

## Guidance Notes: ASSET MAINTENANCE, REGISTER AND DESIGNATION

*If you are unsure about anything within these notes, then please contact the Flood Risk Management (FRM) team using the details at the end of this document.*

### 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.

The County Council, 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 this function can have an impact upon the Highway network.

Highway drainage infrastructure is only designed to accommodate the drainage of surface water from the Highway and not to accept third party water.

Often in storm events excessive surface water from adjoining land overwhelms 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. The County Council continues to find ways of enhancing the asset information of Highway drainage assets and improving the way we store records of these types of assets in line with the Highway Infrastructure Asset Management Policy and Highway Infrastructure Asset Management Plan – Drainage



In accordance with Section 21 of the Flood and Water Management Act (FWMA,2010) , the County Council has developed and is 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).

The County Council now operate 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 the County Council 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. Whilst the County Council is improving knowledge and 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. The County Council does 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 FWMA places a legal duty upon the County Council, 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.



**A trash screen**

For an asset to be included on the Asset Register and Record the County Council requires 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 County Councils Asset Register and Record, will remain the maintenance responsibility of the private landowner.

For more information, please contact the FRM team. For further information relating to legislation please refer to the [Relevant Legislation, Strategies and Plans Guidance Notes](#).

## 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. The powers to designate are permissive which means that there is not a mandatory duty to use them.

To ensure a consistent approach to designation, the following criteria must be satisfied for the County Council 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 Derbyshire by the County Council, the Environment Agency or one of the eight District/Borough authorities. For more information relating to partnership arrangements and groups within Derbyshire please refer to **Part 1 of the Local Flood Risk Management Strategy**<sup>1</sup>.

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<sup>1</sup> [www.derbyshire.gov.uk/flooding/strategy](http://www.derbyshire.gov.uk/flooding/strategy)

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