

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 surface water flooding?

Surface water flooding, often referred to as pluvial flooding, occurs when rainwater or other precipitation does not drain naturally or artificially (through a conventional system), to the soil sub-base/watercourse but lies on or flows over the ground surface instead. Surface water flooding is often associated with all other sources of flooding and is often related to runoff over steep sided land.



Surface water flooding in Derbyshire

How do I know if I'm at risk of surface water flooding?

To find out if you may be at risk of surface water flooding you can look online using the Environment Agency's '**What's in your backyard**'¹ facility or by contacting the FRM team.

Who is responsible for surface water flooding?

Whilst the Flood and Water Management Act (2010) requires the County Council to coordinate the management of surface water (please refer to the **Relevant Legislation, Strategies and Plans Guidance Notes**), there is no law which governs the management of surface water.

Under Common law (also known as case law) a property owner is required to use their property/land in a way that does not increase the risk of flooding to neighbouring property. For example: they may not engineer a means to pass surface water which increases a neighbour's risk of flooding or causes damage to neighbouring property (please refer to Figure 1).

¹ <http://maps.environment-agency.gov.uk/wiyby>

A landowner does have the right to defend themselves from surface water runoff. However landowners at a higher elevation of land do not have a legal responsibility to attenuate water within their property boundary and prevent water from affecting land at a lower elevation in its natural quantity and quality. An illustrative example of this can be found below in Figure 1.

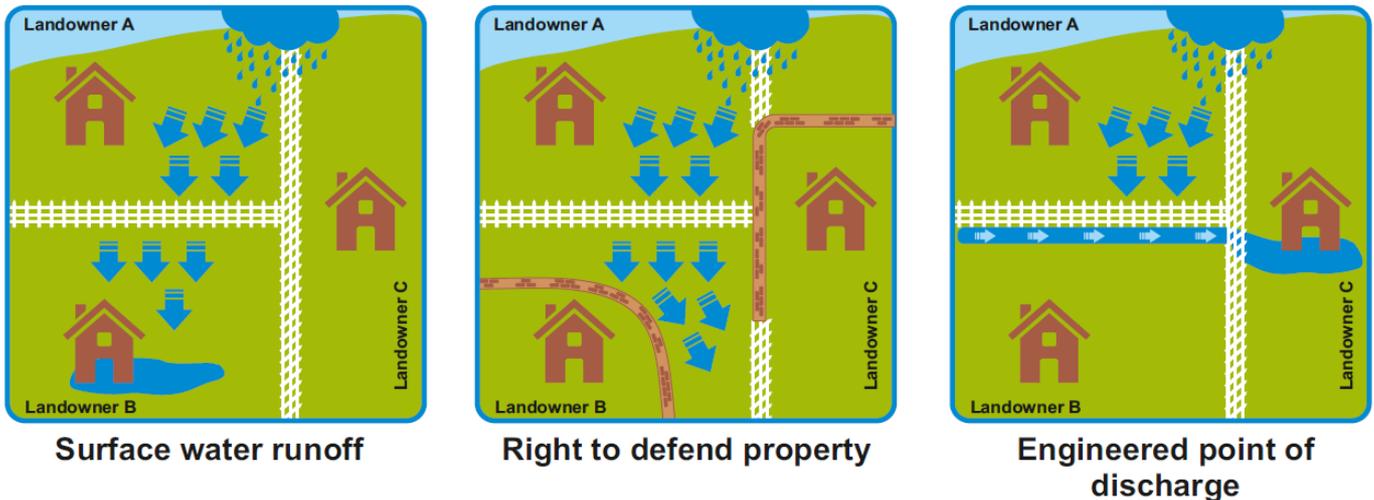
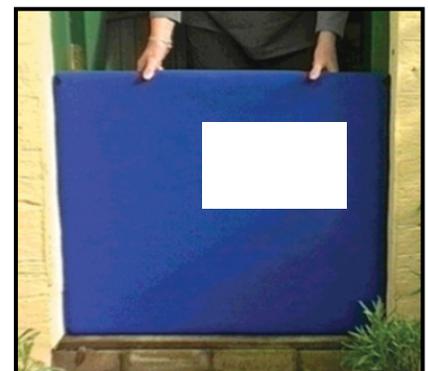


Figure 1: You have the right to defend your property from surface water but must not engineer a point of discharge

How to manage the risk and impacts of surface water flooding

It is recommended that you gather as much information as possible to determine and understand your level of risk. You can start by looking at the following:

- Review the Environment Agency's '**What's in your backyard**' facility.
- Look to get a flood mitigation property survey (please refer to the [Using Experts Guidance Notes](#)).
- Install flood resilient or resistant products (property level protection). It is always worth checking with the Local Planning Authority to determine whether these products may require planning permission.
- Look to obtain flood insurance (please refer to the [Insurance Guidance Notes](#)).
- Join a local Flood Action Group.
- Create a personal contingency plan to manage before, during and after a flood (please refer to the [Before, During and After a Flood Guidance Notes](#)).
- Speak to a member of the FRM team.



Example of a flood defence product

The **National Flood Forum**² is an independent charity dedicated to supporting and representing communities and individuals at risk of flooding. The National Flood Forum also publish a directory of products and services designed to help protect against flooding; this is known as the '**Blue Pages**'³. Please visit their website or contact them via telephone on **(01299) 403055**.

Sustainable Drainage Systems (SuDS) and Surface Water Management

Traditionally surface water has been managed beneath the surface via piped systems getting any surface water to local watercourses or local sewerage works as swiftly as possible. Sustainable Drainage Systems or SuDS can provide a multitude of benefits for managing surface water including helping to reduce flood risk. For further information relating to SuDS and surface water management please refer to the [Planning and Development Guidance Notes](#) and [Environmental Best Practice Guidance Notes](#).



**Example SuDS:
A roadside swale**

Frequently asked questions

An adjacent landowner is piping collected surface water onto my land. What can I do?

If a landowner has engineered a point discharge on to your land, it is recommended that the affected landowner liaises with the adjacent landowner in the first instance. The FRM team actively promote this line of communication to help to resolve all issues. If you would like to discuss any issues first, and require the support of an officer of the FRM team to help liaise with your adjacent landowner, please use the contact details at the end of these guidance notes.

An engineered point of discharge can also be deemed a nuisance and it may also be useful to contact your District/Borough Council who may be able to advise further in relation to the Public Health Act (Section 259).

If communication lines break down then seeking independent legal advice may be necessary. Should you believe your property to remain disproportionately at risk of surface water flooding due to the actions of a neighbouring landowner then it is advisable to contact www.citizensadvice.org.uk who may be able to provide independent advice.

² www.nationalfloodforum.org.uk

³ www.bluepages.org.uk

Who should I call in the event of surface water flooding?

If flood water has the potential to enter the living areas of your property and you feel that sandbags could help, then you should call the County Council's Emergency Planning team on (01629) 538364. Out of normal working hours, contact can be made through Call Derbyshire on (01629) 533190.

In extreme circumstances where residents may need to be temporarily evacuated from their home, further help will be provided by the County Council. Please also be aware that the FRM team are unable to provide a reactive service.

A gully outside my house is blocked and threatening to flood my property. Who shall I call?

If a known County Council asset (i.e. Highway gully or culvert) is blocked during a storm event and is causing or exacerbating flooding then it should be reported to the County Council's Highways team via Call Derbyshire on **(01629) 533190**, or online via 'Report a blocked drain' www.derbyshire.gov.uk/do_it_now.

Who should I call after I have been flooded by surface water?

Please call Derbyshire's Highways team via Call Derbyshire on **(01629) 533190** or online via 'Report a blocked drain' www.derbyshire.gov.uk/do_it_now if the flooding relates to a blocked gully or Highway asset.

If the flooding is being caused by a sewer then it should be reported to the local water company. If you are unsure of your provider please refer to your water utility bill.

- Severn Trent Water – 0800 783 4444
- Yorkshire Water – 0345 124 24 24
- United Utilities – 0345 6723 723

For any other causes of surface water flooding please contact the FRM team on the details at the end of this guidance.

What is a Surface Water Management Plan and do Derbyshire have any specified Critical Drainage Areas?

One of the requirements of the European Union's Floods Directive was for all Lead Local Flood Authorities (including Derbyshire County Council) to produce a document known as a Preliminary Flood Risk Assessment (PFRA). For more information please refer to the [Relevant Legislation, Strategies](#)

and Plans Guidance Notes and Part 2 of Derbyshire's Local Flood Risk Management Strategy. The production of PFRAs allowed the Central Government to identify the top ten areas for surface water flood risk across the country. Derbyshire was not identified in the top ten. The top ten areas have completed Surface Water Management Plans (SWMP) to look more closely at the risk to their areas from surface water and many have identified Critical Drainage Areas as part of this risk evaluation.

There is not a statutory requirement for the County Council to produce a SWMP. As Derbyshire was not identified to be in the top ten areas most at risk in the country, or even identified as being close to the top ten, it is understood that Derbyshire's risk from surface water is not of critical importance over any other type of flood risk in the County and therefore a SWMP has not been produced. As a SWMP has not been produced, Critical Drainage Areas have also not been identified within the County.

A ditch runs adjacent to my property boundary, most likely designed to intercept surface water runoff from adjacent land?

It may be that the interception ditch is designed to intercept water and then allow water to naturally filtrate into the ground. These types of ditches are not governed under the Land Drainage Act (1991). If you feel that your property may be at risk you are advised to liaise with the relevant landowner and request that they maintain the ditch. If communication routes break down then you may wish to obtain further advice from the FRM team although the issue is classified as a civil matter. You may also choose to obtain independent legal advice.

I am surrounded by steep sided land. Is there anything else that I can do to help myself?

You may wish to contact the FRM team or the Environment Agency general.enquiries@environment-agency.gov.uk or (03708) 506 506 to identify if your property may be located within a 'Rapid Response Catchment'. In a Rapid Response Catchment area the Environment Agency have been working with communities to try to mitigate the risk and improve community resilience. You may also like to investigate what others may be doing to try to help themselves and the community. For more information please refer to the **Community Level Initiatives Guidance Notes**.

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