

Guidance Notes: ROLES AND RESPONSIBILITIES

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.

Floods can arise from a number of different sources as discussed within the Local Flood Risk Management Strategy (LFRMS). 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 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 England
- Water companies (Severn Trent Water, Yorkshire Water & United Utilities)
- District/Borough Councils – Land Drainage Authorities

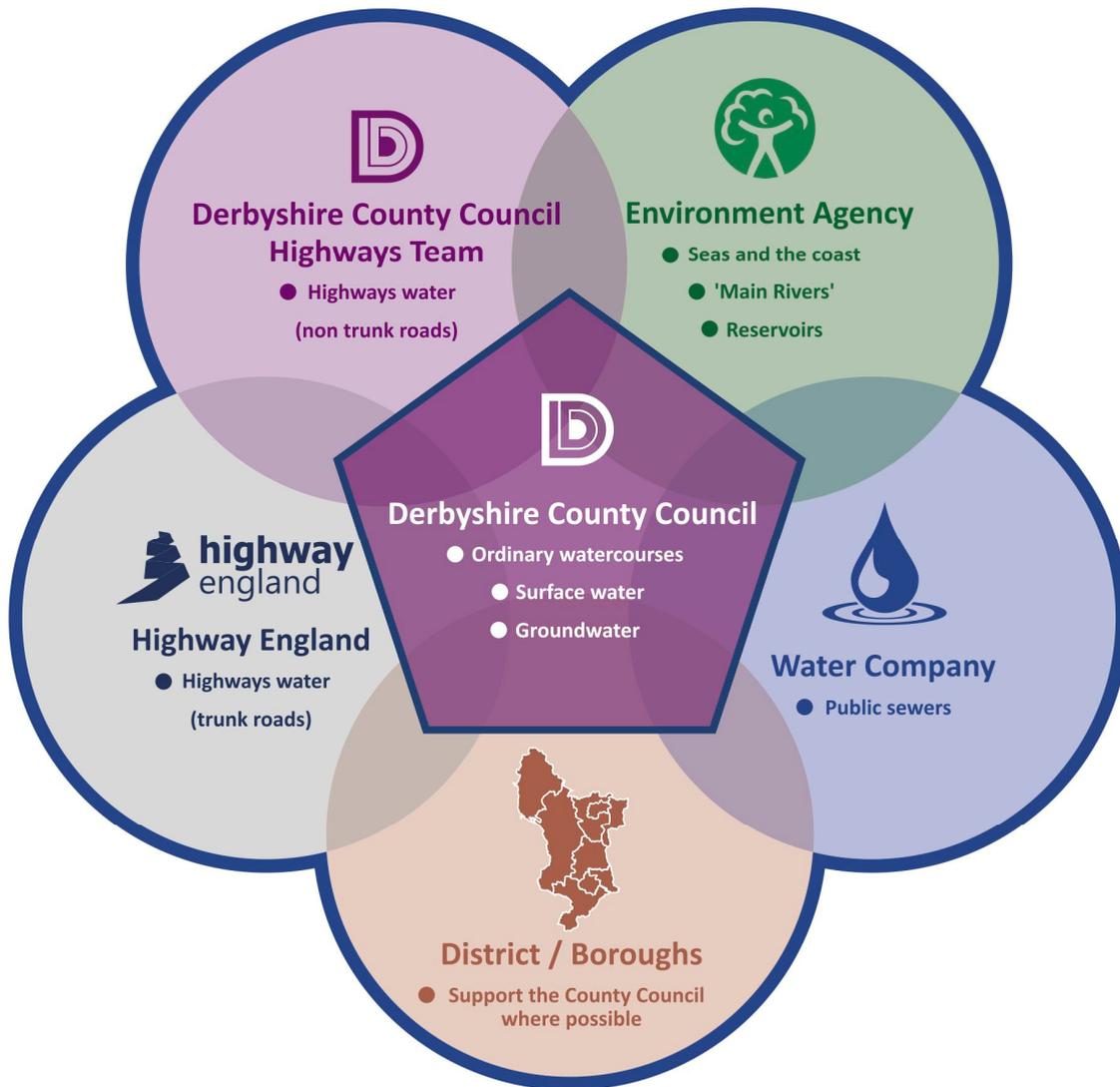


Figure illustrating 'working together'

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.

The County Council'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 –the County Council have 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 the County Council:

- 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. For more information relating to flood risk management legislation please refer to the [Relevant Legislation, Strategies and Plans Guidance Notes](#).

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. For more information relating to the Highways Authority please refer to the [Highways Statutory Duties and Vested Powers Guidance Notes](#).

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](#)¹ website.

Highways England

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

¹ <https://www.gov.uk/government/organisations/environment-agency>

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

- **Yorkshire Water²**
- **Severn Trent Water³**
- **United Utilities⁴**

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:

² <http://www.yorkshirewater.com/your-water-services/flooding-advice>

³ <http://www.stwater.co.uk/waste-water-and-sewers/during-flooding>

⁴ <http://www.unitedutilities.com/been-flooded>

- 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.
- 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**⁵.

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

⁵ <http://www.derbyshire.gov.uk>

- 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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