

Flood & Water Management Act 2010

The Flood & Water Management Act 2010 places responsibilities on a number of organisations.

By way of background to our roles and responsibilities in relation to flood risk management:

1. The Trust is a navigation authority. It inspects, maintains, and operates the water control structures within its ownership primarily to meet its statutory obligation to maintain navigation.
2. The Trust is not a Risk Management Authority (RMA) as defined by Section 6 (13) of the Flood & Water Management Act 2010.
3. The Trust is not a Category 1 or 2 responder as defined by the Civil Contingencies Act 2004 and is not therefore required to undertake any specific civil protection duties under the Act. By local agreement, the Trust may provide specific assistance in the event of a flood incident. Typically, this would be in consultation with Silver Command and/or the Environment Agency.
4. In terms of managing flood risk, the primary responsibility for land drainage and flood prevention rests with private parties. The Trust does not have any specific statutory responsibilities in relation to flooding and, therefore, its responsibilities are those of an owner and operator of its canals and other waterways.

To assist the implementation of the legislation, the Canal & River Trust is able to offer the following support:

Section 9, 10, 11 & 12 – Local Flood Risk Management Strategies

Given the large number of Lead Local Flood Authorities (LLFAs) that our waterway network interacts with across England and Wales, we are unable to resource significant involvement in the development of these Strategies by LLFAs. We may be able to contribute via correspondence, and potentially respond to formal consultation of the Strategies. Please contact water.information@canalrivertrust.org.uk to make us aware of any consultation arrangements, with the title 'F&WM Act - Local FRM Strategy'.

Section 14 – Power to request information

This section empowers the Environment Agency and LLFAs to request a person to provide information in connection with that body's flood risk management function, in line with the guidance provided by Defra. Please direct any such requests to water.information@canalrivertrust.org.uk, with the title 'F&WM Act - Power to request information'.

Section 19 – Investigating Flooding

This section assigns responsibility to the LLFA for investigating flooding incidents. Please direct any requests for input from the Canal & River Trust following a flooding incident to water.information@canalrivertrust.org.uk with the title 'F&WM Act - Flooding investigation' for us to pass to our local office to respond as appropriate.

Section 21 – Duty to maintain a register (and record)

This section requires LLFAs to establish and maintain a register of structures or features which may significantly affect a flood risk in their area, as well a record of information including ownership and state of repair. To assist LLFAs to undertake this requirement, the Canal & River Trust have prepared a set of data files, comprising GIS layers (shape files and personal geodatabases) along with a spreadsheet record, of all our canals, locks, canal weirs, river weirs, sluices, culverts, aqueducts, embankments, reservoirs, stop/safety/flood gates and channel retaining walls in England and Wales. The information pack includes details of ownership (where known, if not Canal & River Trust) and state of repair (in the form of an asset Condition Grade, assigned using our internal Asset Inspection Procedures). The Trust will endeavour to update this information on an annual basis (each January), to account for any changes to structures (e.g. repair works may lead to an improvement in the Condition Grade), but the LLFA will need to contact the Trust to obtain these updates. To request the information pack, please send an email specifying your name, organisation and a statement that your organisation is a member of the Public Sector Mapping Agreement (PSMA) to water.information@canalrivertrust.org.uk with the title "F&WM Act - Duty to maintain a register & record". We are unable to provide the full information pack to any organisation that is not part of the PSMA (due to licensing issues) and nor are we able to provide bespoke requests in a different format.

Section 30/Schedule 1 – Designation of features

This section and schedule gives LLFAs, district councils, Internal Drainage Boards (IDBs) and the Environment Agency the power to designate third party features structures or features which contribute to the flood and coastal erosion risk management system. It is our view that Designating Authorities should refer to the Defra Information Note, and in

particular section 1.3, para h) ii and section 2.2, para f) ii. These highlight the need to consider the general circumstances of the owner of the structure, and should focus on those features that are vulnerable to alteration, removal or replacement. In the vast majority of cases, the Canal & River Trust will be aware of the flood or coastal erosion risk management function that our assets provide (even if it is a secondary function) and would not undertake works to alter, remove or replace without consideration of this function. In addition, our Asset Inspection Procedures ensure that all relevant assets are subjected to a risk based, proportionate inspection programme, with prioritised maintenance and improvement driven by these inspections. Should any Designating Authority still wish to discuss designation with the Canal & River Trust, please contact water.information@canalrivertrust.org.uk with the title 'F&WM Act - Designation of features'.