn Trent Water
- United Utilities
- Environment Agency
- Borough and District Councils

Private landowners also have responsibilities in relation to land drainage. Further information relating to riparian landowners rights and responsibilities can be found in the [Riparian Responsibilities Guidance Notes](#).

Following the conclusion of a formal investigation a 'Flood Investigation Report' will be completed and published on DCC's website. The findings of the investigation will be communicated to the affected community and key stakeholders often at a public meeting.

It must be noted that an event where the flood is perceived to have a 'known' cause and a Risk Management Authority acknowledges that cause, no formal investigation will be undertaken.

### Other flood investigations

The majority of reported flood incidents do not trigger a formal flood investigation. The FRM team endeavour to respond and investigate all reported flooding incidents as swiftly as possible. Where the source or mechanism of the flooding is not clearly identified the FRM team may seek to investigate the issue further such as by producing a catchment study.

Due to the pressures of the team and the large number of incidents reported the FRM team has to prioritise their response on a risk basis. All enquiries are assessed on a case by case basis as to the risk to life, property and critical infrastructure. For more information regarding prioritisation please refer to [Part 2 of Derbyshire's Local Flood Risk Management Strategy](#).

### Public reporting of flooding incidents

Where a flood incident relates to an ordinary watercourse, surface water or groundwater the public can report the incident to Derbyshire's FRM team by using any of the following methods:



Surface Water



Ordinary watercourses



Ground Water

**By email:** [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

**By post:** Flood Risk and Transport Asset Management Team, North Block  
(Room 199C), County Hall, Matlock, DE4 3AG

**Online:** [www.derbyshire.gov.uk/environment/flooding](http://www.derbyshire.gov.uk/environment/flooding)

**By telephone:** (01629) 538563

If the problem is either an emergency or requires urgent attention, the emergency services should be contacted in the first instance.

DCC also provide an emergency planning service that can also assist during an emergency flood event. The emergency planning team can be contacted on **(01629) 538364** or

**[emergency.planning@derbyshire.gov.uk](mailto:emergency.planning@derbyshire.gov.uk)**.

Where the flooding relates to the **public sewer system** you should contact your local water provider:

Yorkshire Water – (0345) 124 24 24

Severn Trent Water – (0800) 783 4444

United Utilities – (0345) 672 3723



Sewer Water

Where the flooding relates to the **Highway or a blocked gully** you should contact the Highways team at DCC via:

**By email:** [Netmanadmin@derbyshire.gov.uk](mailto:Netmanadmin@derbyshire.gov.uk)

**By telephone:** (01629) 533190



Highway Water

Where the flooding relates to a **large watercourse (Main River) or reservoir** you should contact the Environment Agency on



Main Rivers



Reservoir Flooding

**By email:** [general.enquiries@environment-agency.gov.uk](mailto:general.enquiries@environment-agency.gov.uk)

**By telephone:** (03708) 506 506

Where the flooding relates to a **private sewer system** the public are advised that this is a private matter and you should liaise with the landowner; often this will be a neighbour or commercial enterprise.

Where the flooding relates to a **Highway trunk road** you should contact the Highways Agency:

**By email:** [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk)

**By telephone:** (0300) 123 5000



Highway Water



Canal Flooding

Where the flooding relates to a **Canal** you should contact the relevant navigating authority (Canal and River Trust or DCC).

### The importance of flood reporting

If you experience flooding you are advised to contact the relevant organisation to report the incident. You may be nervous about reporting flooding for insurance or data protection reasons. However it is important that the relevant responsible organisation is made aware of the incident so that this data can hopefully help support future work. Any data held by members of Derbyshire County Council is managed in accordance with Data Protection law.

It is important that you report any flood incident to the correct authority.

*For example:* It is particularly important that you report sewer flooding incidents to the water company. Water companies are privately owned companies which are monitored by OFWAT (the Water Services Regulation Authority) for where they invest their money. Water companies keep records of those properties impacted by flooding and use these records to develop their future maintenance and capital works programmes. If they are not made aware of any problems then addressing your concerns may not be their priority. Due to data protection reasons a member of the FRM team or even your neighbour are unable to report flooding on your behalf for it to be formally recorded.

#### Derbyshire County Council

Flood Risk Management Team

Economy, Transport and Environment

County Hall, Matlock, Derbyshire, DE4 3AG

Tel: 01629 535487

Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

*These guidance notes are designed to help you understand Flood Warden Schemes in Derbyshire. If you are unsure about anything discussed then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

Flooding is a natural process and whilst it cannot be prevented, there are things we can do to prepare for before, during and after a flood event. The location and severity of flooding is difficult to predict. Before, during or immediately after a flood event it is not possible for the Authority to provide resource across the County at one time. Consequently, it is important to provide members of the community with appropriate resilience equipment and skills to be able to help mitigate the impacts of flooding before the emergency services or any other emergency responder/Risk Management Authority can attend.

### Why are we doing Flood Warden Schemes?

Derbyshire County Council are setting up a number of Flood Warden Schemes across the County to help those communities and individuals most at risk to increase their resilience to the impacts of flooding. The number of schemes that can be implemented will be governed by available funds will be allocated using a prioritisation approach.

### What is a Flood Warden?

A Flood Warden is a voluntary member of the local community who could be a resident of the local community, a member of the Parish Council, Neighbourhood Watch, or any local community group. The Flood Warden will liaise directly with the local authorities (District/Borough or County), the Environment Agency and local water company.

A Flood Warden helps to bring the community together during difficult times and helps the community to be prepared for flooding. By working together, the impact of flooding on the community can be reduced.

The number of Flood Wardens in one community will depend on the size of the community. A single individual may cover one street or connecting streets or even the whole community. It is better however to have more than one Flood Warden to account for absence, illness etc.

## What is the role of a Flood Warden?

A Flood Warden will work together with the local authorities, water companies and the Environment Agency to ensure their community is prepared for flooding. The Flood Warden will become an integral part of the Community Flood Plan for their area. They will also receive direct information (severe weather/flood warnings) from the County Council or Environment Agency and pass this information on to the community as set out in the Community Flood Plan.

During a flood event the Flood Warden may undertake a series of tasks set out within the Community Flood Plan to help to minimise the impacts of flooding on residents, businesses and those using the local infrastructure network. Tasks that a Flood Warden may undertake or be involved with before, during or after a flood event include:

- Develop a Community Flood Plan with the help of the Local Authorities or Environment Agency;
- Work as a community to prepare for a flood event and identify vulnerable people from within the community who may need extra help;
- Report blocked drains, ditches, etc. to the relevant authority;
- Ensure members of the community have received severe weather/flood warnings, understand what they mean and where they can obtain further information;
- Put out flood warning signs in agreed places in accordance with an agreed road closure plan; and
- Report the findings of a flood event to the relevant authority.

## What a Flood Warden should not do...

Flood Wardens should always remember Health and Safety is of primary importance and **never** place themselves in a position where their own personal safety is at risk. In particular, they should not:

- Enter any flood water whatsoever;
- Put themselves at risk to attempt any form of rescue operation;
- Attempt to clear blocked drains, gullies, ditches or watercourses, particularly during a flood event.

The Flood Warden should always call the emergency services or the relevant agency to deal with any emergency situations.

## What is the role of the Risk Management Authorities?

The County Council (with support from the Environment Agency, water companies, the District/Borough Authority and/or the Parish/Town Council) will

lead on the implementation of Flood Warden Schemes across the County. The County Council will also:

- Provide relevant training for any specific tasks such as 'advisory' road closures;
- Provide technical support including any useful data held by the Authority and other organisations;
- Provide support in producing the Community Flood Plan;
- Liaise with the emergency services where required;
- Work with riparian landowners and the Highways team to maintain local watercourses and the local Highway drainage network;
- Provide/pass on any severe weather/flood warnings to the designated Flood Warden; and
- Provide or provide funding for a store facility and equipment (where required) to assist with the activities of the Flood Plan such as road closure signs, personal protective equipment, waders, sand, sandbags, hand tools, Flood Sax, wheel barrow etc.

### What will the Community Flood Plan look like?

The County Council (with support from the Environment Agency, water companies, the District/Borough Authority and/or the Parish/Town Council) will work with the local community to produce a Community Flood Plan to action before, during and after a flood event.

The Community Flood Plan is a paper document that may include any of the following:

The image shows two overlapping forms. The top form is the 'Community Flood Plan' header page, which includes the Derbyshire County Council logo, a 'Flood Warden' section, and a 'Community Flood Plan' title. The bottom form is a 'Flood Warden' registration form with fields for Name(s), Address, and Telephone Number, and a section for 'Additional Notes'.

- A road closure plan (where required, particularly in areas that suffer from the effect of bow waves);
- A description/list of local triggers for action of the plan;
- Maps of any flood risk data (to be provided by Derbyshire County Council or the Environment Agency);
- Locations of local identified flood risks;
- Actions for helping to mitigate any flooding;



- Names and contact details for any Flood Wardens;
- Names and contact details of relevant Local Authorities/Environment Agency contacts;
- Agreed actions for the Flood Wardens (and any other community members);
- Agreed actions for any of the Local Authorities, water company or Environment Agency;
- Emergency contact details; and
- Names and contact details of any vulnerable residents, properties or locations.

### How can I become a Flood Warden?

If you would like to become a Flood Warden, or are interested in implementing a Flood Warden Scheme for your community or have any other questions please contact the FRM team.

**Derbyshire County Council**  
Flood Risk Management Team  
Economy, Transport and Environment Department  
County Hall, Matlock, Derbyshire, DE4 3AG  
**Tel:** (01629) 535487  
**Email:** [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

Derbyshire County Council (DCC) can provide empty hessian sandbags to residents across Derbyshire upon request. The demand for assistance during flood events (including the requests for sandbags) is often very high and we cannot guarantee reaching every resident in time. DCC actively promotes personal resilience and recommends that those at risk from flooding take appropriate steps to ensure that their property and contents are protected. DCC are seeking alternative methods to sandbags for distribution to help protect homes and businesses from flood water.

### **FloodSax**

FloodSax are an alternative to traditional sandbags. They are an innovative self-inflating flood defence system which can be stored easily and can be deployed in minutes to help protect businesses or homes from flood water. FloodSax consists of a semi-porous inner liner, containing hundreds of crystals, which absorb water within approximately three minutes of deployment.

DCC have a limited supply of FloodSax and these can be provided to members of the public considered to be at risk of flooding for demonstration purposes only. Therefore DCC recommend residents source their own additional FloodSax should they find that the product works for them.

For the correct and safe deployment and disposal of FloodSax it is advised that;

- Caution is exercised to avoid slipping and tripping when working around wet FloodSax.
- Gloves and boots are worn for protection from abrasions and possible contaminants.

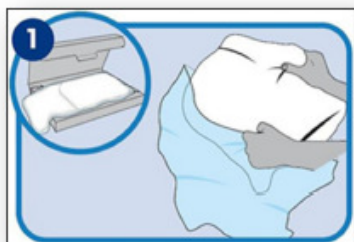
It should be noted that DCC are unable to recover any used FloodSax or sandbags and it is the responsibility of the resident to dispose of them safely and appropriately.

**It is important to note that DCC will continue to provide empty hessian sandbags, free of charge. For DCC's policy on the provision of sandbags please refer to DCC's website:**

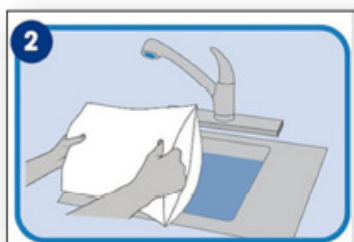
[www.derbyshire.gov.uk/environment/flooding/emergency\\_preparedness/resilience\\_and\\_sandbags](http://www.derbyshire.gov.uk/environment/flooding/emergency_preparedness/resilience_and_sandbags)

Please follow the instructions shown below as a guide for using FloodSax:

### How to energise your FloodSax



Remove outer packaging. Then open the vacuum-sealed bag and remove the FloodSax.



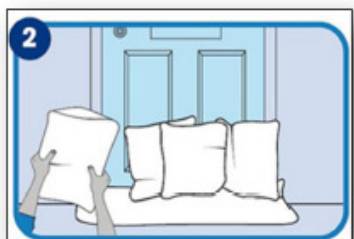
Energise your FloodSax. This can be done by soaking the FloodSax with water until they are fully expanded. This should take 2 to 3 minutes.

- You can soak your FloodSax in the sink, a bucket or wheelbarrow.
- You can use a hosepipe or watering can.
- You can use rain water.

### How to build your wall of FloodSax



After energising, place one long FloodSax against the base of the door.



And then build a wall on top by vertically overlapping the other energised FloodSaxs.

**Disclaimer:** There are many alternative products to sandbags available. Derbyshire County Council has procured the current stock of FloodSax through a competitive tender process. This is subject to constant re-evaluation.

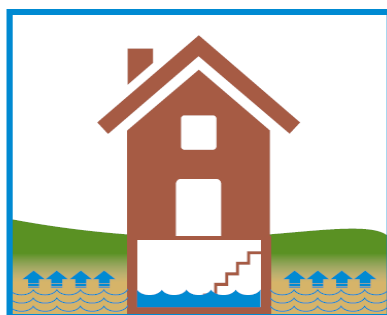
#### Derbyshire County Council

Flood Risk Management Team  
 Economy, Transport and Environment  
 County Hall, Matlock, Derbyshire, DE4 3AG  
 Tel: 01629 538563  
 Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

*These guidance notes are designed to help you understand the cause and mechanism of groundwater flooding and potential options for helping to mitigate the effects of groundwater flooding. If you are unsure about anything discussed then please contact the Derbyshire County Council's (DCC) Flood Risk Management (FRM) team on the details at the end of this guidance.*

Derbyshire has a rich and diverse underlying geology (subsurface) ranging from freely draining aquifers to less permeable clayey material. These soil characteristics are a key factor in influencing groundwater conditions and ultimately assist in identifying areas susceptible to groundwater flooding. Fluctuations in the water beneath the ground result from the soils beneath the sub surface responding to natural factors. The level at which the groundwater sits is difficult to manage or influence.

### Groundwater flooding



Ground Water

Groundwater flooding occurs when the water table (the water level below the ground surface) rises up and emerges above the ground surface. Periods of heavy and prolonged rainfall may cause the water level in the ground to fluctuate. During the wetter months of the year the water table is likely to be higher (i.e. closer to the surface).

Groundwater flooding can occur inside properties such as seepage into a basement (situated below the ground level), or by the emergence of groundwater at the surface which enters the property or causes damage to critical infrastructure. Areas with a particularly high water table are more likely to suffer internal seepage.

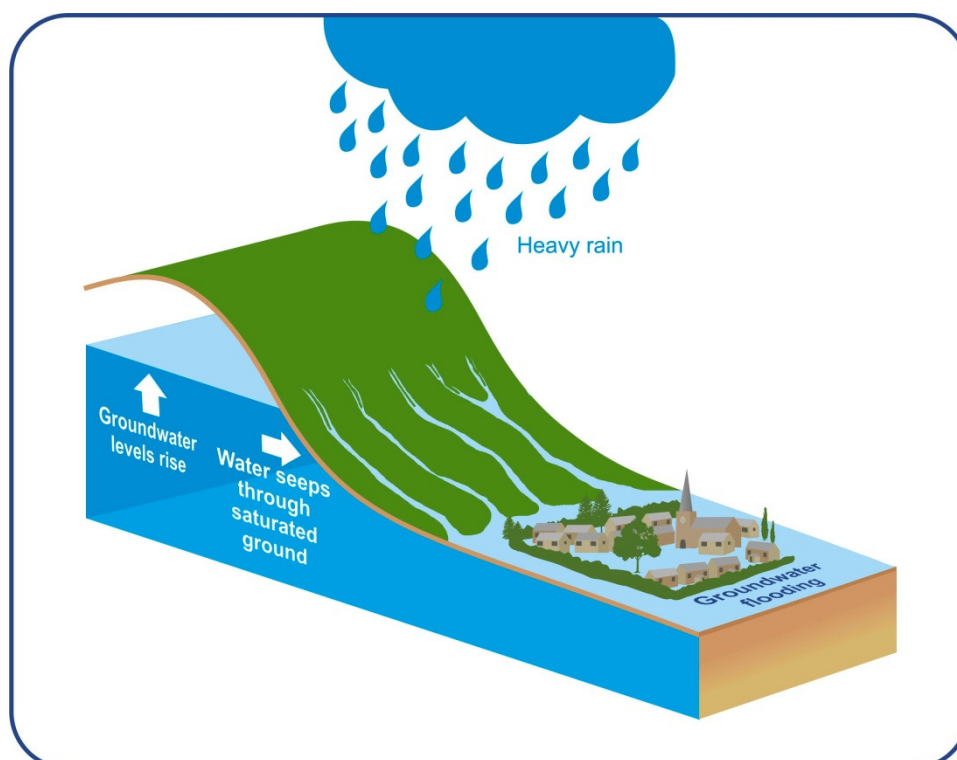
### Identifying groundwater flooding

Groundwater flooding is often mistaken or misinterpreted as overland flow or surface water ponding at the surface as it is often difficult to tell the difference. This



has resulted in the under reporting of groundwater flooding incidents and results in a misrepresented level of overall susceptibility of an area to groundwater flooding.

Although there is a strong correlation between the two sources they have distinctly different mechanisms. The mechanism of flooding from groundwater is illustrated in Figure 1 below. It is acknowledged that groundwater has always been a source of flooding but has become more prominent as land, which has not been thought to be subject to historic flooding, is allocated for housing provision.



**Figure 1: The mechanism for groundwater flooding**

### Predicting and monitoring groundwater flooding

Some areas are known to be more susceptible to groundwater flooding than others due to the naturally high level or seasonal variation of the water table. Groundwater usually becomes problematic when it materialises in the form of a natural spring, which can often discharge constantly throughout wetter periods of weather. Natural springs are particularly common across parts of Derbyshire.

Landform changes, associated with urbanisation and mineral extraction operations, can substantially alter the characteristics of groundwater which makes predicting groundwater levels problematic. The wealth of natural resources within Derbyshire has led to extensive mining operations with resultant large scale landform alterations.

In the absence of predictive modelling for groundwater, the monitoring and prediction of groundwater is usually undertaken by physical means, often an open borehole, to measure physical changes in the top water level. The water table is often the eventual destination of flood water, and if the water table is seasonally high then the longevity of the flooding can be particularly problematic.

It is widely accepted that the effects of climate change are likely to have an adverse effect on the occurrence, duration and severity of all sources of flooding. Consequently, the anticipated increased rainfall coupled with increased landform changes and urbanisation is likely to further complicate the monitoring and prediction of groundwater levels with further areas ultimately becoming susceptible to groundwater flooding.

### *British Geological Survey mapping*

DCC recognise the importance of understanding groundwater levels on a strategic level to steer development, aid the identification of priority flood risk areas and empower local communities to understand their own susceptibility to groundwater flooding.

DCC use a licensed agreement to access British Geological Survey (BGS) datasets which provide national broad scale maps based geological information. This information is used to assist in identifying areas with limited infiltration and average depth to ground water levels.

### **Options for helping to mitigate groundwater flooding**

If you have experienced groundwater flooding you are advised to speak directly with your home insurer for further guidance. You should also let a member of Derbyshire's FRM team know.

The Environment Agency have produced a groundwater flooding leaflet which includes '[practical advice to help you reduce the impact of flooding from groundwater](#)'<sup>12</sup>.

You may wish to consider the following list of actions to help you mitigate groundwater flooding:

- Prevent water from entering your property by installing external sealants, tanking materials on external basement walls or installing flood resilient air brick covers.

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<sup>12</sup> <http://www.groundwateruk.org/downloads/EAGWFFlooding.pdf>



- Consider replacing your floor with reinforced concrete that has a continuous damp proof membrane or create a raised concrete floor creating a void which will flood before the water rises into the house.
- Install a sump and pump below ground level. This would only have a limited impact and may not be effective in dealing with large volumes of groundwater. Diverting the water away from your property should be discussed with the Environment Agency or DCCs FRM team.
- Install non-return valves on foul drainage to prevent any ingress problems should groundwater flooding occur.

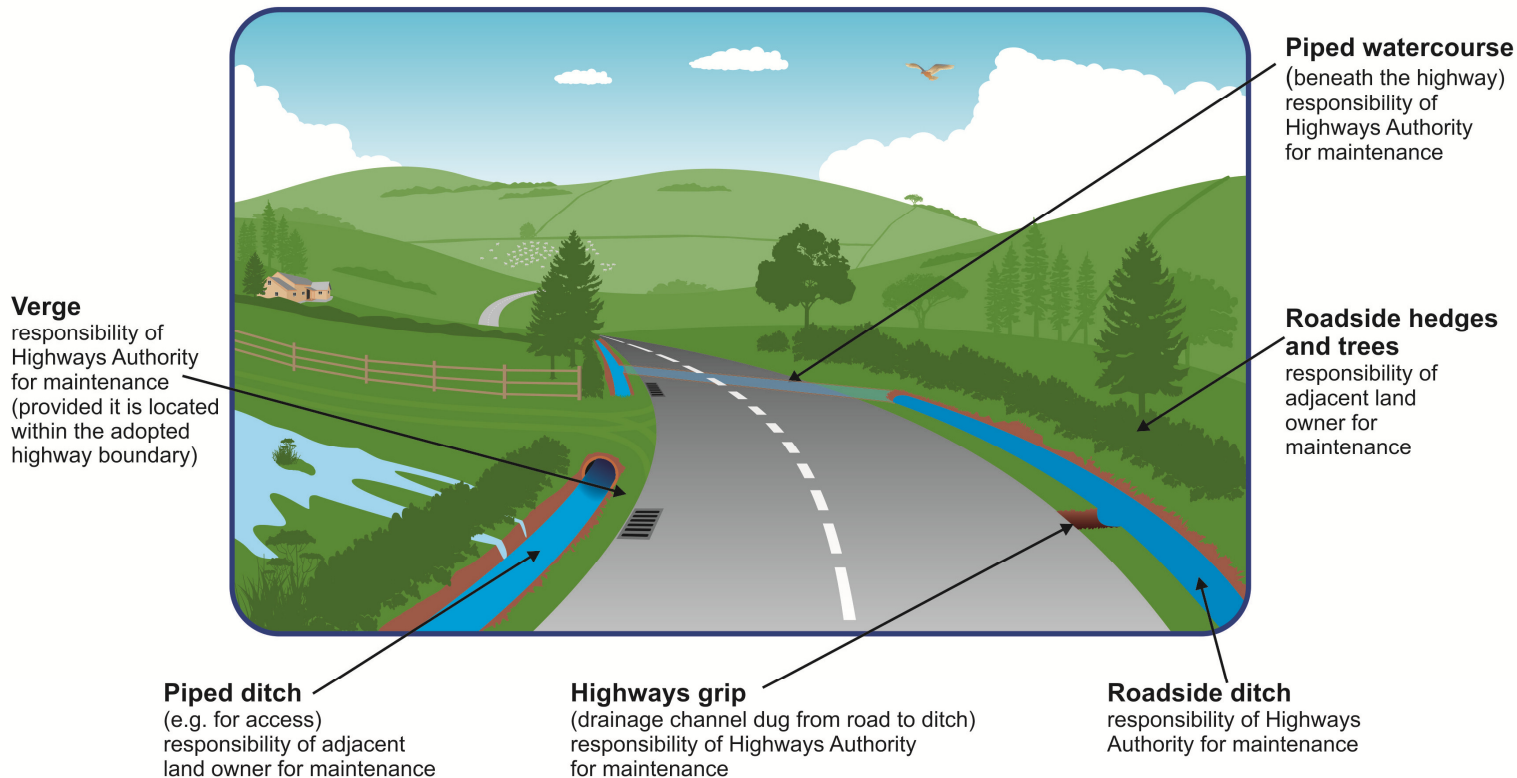
**Derbyshire County Council**  
Flood Risk Management Team  
Economy, Transport & Environment  
County Hall, Matlock, Derbyshire, DE4 3AG  
Tel: (01629) 538563  
Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

## Guidance Notes: HIGHWAYS - STATUTORY DUTIES AND VESTED POWERS

*These guidance notes are designed to help you understand Derbyshire County Council's (DCC) Highways division's statutory duties and vested powers as a Highways Authority for Derbyshire. If you are unsure about anything discussed then please contact the Highways division on the details at the end of this guidance.*

DCC is responsible for maintaining Highways maintainable at public expense across Derbyshire which is not part of the Trunk Road Network. Therefore DCC is termed a Highway Authority. The Highways Agency is also termed a Highway Authority which is responsible for maintaining the Major Trunk Roads across Derbyshire. A reference to a Highway in these guidance notes includes all public rights of way that are maintainable at public expense.

DCC are responsible for the installation, operation and maintenance of Highway drainage infrastructure, which falls within the adopted Highway curtilage in Derbyshire (refer to Figure 1).



**Figure 1 – Maintenance responsibilities for Highway and ditches/watercourse**

Ditches that run alongside a Highway generally do not form part of the Highway (since they do not assist the free passage along it) and remain the responsibility of the landowner or occupier (please refer to Figure 1). Common law places a duty of the owner of land adjacent to a Highway to maintain any ditches which function as natural drainage for the land and also as part of the Highway drainage (please refer to Figure 1). However, where the ditches have been dedicated as forming part of the Highway, or where the ditch was constructed for the purpose of draining the Highway, then the ditch will form part of the Highway and may be the responsibility of the Highway Authority.

Highway drains are designed to accept surface water runoff from roads and footpaths within the Highway curtilage. DCC have a right to drain the Highway to remove a nuisance (i.e. water on the surface) and can connect into a nearby watercourse. In this instance the County Council would however only be responsible for the lateral connection into the watercourse, which would be in place to drain the Highway.

Where flooding on a Highway is caused by another person (e.g. an adjoining landowner), the County Council can take action against the person responsible. However, where the flooding is caused by inadequate Highway drainage, the County Council may be liable for causing a nuisance. Please refer to the [Riparian Landownership Guidance Notes](#) for further information.

### Duties and Vested Powers under the Highways Act

The following duties and vested powers, under which the authority may act, are described in reference to the Highways Act 1980 (unless described otherwise).

(The information contained below is by no means an exhaustive list of all the duties placed upon DCC as a Highway Authority but aims to provide a high level overview of some of the key sections contained within the relevant legislation.)

#### Duties for Provision and Care

Highways Act 1980	Section Title	Section Description
<b>Section 41</b>	<p>a) Duty to maintain Highways maintainable at public expense.</p> <p>Special defense in action against a Highway authority for damages for</p>	<p>This duty has been transposed into statute by virtue of Section 41 of the Highways Act 1980. The duty extends to all Highways maintainable at the public expense, with the exception of trunk roads. The Section 41 duty is not absolute. The Highways Authority must take such care in all the circumstances as is reasonably required to ensure the Highway is not dangerous for traffic. What is reasonable will depend on a number of factors, including those set out in</p>

	non-repair of Highway	<p>Section 58 (defence against action for non-repair of Highway):</p> <ul style="list-style-type: none"> <li>• the character of the Highway and traffic;</li> <li>• the standard of maintenance appropriate for a Highway of that character and used by that traffic;</li> <li>• the state of repair a reasonable person would expect to find the Highway;</li> <li>• whether the Highway Authority knew that the condition of the Highway was likely to cause danger; and</li> <li>• where; the Highway Authority could not have reasonably have been expected to repair that part of the Highway before the incident occurred, what warning notices of its condition had been displayed.</li> </ul> <p>The Section 41 duty includes a duty to provide an adequate drainage system and keep the Highway free from flooding.</p>
<p><b>Section 41</b> - The way in which DCC manage our legal duty is via the area highways teams providing and maintain appropriate/adequate drainage within the Highway curtilage.</p>		
<b>Section 103</b>	Provision of posts to indicate depth of flood water	On Highways liable to flooding to a considerable depth, the Highway Authority has a duty to provide graduated posts or stones indicating the depth of water covering the Highway where it is considered necessary or desirable.
<b>Section 130</b>	Protection of public rights	Section 130 imposes a general duty for the Highway Authority to assert and protect the rights of the public to use and enjoy the Highway. In order to fulfil this duty, the Highways Authority has a responsibility to remove encroachments and obstructions of the Highway. Flooding is classified as an obstruction.
<p><b>Section 103</b> – At times of adverse weather the Highway Division is confronted with a demand on service for which well exceeds its capability and resources. Due to this the Highway Division prioritise their response based on risk matrix, covering things such as risk to road users and impact upon critical infrastructure.</p>		
<b>Section 150</b>	Duty to remove snow, soil etc. from Highway	This section imposes a duty of the Highway Authority to remove an obstruction arisen from the accumulation of snow or from the falling down of banks on the side of the Highway, or from any other cause.
<b>Section 264</b>	Vesting of drains etc. of certain roads	By virtue of Section 264, drains which belong to a road for which DCC is the Highway Authority, have a vested right to use any other drains or sewers where they are and have been used for purposes connected to the drainage of the road. Note, however, that “private”

		drains do not lose their status by being used also for draining a Highway. Public sewers are vested in the water companies within Derbyshire for whom are as follows; Severn Trent Water, United Utilities and Yorkshire Water.
<b>Section 339</b>	Saving for works etc. of drainage authorities etc	This section requires a Highway Authority to obtain the consent of the authority's Flood Risk Management Team before any watercourse is used, interfered with, or before works are carried out on any watercourse or drainage works. The Highway Authority must obtain consent from the Environment Agency if the waterbody is designated as a Main River.

### Powers available as Highway Authority

If a person causes a nuisance (i.e. anything that obstructs the Highway or makes it dangerous) the Highway Authority have a permissive power to prosecute that person (causing a nuisance in the Highway is a common law offence) or take action in the civil courts for an injunction and/or damages. Generally, a prosecution for nuisance will only be considered if there is no suitable statutory provision under which to take action.

Highways Act 1980	Section Title	Section Description
<b>Section 137</b>	Penalty for willful obstruction	If a person, without lawful authority or excuse, wilfully obstructs the free passage along a Highway he/she is guilty of an offence and liable to a fine.
<b>Section 137</b> – This section can relate to a third party wilfully allowing the transfer of water from their land ownership on to the public Highway, thus causing an obstruction to the free passage of the Highway. This permissive power is exercised at the discretion of the Highways Division.		
<b>Section 149</b>	Removal of things so deposited on Highways as to be a nuisance etc	If anything is so deposited on a Highway as to constitute a nuisance, the Highway Authority may by notice require the person who deposited it there to remove it forthwith and in default, the Highway Authority can remove the nuisance and recover the costs. It is a possibility that flood water from third party land could be classified as a deposit and therefore a nuisance.
<b>Section 333</b>	Saving for rights and liabilities as to interference with Highways	This section preserves the common law right of the Highway Authority to remove an obstruction from the Highway or abate a nuisance or other interference with the Highway.
<b>Section 333</b> – Like Section 137 this permissive power can be exercised by the Highway Division to enforce upon a third party landowner that they refrain from allowing water to transfer from their land on to the public Highway.		



## Specific Powers in relation to flooding and drainage

The Highways Act 1980 gives DCC certain powers and rights in relation to flooding and drainage. Statutory provisions under the Highway Act 1980 are described in the table below.

Highways Act 1980	Section Title	Section Description
<b>Section 100</b>	<b>Drainage of Highways</b>	<p>Gives the Highway Authority, for the purpose of draining or preventing surface water from flowing onto the Highway the power to:</p> <ul style="list-style-type: none"> <li>a) construct or lay, in the Highway or land adjoining or lying near to the Highway, such drains as they consider necessary;</li> <li>b) erect barriers, in the Highway or in land adjoining or lying near to the Highway, to divert surface water into or through any existing drain;</li> <li>c) scour, cleanse and keep open all drains situated in the Highway or land adjoining or lying near to the Highway.</li> </ul> <p>N.B. "Drain" includes a ditch, gutter, watercourse, soak-away, bridge, culvert, tunnel and pipe.</p>
<b>Section 100</b> – This power can be utilised by the Highway Division on third party land in an attempt to mitigate impact upon the public Highway. This also allows the Highway Division to lay/construct grips within the highway curtilage. Consideration however must be given to possible compensation payments if the discharge of water impacts upon private land.		
<b>Section 101</b>	<b>Power to fill in roadside ditches etc</b>	<p>This section gives the Highway Authority power to fill in, or place pipes in and fill in, dangerous roadside ditches, where the ditch is not required for drainage purposes and where the adjoining occupier consents.</p>
<b>Section 102</b>	<b>Provision of works for protecting Highways against hazards of nature</b>	<p>A Highway Authority for a Highway maintainable at the public expense has the power to provide and maintain such barriers or other works as they consider necessary for the purposes of protecting the Highway against snow, flood, landslide or other hazards of nature.</p>
<b>Section 102</b> – This section allows barriers to be created within the adopted Highway or land which DCC have rights over, or has been acquired by the Highway Authority. This power is exercised at the discretion of the Highways Division.		
<b>Section 108</b>	<b>Power to divert navigable watercourses</b>	<p>This section authorises a Highway Authority to seek an order to divert a navigable watercourse for Highway purposes.</p>
<b>Section</b>	<b>Power to divert non-</b>	<p>This section gives the Highway Authority power</p>

<b>110</b>	navigable watercourses and to carry out other works on any watercourse	to divert a watercourse (other than a navigable watercourse) or carry out works on any watercourse (including a navigable watercourse) for Highway purposes after consultation with every council in the area. The Highway Authority must also give notice to owners or occupiers of affected land to allow for objections and may be liable for compensation.
<b>Section 163</b>	Prevention of water falling on or flowing on to Highway	A Highway Authority can require the occupier of premises adjoining a Highway to construct or erect and maintain such channels, gutters or down pipes as may be necessary to prevent water from the roof or any other part of the premises falling on persons using the Highway or prevent surface water from the premises flowing onto the footway.
<b>Section 299</b>	Right to discharge water	This section gives the right for surface water drains to discharge into inland or tidal waters, subject to compensation payable to owners or occupiers who suffer damage.

### Understanding the role of Water Companies (Private Sewers)

Often there is confusion over the responsibilities of all parties in relation to the management of piped infrastructure within an individual's landownership and the highway.

On the 1<sup>st</sup> October 2011 there was a legal transfer of private sewers from some private homeowner to the relevant sewerage undertaker for their area. Private sewers and lateral drains have been transferred to form part of the public sewer network. A private sewer is a pipe that carries rainwater and/or waste water away from more than one property to the public sewer. A lateral drain is a pipe that carries waste water away from a single property. The transferred asset will be the length located outside the property boundary. Sewers that connect to a private treatment works, connect to a septic tank or carry water directly to a watercourse have not been transferred. There are many different scenarios for the layout of pipes around different properties. All relevant water companies have diagrams shown on their websites for which serve as a guide to the typical pipe layouts. Please visit [Water UK's website](#) for further guidance on a range of scenarios.

This transfer of private sewers made no changes to independent roof water drainage systems i.e. downpipes. If a downpipe discharges on to an adopted highway and or connects directly into the main sewer within the road then this remains the responsibility of the property owner.

The private sewer transfer makes reference to wastewater not just purely surface water. The definition of wastewater is any water that has been adversely affected in quality by anthropogenic (an effect or object resulting from human activity/influence).

Sewage is the subset of wastewater that is contaminated with faeces or urine, but is often used to mean any wastewater.

- "domestic sewage" in relation to any area or premises means sewage which is not surface water or trade effluent;
- "foul water" means any water contaminated by domestic sewage or trade effluent;
- "sewage" includes domestic sewage, surface water and trade effluent

Finally, it should be borne in mind that it is an offence; pursuant to Section 111 of the Water Industry Act 1991 to empty into a sewer any matter likely to interfere with the free flow of the contents of a sewer or the treatment and disposal of its contents.

For further clarification on drainage asset ownership the relevant water company should be contacted directly.

Severn Trent Water – 08457 500 500 [www.stwater.co.uk](http://www.stwater.co.uk)

Yorkshire Water – 0345 124 24 24 [www.yorkshirewater.com](http://www.yorkshirewater.com)

United Utilities – 0345 672 3723 [www.unitedutilities.com](http://www.unitedutilities.com)

**For all enquiries relating to flooding or flood risk from the Highway:**

*Derbyshire County Council - Highways Division*  
Economy, Transport and Environment  
County Hall, Matlock, Derbyshire, DE4 3AG  
Tel: 08456 058 058  
Email: [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk)



**For all enquiries relating to local sources of flood risk:**

*Derbyshire County Council - Flood Risk Management Team*  
Economy, Transport and Environment  
County Hall, Matlock, Derbyshire, DE4 3AG  
Tel: (01629) 538563  
Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)



*These guidance notes are designed to help you understand relevant legislation and strategic documentation relating to flood risk management. If you are unsure about anything then please contact Derbyshire County Council's (DCC) Flood Risk Management (FRM) team at the details at the end of the guidance.*

The Local Flood Risk Management Strategy ('the strategy') has been developed with regard to all current legislation and guidance relating to flood risk management in Derbyshire. This Guidance Note has been created to summarise the current key legislation, reports, strategies, studies and plans available which relate to flood risk management.

## Current Key Legislation

### Flood and Water Management Act

The strategic legislation for the management of flooding in England and Wales is the Flood & Water Management Act, 2010 (FWMA), enacted following recommendations from The Pitt Review (The Pitt Review: Lessons learned from the 2007 floods). The FWMA gained royal assent on the 8th April 2010 and clarified roles for flood risk management, designating upper tier county councils and unitary authorities as Lead Local Flood Authorities (LLFA). The FWMA gives the LLFAs a coordinating role for the management of local flood risk (surface water, ordinary watercourses and groundwater). The aim of the FWMA was to empower LLFAs to facilitate a holistic approach to flood risk management at a local level.

The preparation of the strategy is just one of the duties placed upon DCC under Section 9 of the FWMA. Other key duties of the FWMA relevant to DCC:

SECTION	CONTENT	DCC's ROLE
13	Cooperation and arrangements	DCC must co-operate and where necessary share information with other relevant authorities (and vice versa) in the exercise of their flood risk management functions.
19	Local authorities: Investigations	On becoming aware of a flood event which meets local criteria, DCC must investigate which risk management authorities have relevant flood risk management functions and whether those functions have been exercised in response to the flood. It must publish the investigation.

<b>21</b>	Lead Local Flood Authorities: Duty to maintain a Register	DCC must establish and maintain a register and record of structures or features which, in the opinion of DCC are likely to have a significant effect on a flood risk in its area, and record information about each including ownership and condition details.
<b>Schedule 1</b>	Risk Management: Designation of Features	DCC (or the Environment Agency or District/Borough Council) may designate any structure or feature that it deems to affect flood risk. Upon designation by DCC, a person may not alter, remove or replace a designated feature without the consent of DCC.
<b>Schedule 2</b>	Risk Management: Amendments of other Acts	DCC have general powers for flood risk management works and consenting powers under the Land Drainage Act 1991.
<b>Schedule 3</b>	Risk Management: Sustainable Drainage	Should Schedule 3 become enacted, DCC may become the SuDS (Sustainable Drainage Systems) Approving Body (SAB) responsible for approving, adopting and maintaining any drainage systems that serve more than one property.

### Land Drainage Act 1991

The Land Drainage Act (LDA, 1991) outlines the duties and powers to manage land drainage for a number of bodies including the Environment Agency, Internal Drainage Boards, local authorities, navigation authorities and riparian landowners. The FWMA amended parts of the LDA to integrate the role of the LLFA. The key sections of the LDA that have been amended include:

SECTION	DCC'S ROLE
<b>14a</b>	DCC have permissive powers to undertake works to mitigate flood risk from ordinary watercourses.
<b>23</b>	DCC are the consenting authority for works within or in close proximity to an ordinary watercourse.
<b>24</b>	DCC have permissive powers to serve notice if an obstruction is erected, raised or altered without consent under Section 23.
<b>25</b>	DCC have permissive powers to serve notice on a riparian landowner to ensure a watercourse maintains the free passage of flow.

### Water Framework Directive

The Water Framework Directive (WFD) is a piece of European Legislation put in place to improve and integrate water quality management across Europe. It came into force in December 2000 and was transposed into UK law in 2003.



European Member States must aim to reach ‘good’ chemical and ecological status in inland and coastal waters by 2015. The WFD is implemented through River Basin Management Plans (RBMPs). These plans identify a series of mitigation measures required to be implemented to improve the ecology of water bodies by a specific deadline. Flood risk management activities have a big role to play in helping to meet the requirements of the WFD therefore any flood risk management functions must take into account the requirements of the WFD.

### Other Important Legislation

The following table summarises other important legislation relevant to flood risk management prior to the FWMA which are assigned to a number of organisations.

LEGISLATION	IMPLICATIONS FOR FLOOD RISK MANAGEMENT
Flood Risk Regulations 2009	The EU Floods Directive was transposed into UK law through the Flood Risk Regulations (2009). The main requirement for Derbyshire was to produce a Preliminary Flood Risk Assessment (PFRA) by 22 <sup>nd</sup> June 2011. The PFRA must be updated every 6 years.
EU Floods Directive 2007	The EU Floods Directive was brought about as a result of the devastating floods across Europe in the late 1990's and 2000's. This directive was introduced to help reduce the adverse consequences of flooding across Europe.
The Reservoir Act 1975	The Environment Agency is responsible for approximately 2000 reservoirs in England and Wales and enforces the Reservoirs Act 1975. Ultimately this responsibility for safe management remains with the reservoir owners but the Environment Agency enforce that responsibility. The Environment Agency also maintains a register of all large, raised reservoirs and the information it contains is available to the public.
<b>Other important legislation related to flood risk management</b>	
Water Act 2014	The purpose of the Water Act is to reform the water industry to increase the resilience of water supplies to natural hazards and also bring forward measures to address insurance issues.
Localism Act 2011	The Localism Act makes provisions about the functions and procedures of local authorities.
The Climate Change Act 2008	The Climate Change Act has given the Government powers to require public bodies and statutory organisations to report on how they are adapting to climate change.
The Civil Contingencies Act 2004	The Civil Contingencies Act aims to deliver a single framework for civil protection in the UK and sets out the actions that need to be taken in the event of a flood and other emergencies.
EU Strategic Environmental	The Strategic Environmental Assessment Directive requires an ‘assessment of the effects of certain plans and programmes on the

Assessment Directive 2001	environment', including public consultation, which must be taken into account by decision-makers. A Strategic Environmental Assessment was produced alongside Derbyshire's Local Flood Risk Management Strategy.
The Countryside & Rights of Way Act 2000	The Act provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of Special Scientific Interest, strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty.
EU Habitats Directive 1992	The Habitats Directive aims to conserve fauna, flora and natural habitats of EU importance. The Directive requires the establishment of a network of protected Special Areas of Conservation and Special Protection Areas across Europe.
The Town and Country Planning Act 1990	The Town and Country Planning Act established that planning permission was required for land development. Local Authorities as Local Planning Authorities have powers to approve/refuse development.
The Wildlife and Countryside Act 1981	The Wildlife and Countryside Act 1981 is the primary legislation which protects animals, plants, and certain habitats in the UK
EU Environmental Impact Assessment Directive 1985	Projects that can be considered as having significant effects on the environment require a mandatory Environmental Impact Assessment (EIA).
The Ancient Monuments & Archaeological Areas Act 1979	Ancient Monuments are protected under this Act. Scheduled monument consent is required for anything that may physically affect a scheduled monument.

### Flood Risk Management Related Strategies and Policies

A range of other non-legislative local and national documents, strategies and policies have been published that also inform or relate to work that the DCC FRM team undertakes. Many of these are strategies (produced by external agencies) relate to flood risk management whereas others are produced by various sections of DCC that contribute to the overall service delivery of the Council.

The table below summarises a number of key strategies/policies of which relate to flood risk management.

STRATEGY /POLICY	CONTENT	SOURCE
The National Flood and Coastal Risk	The National strategy was produced to help to encourage effective flood risk management at a national level. Derbyshire's local strategy must align with the objectives of	<a href="#">Link</a>

Management Strategy	the national strategy.	
Planning Practice Guidance Flood Risk and Coastal Change 2014	Advises on how planning can take account of the risks associated with flooding and coastal change in plan-making and the application process.	<a href="#">Link</a>
National Planning Policy Framework 2012	A simplified framework for national planning policy published in March 2012, consolidating planning policy statements and guidance.	<a href="#">Link</a>
Future Water – The Government's water strategy for England 2008	Future Water sets out the vision for the water sector up to 2030.	<a href="#">Link</a>
Making Space for Water 2004	A document which sets out how the Government are to implement a holistic approach to flood risk management over a 20 year period.	<a href="#">Link</a>
Catchment Abstraction Management Strategies (Lower Trent, Derwent, River Dove)	The EA manages water resources principally through the water resource abstraction licensing system. To aid water resource management the EA assess water resource availability at a regional and local (catchment) level. Based on its understanding of abstraction of water for public supply, the needs of the environment and other uses the EA have produced Catchment Abstraction Management Strategies (CAMS) to inform future licensing decisions.	<a href="#">Link</a>

### Flood Risk Management Related Plans

A wide range of flood risk management related plans have been produced by RMAs and other relevant stakeholders, which set out how the organisation are going to manage various aspects of flood risk. Below is a sample of the plans available, but the list is not exhaustive and others are available.

PLAN	SUMMARY	SOURCE
Catchment Flood Management Plans (CFMPs)	The EA have produced CFMPs which give a strategic overview of the overall flood risk for each river catchment in England and Wales and recommend ways of managing those risks.	<a href="#">Link</a> <a href="#">Link</a>
Derbyshire Strategic Flood	A Level 1 study has been completed which assess and maps the different levels and types of flood risk to proposed	Please contact

Risk Assessment (SFRA) for Minerals and Waste	minerals and waste sites within Derbyshire. The Level 1 SFRA for Minerals and Waste is yet to be published.	the FRM team
Derbyshire Preliminary Flood Risk Assessment (PFRA)	The PFRA provides a high level overview of existing and potential flood risk from local sources. The report was prepared to meet the requirements of the Flood Risk Regulations and is required to be updated every 6 years.	<a href="#">Link</a>
Strategic Environmental Assessment (SEA)	An SEA has been produced in conjunction with the local strategy to ensure that potential environmental impacts of the strategy have been assessed.	DCC website
DCC Climate Change Adaptation Plan	This document sets out DCC's corporate strategy for adaptation to the impacts of climate change in the future. The strategy takes into account climate change and how it could affect local flood risk management.	<a href="#">Link</a>
DCC Local Transport Plan	DCC's Local Transport Plan sets out the council's transport vision and strategy up to 2026. Included is DCC's plan to make the transport network in Derbyshire more resilient to climate change.	<a href="#">Link</a>
LPA Core Strategies & Local Plans	Produced by each of the Local planning Authorities (LPAs) at the District/Borough level, the Core Strategy details how each District/Borough's towns, villages and countryside will change in the coming years. The Local Plans contain local policies on development and planning issues. They also allocate specific sites for potential development. Development and planning decisions made by the LPA are assessed against the requirements of the Core Strategy.	Published on each local District or Borough Council website
DCC Development and Infrastructure Plan	The Derbyshire Infrastructure Plan sets out our communities' current and future needs and spending priorities for infrastructure and service delivery to support development.	<a href="#">Link</a>
Derbyshire's Highways Network Management Plan	The Highway Network Management Plan is a technical document which specifies the maintenance and repair standards for managing Derbyshire's Highway network.	<a href="#">Link</a>

## District/Borough Council Strategic Flood Risk Assessments & Water Cycle Studies

SFRAs were produced as a requirement of previous planning guidance for flood risk management with the key aim that they should map and better understand the current flood risk to the administrative area from various sources. This information was used to inform local strategies/plans and policies relating to sustainability and development. Below is a list of the latest SFRAs produced by or on behalf of the District/Borough Councils for Derbyshire.

Most District and Borough Councils have produced or commissioned water cycle studies to predict the impact of the expected growth in housing on the water cycle, to inform the local development framework and to highlight any problems that may need addressing to achieve sustainable growth. The table also provides a link to the District/Borough Council webpage where their Water Cycle Study is available.

Amber Valley Strategic Flood Risk Assessment and Water Cycle Study	<a href="#">Link</a>
Erewash Strategic Flood Risk Assessment and Water Cycle Study	<a href="#">Link</a>
South Derbyshire Flood Risk Assessment and Water Cycle Study	<a href="#">Link</a>
Derbyshire Dales Strategic Flood Risk Assessment	<a href="#">Link</a>
Chesterfield Borough, Bolsover District and North East Derbyshire District Strategic Flood Risk Assessment and Water Cycle Study	<a href="#">Link</a>
High Peak Strategic Flood Risk Assessment	<a href="#">Link</a>
Peak District Strategic Flood Risk Assessment	<a href="#">Link</a>

### Derbyshire County Council

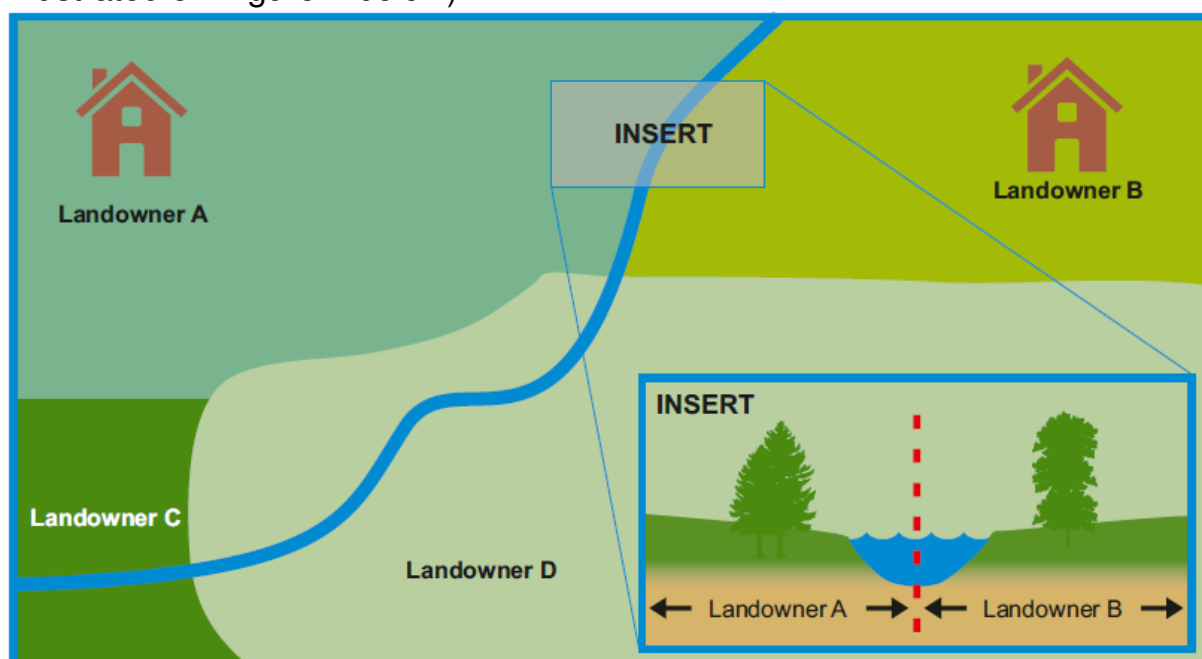
Flood Risk Management Team  
 Economy, Transport and Environment  
 County Hall, Matlock, Derbyshire, DE4 3AG  
 Tel: (01629) 538563  
 Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)



*These guidance notes are designed to help you understand the role and responsibilities of riparian landowners. If you are unsure about anything discussed then please contact Derbyshire County Council's (DCC) Flood Risk Management (FRM) team at the details at the end of the guidance.*

## Riparian Landownership

If you own land or property next to or over a river, stream, ditch or culvert/pipe that forms part of a watercourse you are legally termed a 'riparian landowner' of that section of the watercourse that falls within your land. If your land boundary is next to a watercourse it is assumed you own the land up to the centre of the watercourse, unless it is definitively owned by someone else (as illustrated on Figure 1 below).



**Figure 1: Illustration of riparian landownership**

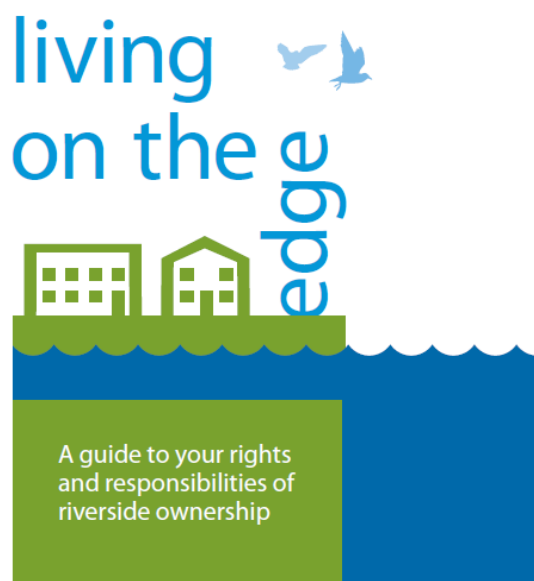
If a watercourse runs alongside your garden boundary wall or hedge you should check your property deeds to see if the wall or hedge marks your boundary. If the watercourse marks the boundary, it is assumed you own the land up to the centre of the watercourse. Occasionally a watercourse, especially an artificial one, will be the responsibility of a third party; to establish this you should check your property deeds.

## Living on the Edge



The Environment Agency have produced a document that summarises rights and responsibilities of riverside ownership called '[Living on the edge](https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities)'<sup>13</sup> available online.

'Living on the edge' also summarises the role of Risk Management Authorities (RMAs), who are responsible for flood risk management and flood defences and explains how you can work with these organisations to protect and enhance the natural water environment.



## Rights and Responsibilities

All riparian landowners have the same rights and responsibilities.

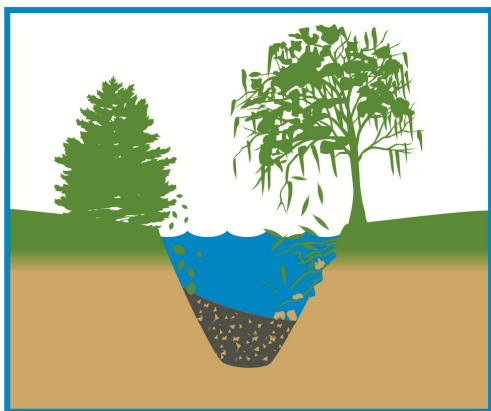
### *Your rights as a riparian landowner*

- Water should flow onto or under your land in its natural quantity and quality. The water should not be taken out of a watercourse if it could lead to a lack of water for those who need it downstream. It also means that a person cannot carry out activities that could lead to pollution of the water and therefore reduce the natural water quality within a watercourse.
- You have the right to protect your property from flooding, and your land from erosion. However, you should check with the County Council or Environment Agency before you start any work, particularly if you propose undertaking works on or adjacent to a watercourse or river.
- You may have a right to abstract a certain volume of water from the watercourse. You are advised to check with the Environment Agency.
- You may have the right to fish in your watercourse. You are advised to check with the Environment Agency as to whether you require a licence.

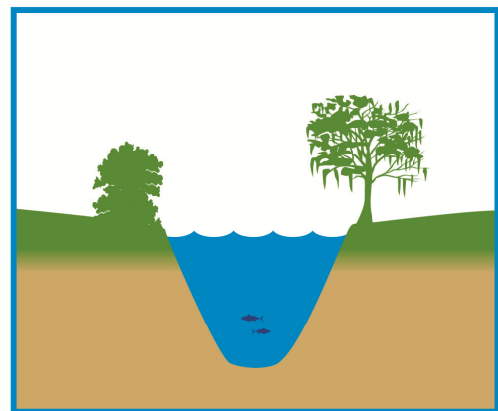
<sup>13</sup> <https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

### *Your responsibility as a riparian landowner*

- You have a duty to pass on water through your land without any obstruction, pollution or diversion which may affect the rights of others. Others, including adjoining riparian landowners also have the right to receive water in its natural quantity and quality.
- You must accept floodwater through your land, even if these are caused by inadequate capacity downstream. A landowner has no duty in common law to improve the drainage capacity of a watercourse they own.
- You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks and must clear anything that could cause an obstruction and increase flood risk.
- You must keep any structures, such as culverts, trash screens, weirs and mill gates clear of debris. They may be vital for flood protection.
- You are responsible for protecting your property from water that seeps through natural or artificial banks. Where this damages a flood defence, you may be required to pay for repairs.
- You must control invasive alien species such as Japanese knotweed.
- As a riparian landowner you also have a responsibility to manage your own flood risk.



**Poorly maintained watercourse**



**Well maintained watercourse**

For more information regarding roles and responsibilities please refer to 'Living on the edge'.

### **Frequently asked questions**

#### *Am I a riparian landowner?*

If you own land that a watercourse (river/ditch/dyke/pipe/culvert/etc.) flows through you are likely to be the riparian landowner. If you are unsure whether you are a 'riparian landowner' then please check your property deeds. If you

are still unsure then please contact the FRM team using the details at the end of this guidance.

### *Are the County Council a riparian landowner?*

The County Council do not own any watercourses except parts of those that flow through land owned by the County Council. The County Council are therefore the riparian landowner of that section of watercourse and have riparian responsibilities like any other riparian landowner. Where a watercourse passes beneath the Highway the Highways Authority (County Council for all non-Trunk Roads) would maintain that section of watercourse to limit the impact on the public Highway. The County Council would not own that section of land however.

### *My neighbour is not fulfilling their duty as a riparian landowner?*

If you think that a neighbouring landowner is not fulfilling their duties as a riparian landowner, and this may be causing or exacerbating flood risk, then there are steps that can be taken to help mitigate the situation. This includes discussing your concerns with your neighbouring landowner, advising them of their riparian responsibilities and pointing them in the direction of 'Living on the edge'. If you wish to obtain further support and guidance you can contact the FRM team using the details at the end of this guidance.

### *Can the County Council enforce my neighbour to fulfil their riparian duties?*

DCC has permissive powers under Section 25 of the Land Drainage Act to enter land to undertake emergency works to mitigate flooding/flood risk. Permissive powers would only be exercised under extreme circumstances. The County Council would only consider exercising their permissive powers once all other forms of communication had been exhausted and would not be undertaken without a full understanding of the benefits/risks involved and relevant internal approval gained.

### *What level of maintenance is required of my section of watercourse?*

Section 25 of the Land Drainage Act specifies that you must let water flow through your land without any obstruction or diversion which affects the rights of others. Receiving landowners have a right to receive water in its natural quantity. If you are unsure about the level of maintenance that you need to undertake please refer to 'Living on the edge' or contact the FRM team on the details at the end of this guidance.

Please remember that any works may require Land Drainage Consent from DCC's FRM team (or even in some cases the Environment Agency) and when undertaking any works you should have due regard for the water environment

(wildlife, habitat and invasive plants). For information relating to invasive plants please refer to the [government website](#)<sup>14</sup>.

If you have any concerns or doubt then please contact the FRM team.

**Derbyshire County Council**  
Flood Risk Management Team  
Economy, Transport and Environment  
County Hall, Matlock, Derbyshire, DE4 3AG  
Tel: (01629) 538563  
Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

<sup>14</sup> <https://www.gov.uk/wild-plants-dangerous-invasive-and-protected-species>



## Guidance Notes: ROLES AND RESPONSIBILITIES

*These guidance notes are designed to help you understand relevant roles and responsibilities for managing the different sources of flood risk. If you are unsure about anything then please contact the Flood Risk Management (FRM) team at the details at the end of the guidance.*

Floods can arise from a number of different sources as discussed within the Local Flood Risk Management Strategy ('the strategy'). No single body has the means to manage all sources of flood risk however all stakeholders have a part to play in effective flood risk management.

### Risk Management Authorities (RMAs)

The Flood and Water Management Act (FWMA, 2010) identifies Derbyshire County Council (DCC) as the Lead Local Flood Authority (LLFA) for Derbyshire. It also identifies certain organisations as Risk Management Authorities (RMAs) who have a key role in managing flood risk at a local level and must cooperate with all other RMAs to ensure a partnership approach is adopted for Derbyshire.

RMAs have specific powers and duties for local flood risk management. All RMAs have a duty under Section 13 of the FWMA to cooperate with one another when exercising functions relating to flood and coastal erosion risk management. RMAs can also agree to delegate tasks to one another under Section 13. All RMAs must act consistently with the Derbyshire's strategy and also the National Flood and Coastal Erosion Risk Management Strategy (under Section 11 of the FWMA).

**A duty is something the RMA is legally obliged to do;  
a permissive power can be used at the RMA's discretion**

The organisations in Derbyshire that are designated as RMAs and have a role in managing flood risk are:

- Derbyshire County Council – the Lead Local Flood Authority
- Derbyshire County Council – Highway Authority
- Environment Agency
- Highways Agency
- Water companies (Severn Trent Water, Yorkshire Water & United Utilities)
- District/Borough Councils – Land Drainage Authorities

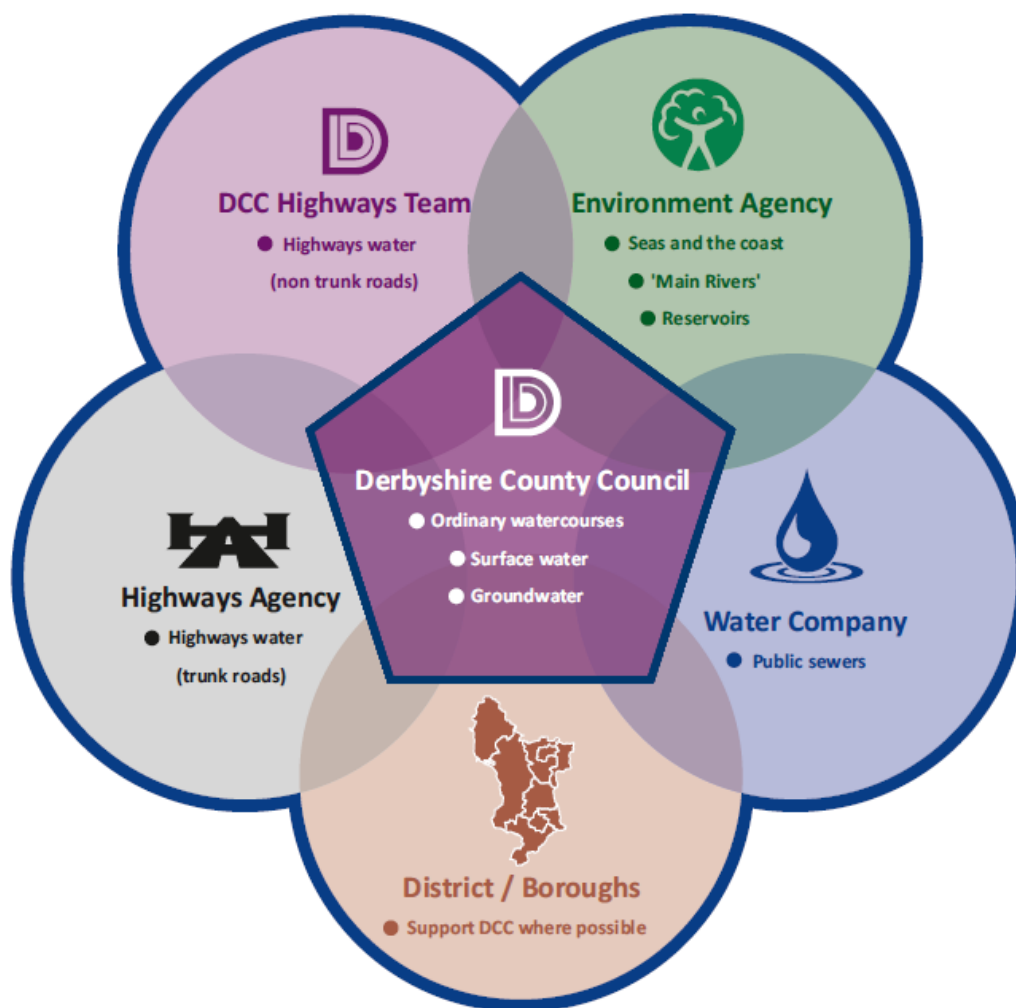


Figure illustrating 'working together'

### The Role of the Lead Local Flood Authority – Derbyshire County Council

The LLFA has an overarching strategic coordinating role in managing local flood risk from surface water (pluvial), ordinary watercourses (fluvial) and groundwater sources.

DCC's key responsibilities as a LLFA are to:

- **Develop a Local Flood Risk Management Strategy** (Section 9 FWMA).
- **Investigate flooding** (Section 19 FWMA) to a locally derived threshold – DCC has developed policy which identified thresholds for investigation for Derbyshire.
- **Maintain a register of assets** (Section 21 FWMA) affecting flood risk management.

The FWMA also amended the following sections of the Land Drainage Act 1991 (LDA) resulting in new roles and responsibilities for DCC:

- Section 14a – The addition of this subsection introduced the role of the LLFA and provides general permissive powers to undertake works to mitigate flood risk from ordinary watercourses, surface water and groundwater.
- Section 23 – As of 6th April 2012 the responsibility for issuing Land Drainage Consents for works in or near to ordinary watercourses passed from the EA to the LLFA.
- Section 25 – The LLFA have permissive powers to require works to maintain the free passage of flow on ordinary watercourses.

Under the FWMA the LLFA can delegate their powers to District/Borough Councils.

## **The Role of the other Risk Management Authorities**

### *Derbyshire County Council – Highways Authority*

The Highways Authority has a duty under the Highways Act (1980) to drain the local Highway network (not Trunk Roads) of surface water where it creates a nuisance. Where drainage infrastructure is provided to assist in this duty then the Highways Authority must maintain it to be fit for purpose. Maintenance of roadside drainage ditches may be the direct responsibility of the Highways Authority or the adjacent landowner.

### *Environment Agency*

The Environment Agency has the strategic oversight for all flood and coastal erosion risk management in England and Wales. The EA is responsible for managing coastal flooding and fluvial flooding from Main Rivers as well as the risk of flooding from reservoirs. For more information please visit the [Environment Agency](https://www.gov.uk/government/organisations/environment-agency)<sup>15</sup> website.

### *Highways Agency*

The Highways Agency has sole responsibility and powers for managing Highway surface water runoff from the trunk road network (i.e. M1, A50, A38 etc).

### *Water Companies*

Derbyshire is serviced by three water companies who manage the surface water, foul water and combined public sewer network throughout Derbyshire and neighbouring authorities. These authorities have a duty to ensure the

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<sup>15</sup> <https://www.gov.uk/government/organisations/environment-agency>

reliable operation and maintenance of the public sewer network. For more information contact the following water companies:

- [Yorkshire Water](#)<sup>16</sup>
- [Severn Trent Water](#)<sup>17</sup>
- [United Utilities](#)<sup>18</sup>

### *District/Borough Councils*

The District/Borough Councils of Derbyshire are designated as Land Drainage Authorities under the LDA. The Land Drainage Authorities retain general powers under Section 14 of the LDA to enter private landownership and undertake works to alleviate flood risk.

The LLFA also liaise with the following key teams of the District/Borough Authorities:

- Local Planning teams - for sustainable planning and development.
- Environmental Health teams - District/Borough Authorities have a duty to manage flood related issues which could be considered a risk to health or a nuisance. They have general powers to serve notice upon landowners to undertake remedial action on water related issues under the Public Health Act (1936).
- Land Drainage officers (if they have them) - Undertake cyclic/reactive maintenance on watercourses for which the District/Borough is the relevant landowner.
- Parks / Open space teams - District/Borough Authorities are responsible for the maintenance of public open space, which in some instances is utilised to accommodate flood water flows from nearby developments.

For more information regarding the above teams please refer to the relevant District/Borough website.

### **Other County Council Teams not Defined by the FWMA**

In considering the duties of the LLFA the FRM team also liaise with the following service delivery teams of the County Council:

- Emergency Planning team – to ensure effective arrangements are in place to protect the people and the environment in an emergency and reduce the impact of the event.
- Rights of Way team – for enquiries relating to drainage/flooding on public rights of way.

<sup>16</sup> <http://www.yorkshirewater.com/your-water-services/flooding-advice>

<sup>17</sup> <http://www.stwater.co.uk/waste-water-and-sewers/during-flooding>

<sup>18</sup> <http://www.unitedutilities.com/been-flooded>

- Conservation and Design team – for ecological guidance and advice.
- Minerals and Waste Planning team – for assistance with strategic planning of Minerals and Waste sites.
- Highways team – for enquiries and maintenance regimes relating to Highway assets that cause or exacerbate flood risk.
- Bridges and Structures team – for issues relating to structures that can impact on local flood risk.
- Development Control team – for enquiries relating to sustainable planning and development.

For more information regarding the above teams then please visit [Derbyshire County Council's website](http://www.derbyshire.gov.uk)<sup>19</sup>.

### Other Key Stakeholders not Defined by the FWMA

It should be noted that there are numerous other key stakeholders that have a vital role to play in managing flood risk, that are not defined within the FWMA. These include:

- Town/Parish Councils
- Network Rail and other infrastructure providers
- Association of British Insurers
- National Farmers Union
- Derbyshire Wildlife Trust, Natural England and other environmental organisations
- English Heritage
- National Flood Forum
- Canal and River Trust
- Riparian Landowners and estate owners
- Housing association
- Voluntary organisations
- Local partnerships, forums and community groups
- Professional institutions
- Universities
- Developers
- Residents
- Farmers

These organisations are pivotal in supporting the LLFA and RMAs in achieving national and local objectives for flood risk management.

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<sup>19</sup> <http://www.derbyshire.gov.uk>



**Derbyshire County Council**  
Flood Risk Management Team  
Economy, Transport & Environment  
County Hall, Matlock, Derbyshire, DE4 3AG  
Tel: (01629) 538563  
Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)

## Guidance Notes: Rural Land Management

*These guidance notes are designed to help you understand how good land management can assist in reducing flood risk locally. If you are unsure about anything discussed then please contact the Derbyshire County Council's (DCC) Flood Risk Management (FRM) team using the details at the end of this guidance.*

### The impact of flooding on agricultural land



**Flooded agricultural farmland**

Flooding of agricultural land can result in damages to local farmers such as:

- Reducing the quality and quantity of produce by over saturation;
- Restricting good farming practice; and
- Flooding of livestock sheds and or holding areas.

Standing water on agricultural land may also contradict the requirements for land designated under a [Environmental Stewardship Scheme](#)<sup>20</sup>.



**Flood sensitive ploughing in South Derbyshire**

Flood water flow from agricultural fields can also exacerbate local flooding issues for downstream communities. This is a particular problem where a community is already at a high risk or suffering from drainage concerns. The way in which land is farmed can help to mitigate this flooding problem.

### Agricultural land management

practice in farming can also lead to benefits for local and catchment flood risk management. Farmland is an important resource which, if managed correctly, can assist in reducing flood risk for the wider community downstream as well as boosting productivity for farmers' livelihood.

Many aspects of agricultural land management can impact upon local flood risk. Often achieving good environmental

<sup>20</sup> <https://www.gov.uk/environmental-stewardship>



**Good practice of contour ploughing**  
**Source: Environment Agency**

Fertile and healthy soil is an arable farmer's greatest asset as their livelihoods depend on the productivity of the soils. Best practice environmental farming is key to achieving soils that promote good drainage and infiltration of water into the ground and soils that are resistant to erosion. Consequently, surface water runoff from agricultural land as well as the leaching of sediment and pollutants into local watercourses can be reduced. There is also clear evidence that good environmental practice in farming can help to cut

costs and increase farm revenue<sup>21</sup>. The following farming techniques can help to achieve flood risk and environmental benefits:

- Taking care to plough fields in a cross-slope direction that doesn't promote rapid runoff and soil erosion;
- Minimising exposure of soil through appropriate land management (such as less intensive grazing and crop rotations);
- Preventing cattle from poaching watercourse banks by utilising drinking bays;
- Managing land to minimise soil compaction and promote infiltration; and
- Maintaining buffer strips adjacent to watercourses and optimising nutrient usage to reduce wastage via runoff.



**Restricting livestock access to watercourses**

Key to the drainage of much of Britain's agricultural land are local ditches and watercourses. As well as benefiting the drainage and hence quality of agricultural land, well maintained ditches and watercourses have proven in many cases to be of great importance to local flood risk, particularly for communities living downstream. Farming practices that limit soil erosion are cost effective to local landowners, reducing excessive sediment build up in local watercourses. These accumulations of soils and silts are required to be

<sup>21</sup> Defra publication "Protecting our Water, Soil and Air" (available online or by contacting Defra: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>)



removed in order for the watercourse to function correctly such as via dredging which can be costly.

The responsibility for maintaining ditches and watercourses on agricultural land rests with the relevant landowner(s) making watercourse maintenance a key part of rural land management.

For further information regarding riparian rights and responsibilities please refer to the [Riparian Responsibilities Guidance Notes](#) and the Environment Agency publication '[living on the edge](#)<sup>22</sup>'.

The National Farmers Union (NFU) works to make continued improvements in land management amongst its members and a number of organisations are providing practical and financial assistance to farmers to help them improve their land management. Supported actions include reducing compaction, promoting soil and silt management and reducing poaching of watercourses by cattle. These initiatives are delivered through schemes such as Environmental Stewardship and the Catchment Sensitive Farming initiative.



**Developing upland forest in the Upper Derwent Valley planted in 1990**  
Source: Moors for the Future

### Catchment land management

Elsewhere in the County and the wider East Midlands area, organisations and partnerships are working with landowners to promote the naturalisation of catchments in an attempt to boost environmental quality as well as reduce flood risk. For example, the National Forest has set up a nationally recognised environmental project which aims to create up to 200 square miles of forested land in South Derbyshire and neighbouring Local Authority areas. Similarly, the Clough Woodland Project by the Moors for the Future Partnership aims to support landowners to create



**Recent clough woodland planting in the Upper Derwent Valley**  
Source: Moors for the Future

<sup>22</sup> [www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities](http://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities)

native woodland in the upper Derwent catchment.

The Moors for the Future Partnership are also working with partners and landowners to restore the blanket bog landscape of the Dark Peak area of the Peak District. Two hundred years of human intervention has resulted in a degraded landscape with very little of the ecological quality and water retention potential remaining.

### Contacts for further information

Environment Agency	08708 506506
DEFRA	08459 335577
Natural England	08456 003078
National Farmers Union	02476 858500
The Soil Association	01173 145000
Pesticides Safety Directorate	01904 455775
LEAF – Linking Environment and Farming	02476 413911

#### **Derbyshire County Council**

Flood Risk Management Team  
 Economy, Transport & Environment  
 County Hall, Matlock, Derbyshire, DE4 3AG  
 Tel: (01629) 538563  
 Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)



## Guidance Notes: FUNDING

*These guidance notes are designed to help you understand the funding sources available for flood risk management. If you are unsure about anything discussed then please contact Derbyshire County Council's (DCC) Flood Risk Management (FRM) team at the details at the end of this guidance.*

There is no way of hiding from the current and future budget pressures faced by all public bodies within the country. However; often through times of adversity comes innovation and new ways of partnership working to achieve a common goal. This can be very much associated to the way in which DCC as a Lead Local Flood Authority (LLFA) need to look at funding flood mitigation projects within Derbyshire.

### Funding for Lead Local Flood Authority responsibilities

The Government has committed funding annually to support LLFAs in their 'new' flood risk management roles up to 2015. The funding has been allocated by Department for Environment and Rural Affairs

(Defra), based on the individual risk each local authority faces. Beyond this period funding commitments are unclear and there are likely to be pressures on further funding given the significant challenges local government faces within the current spending review. This funding is not ring-fenced and in the current financial climate, with strong competition from other, more established service areas, LLFAs may need to make a strong business case locally to secure sufficient resources for delivery of their statutory obligations. The Local Flood Risk Management Strategy sets out an evidence base for retaining this funding based on the requirements now placed on DCC for coordinating local flood risk sources. After 2015 the funding commitments from Defra are unclear.

### Regional Flood and Coastal Committees

Regional Flood and Coastal Committees (RFCCs) are committees established and managed by the Environment Agency under the Flood and Water Management Act (FWMA). The committees are made up of elected members (appointed by LLFAs) and independent members with relevant flood risk management experience. The committees meet four times a year for three key purposes:

- To ensure there are coherent plans for identifying, communicating and managing flood (and coastal erosion) risks across catchments (and shorelines);
- To promote efficient, targeted and risk based investment in flood and coastal erosion risk management that optimises value for money and benefits for local communities; and
- To provide a link between the Environment Agency, LLFAs, other Risk Management Authorities (RMA) and relevant bodies to promote a mutual understanding of flood and coastal erosion risks in its area.

Only elected members and selected committee members from the Environment Agency can vote on committee matters. Derbyshire's representatives look to ensure that Derbyshire's priorities are put forward to the committee.

The elected members who represent Derbyshire are able to take a technical officer to each meeting to help advice on any technical matters during the meeting. Elected members can choose to nominate a deputy to attend on their behalf; however a formal letter must be issued to the committee prior to the meeting to allow the nominated deputy to vote.

Derbyshire falls within three committee regions and is represented by an elected member who represents Derbyshire's interests:

RFCC	Area of Derbyshire represented	Representation
Midlands	The majority of Derbyshire falls within this committee region.	Full seat
Yorkshire	The north east parts of Derbyshire fall within this committee region.	Full seat
North-west	Only very small parts of the north-west of Derbyshire fall within this committee area.	Observer

### **Flood and Coastal Erosion Risk Management Grant in Aid (FCERM GiA)**

The main source of funding available for flood risk management schemes is FCERM GiA, a national funding source made available by the government. This money can be bided for by the Environment Agency, Local Authorities and Internal Drainage Boards to deliver flood risk management projects. In some instances Highways Authorities and water companies can also bid for this money in collaboration with another RMA. Local communities and/or flood action groups can work with any of these organisations to develop a scheme and put in an application for funding on their behalf.

FCERM GiA can be bided for a variety of projects ranging from large engineered schemes to individual property level protection reducing flood risk

from surface water, groundwater and fluvial sources. However the schemes must demonstrate that the investment would be cost beneficial, buildable and not detrimental to the environment.

### Local Levy

Local Levy is generated through Local Authorities who are levied by the Environment Agency under the Environment Agency (Levies) (England and Wales) Regulations (2011). The amount of money 'levied' by each authority is dependent on the number of Council Tax Band D<sup>23</sup> equivalent households and above within the authority's area. The use of Local Levy is agreed by the RFCCs.

Local Levy is mainly used to support locally important schemes that require additional financial support to make them viable on the national scale. Local Levy money can also be used to fully fund small scale relatively inexpensive locally important flood risk management projects or investigations/studies.

The amount of levied money is discussed at the RFCC meetings and the committee members who are representatives from Local Authorities can vote to increase or decrease the percentage amount of money levied each year.

### Funding Allocation Process

Historically the FCERM GiA allocation process has focussed on those schemes that have made the biggest contribution towards government targets (social, economic and environmental) per pound of investment required. In some cases schemes were 100% funded by this pot of money. A new system for funding allocation is now in place which allows schemes that may not be able to compete to achieve national targets but are locally important. The new system allows more schemes to be eligible for some national funding, including smaller surface water and Property Level Protection (PLP) schemes.

The amount of the project funding available FCERM GiA is dependent on three factors:

- The value of benefits for householders as a result of the project, expressed as the number of homes which are moved from one level of flood risk to a lower level of flood risk;
- The value of other benefits of the project such as benefits to business, social benefits, agricultural productivity and protection for critical infrastructure; and
- The environmental benefits of the project (such as contributions to the Water Framework Directive requirements).

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23 For more information regarding property banding please refer to:  
<http://www.voa.gov.uk/corporate/CouncilTax/howYourHomelsbanded.html>

Specific information is required regarding the three factors (discussed earlier) so that its benefits can be compared, in a consistent and transparent manner, with other projects.

The likelihood of securing FCERM GiA or even Local Levy funding can significantly increase when other sources of funding are secured, even if the contributions are small in some cases. Additional funding contributions increase the PF (partnership funding) score for the scheme. Therefore the higher the PF score and the more partnership funding a scheme can attract to support a bid the better the chance of the scheme attracting FCERM GiA funding.



### National Expenditure Programme

In the 2014/15 financial year the government introduced a new six year capital programme (2015/16 to 2020/21), for inclusion in the Autumn Statement announcement in December 2014. This meant that the FRM team submitted a list of schemes (currently known about) to be considered for the six year capital investment.

The national 2015/16 to 2020/21 six year programme was prioritised in the following order:

- Projects which, for legal or health and safety reasons, need to be completed the following year.
- Approved projects which are already under construction.
- New projects which are prioritised based on the benefits they will deliver, taking into account the timing and availability of external contributions.

DCC have secured funding for a number of schemes across this six year period. The six year capital programme is however to be reviewed on an annual basis and retains some flexibility which should enable new schemes to be integrated into the on-going programme of works. For more information please contact the FRM team.

## Frequently asked questions

### *Can a member of the public bid for FCERM GiA?*

A member of the FRM team at DCC or another RMA can bid for money for a scheme on behalf of a member of the public or local community flood action group. Prior to submitting any bids the FRM team would assess whether a scheme would be viable for the funding taking into account the benefits of a scheme such as number of homes and other financial, social and environmental benefits. To enquire about the possibility of bidding for money please contact the FRM team on the details at the end of the guidance.

### *Can a bid for FCERM GiA be made to obtain money to protect one house?*

It is very unlikely that a scheme will be cost proportionate to obtain funding from the FCERM GiA process for one property. There are other ways of helping to reduce the flood risk to an individual property which are explained within DCC's local strategy. In some instances where a small number of properties are at a significant risk the FRM team may seek to obtain funding from the RFCC's for just Local Levy. However this would be assessed on a case-by-case basis.

### *How can I provide funding to support a scheme?*

If it is identified that a scheme may be viable to receive funding from the FCERM GiA and Local Levy process then as many partnership contribution sources will be required to boost the chances of that scheme receiving nationally allocated funds. Once a scheme has been allocated funding all partnership funding sources will be sought. The DCC FRM team will provide more support and guidance once the funding is required to be collated and injected into the scheme.

Contained below is an overview of the various other funding sources available for supporting flood mitigation projects.

#### **Derbyshire County Council**

Flood Risk Management Team

Economy, Transport and Environment Department

County Hall, Matlock, Derbyshire, DE4 3AG

Tel: (01629) 538563

Email: [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk)



Type of Funding		Description
National Funding	Flood and Coastal Erosion Risk Management Grant in Aid (FCERM GiA)	As a risk management authority, you can apply for an allocation of government funding annually from the Environment Agency (EA). You can use flood and coastal erosion risk management grant in aid (FCERM GiA capital grants) towards the costs of building new flood mitigation projects. Bids are submitted applying for this money in six yearly cycles.
	Defra grants	DCLG Local Services Grant is non-ring fenced grant and requires the Lead Local Flood Authority (LLFA) to make a strong internal business case to secure this money to deliver their statutory obligations.
	Public Works Loan Board	Finance from Her Majesty's Treasury for public bodies which is most appropriate for delivering major capital schemes that deliver long term benefits to a community.
	Regional Growth Fund	Central government money to help regions reliant on public sector industries to realise private sector growth. Money available to specific projects that achieve regeneration and economic development goals.
European Funding	(e.g. EU Structure Fund, INTERREG)	There are various grants and development funds available at the European scale, mainly in support of schemes that facilitate commercial development, benefit deprived areas/groups or offer environmental benefits. INTERREG is a European scheme aimed to stimulate interregional cooperation in the EU encouraging regions to join together and share information and practices.
	Local Enterprise Funding (LEP)	The LEP for Derbyshire is known as D2N2 (funding for Derby, Derbyshire, Nottingham and Nottinghamshire). This funding is available to support and encourage economic growth in the D2N2 region.

Local Funding	S106 agreements	Section 106 of the Town and Country Planning Act (1990) allows a local planning authority to enter an agreement with a developer to support the provision of services and infrastructure. S106 agreements can be used to ensure that money is available to manage flood risk.
	Local Levy	Money levied by the EA under the Local Act from Local Authorities. This money is available for release by the Regional Flood and Coastal Committees annually to schemes submitted during the FCERM GiA process.
	DCC revenue funding	Some money may be available from the FRM team's revenue budget but this is subject to an on-going spending review.
	DCC capital funding	Some money may also be available from the FRM team's capital budget but this is subject to an on-going spending review.
	Elected members	Elected members may have small amounts of money available through the authorities Member Community Leadership Scheme. This money is there to enable elected members to support local community based schemes/initiatives.
	District/ Borough Councils	District/Borough authorities sometimes have available funds to support schemes as part of their Land Drainage Authority functions.
	Parish/Town Councils	Parish/Town Councils sometimes have a small amount of money available to support local schemes/initiatives.
	Community Infrastructure Levy (CIL)	CIL allows district/borough councils to raise funds from new development in their area in order to pay for the impact it has on local infrastructure.

Other	Private beneficiary (Local & national businesses)	National or local businesses may be able to release some money to support projects where they stand to benefit from the proposed scheme.
	Water Companies	Water companies are able to raise funds through prices they charge for their customers; however these prices are heavily regulated by OFWAT. Water companies invest money in schemes to remove properties from their DG5 register (a register of properties internally affected by sewer flooding). Where there are multiple sources for a flood event the water company may work in partnership with other RMAs.
	Local communities/ community action groups/trusts/Non- Government Organisations	Local community group or members of the local community may wish to support a project where they stand to benefit from the proposed scheme. Any support can raise the partnership funding score of a scheme submitted to the FCERM GiA process. The money likely to be available will vary depending on the deprivation of a community.
	Asset backed securities	Finances raised on the back of assets created or enhance through flood risk management projects that deliver a range of benefits.

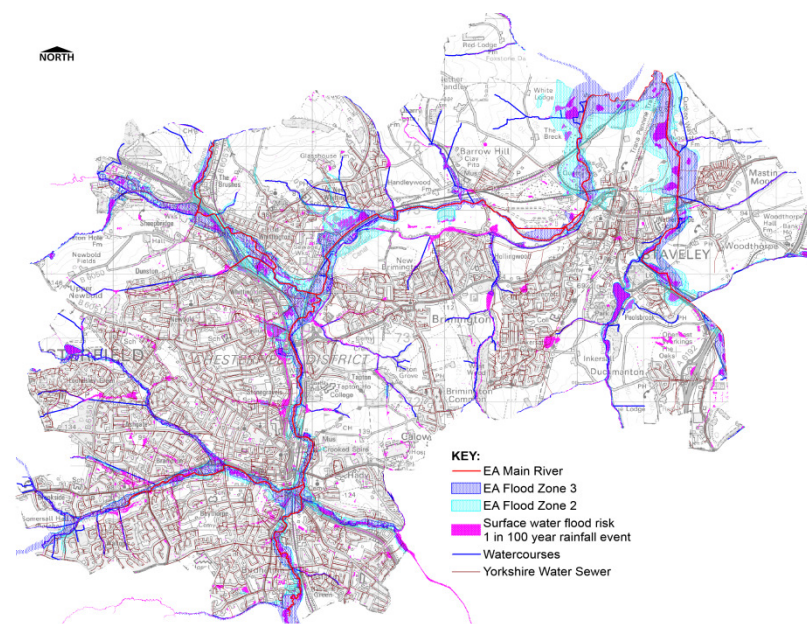
### CHESTERFIELD INTEGRATED PLUVIAL/FLUVIAL MODEL

Chesterfield is Derbyshire's largest urban conurbation with a population of approximately 71,000 and is an ever expanding hub for economic growth and development. Flood risk is a major concern for both the County and the Borough Council. Proposals to progress a project to better understand the flood risk are under development.

#### The Problem – holding back development

Regular flooding has a huge economic impact on local businesses and critical infrastructure as well as social impacts as a result of residential properties flooding and critical infrastructure failing. The amount of land subject to flood risk in Chesterfield has a huge impact on the overall aspirations of the Borough to promote/enhance key regeneration zones. It is understood that approximately 4,000 properties (commercial and residential) are at risk of flooding from both pluvial and fluvial sources.

Large amounts of Chesterfield lie within the fluvial Flood Zones (2, 3a and 3b) of several Environment Agency defined Main Rivers. DCC have undertaken high level surface water flood modelling for the whole of County which also identifies large parts of Chesterfield to be at risk of surface water flooding. Yorkshire Water (foul and surface water sewer network) hold a suite of data relating to the public sewers within Derbyshire including their location, size and condition and Severn Trent Water (clean water) hold information relating to clean water assets in Chesterfield.



#### The Solution – unlocking the potential

The project involves creating an integrated model for the whole of Chesterfield (and surrounding catchment). The overall aim is to evaluate and appraise the interaction between the different sources of flood risk to Chesterfield and look to identify areas and possibly solutions as to how to mitigate future flooding of development/redevelopment areas across the Borough.

#### December 2014 status:

DCC have submitted a bid for money from the Government's National Flood Risk Management funding.

### PINXTON PROPERTY LEVEL PROTECTION (PLP) SCHEME

A number of properties on Alexander Terrace and York Terrace, Pinxton have experienced recurrent internal flooding over the past 20 years.

The properties in question lie within Flood Zone 2 of the River Erewash which is located a short distance to the south of Alexander and York Terrace. In close proximity to the properties lies a combined public sewer that collects sewage from large parts of Pinxton before conveying it beneath the railway line towards the local waste water treatment works. These streets are also located at a natural low point (topographically) in relation to the surrounding fields and properties which forces any surface water runoff to naturally collect in the area. Internal flooding occurs as a result of the interaction between fluvial, surface water, groundwater and sewer sources. On many occasions, external and internal floodwaters have also been contaminated by foul water from the local public sewer system.

The main aim of the Pinxton Property Level Protection scheme was to provide immediate protection to the affected properties from internal flooding.

Derbyshire County Council submitted a bid to secure funding from the Government's Flood and Coastal Erosion Risk Management Grant in Aid and Local Levy funding which was granted in 2012. Derbyshire County Council, Pinxton Parish Council, the Environment Agency, Severn Trent Water, Bolsover District Council, local councillors and the local community worked together to obtain contributions for the scheme to help it move forward and to provide a

more attractive partnership approach to improve the cost/benefit for receiving national funding.

By November 2013 all properties had been provided with the property level protection products. The photos above



show the finished flood doors that were installed as part of the scheme.

#### KEY FACTS:

**Number of properties receiving PLP:** 17

**Type of products installed:** Flood doors, repointing, resealing, sumps and pumps, non-return valves etc.

**Award of contract to contractor:** August 2013