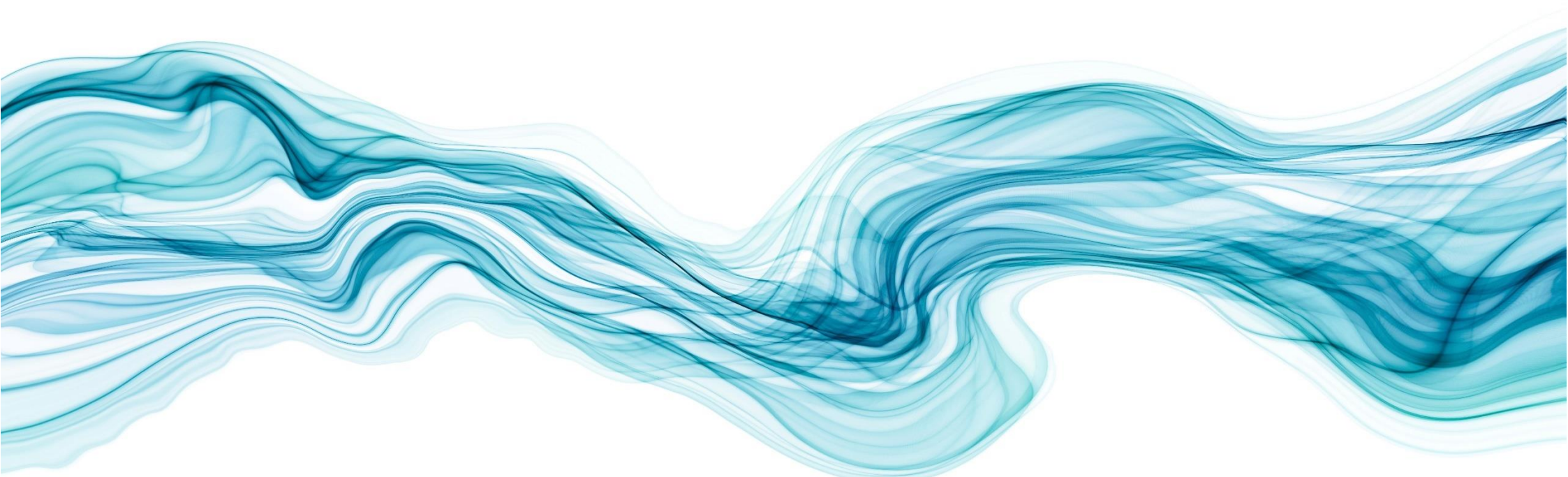


Local Flood Risk Management Strategy for North Somerset

Part B – A Guide to North Somerset Flood Risk Management Authorities



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1.0 Introduction

This strategy section explains the roles and responsibilities of different organisations, including homeowners' and landowners' responsibilities.

2.0 Flood risk, drainage, and the law

What organisations and individuals can and must do is set down in law through acts of parliament and statutory guidance. These acts and guidance set out what must be done and what can be done.

- What **must** be done is known as a **duty** or **responsibility**
- What **can** be done is known as a **power**. There is no legal requirement to use a power.

3.0 What are Risk Management Authorities?

The Flood and Water Management Act 2010 created Risk Management Authorities (RMAs). Who they are in North Somerset and what they do, are described in this guide.

Handy definitions for this guide:

Main river important large rivers and streams designated by the Environment Agency

Ordinary watercourses	all watercourses that are not main river
Coastal change	areas of the coast that are changing due to erosion from the sea or will be in the future due to sea level rise.
Reservoir	a large body of water that is higher than the natural ground level
Surface water runoff	too much rainfall that flows over land and not in a watercourse or drain
Groundwater	water that is in the ground and sometimes rises to the surface in long periods of wet weather
Riparian	at the edge of a watercourse
Local levy	funding obtained from local authorities by the Environment Agency
Rhyne	an artificial watercourse in North Somerset
Viewed Rhyne	a watercourse maintained by the Internal Drainage Board

Different organisations have different responsibilities for managing different types of flood risk. This is set out in the table below.

Type of flooding from:	Organisations responsible for managing the flood risk
The sea	Environment Agency
Main rivers	Environment Agency
Ordinary watercourses in IDB District	North Somerset Levels IDB or Axe Brue IDB
Ordinary watercourses outside IDB District	North Somerset Council
Surface water	North Somerset Council
Groundwater	North Somerset Council
Public sewers	Wessex Water
The public highway	North Somerset Council
The motorway	National Highways
Private land and roads	Riparian landowners if causing a nuisance and flooding other properties or land.

Managing the risk does not always mean that the authority has a duty to fix the problem.

4.0 The Risk Management Authorities

4.1 The Environment Agency



The Environment Agency is the strategic risk management authority at a national level and manages the risk of flooding in North Somerset by:

- Where appropriate and depending on funding, using its powers to carry out works to manage flood risk from main rivers and the sea.
- Where appropriate and depending on funding, using its powers to carry out works to manage coastal change
- Setting the direction for managing the risks through the national flood and coastal erosion risk management strategy
- Preparing and publishing flood risk management plans for flooding from main rivers, reservoirs, and the sea
- Provides warnings and information for flooding from main rivers, reservoirs, and the sea
- Regulating activities that may affect the risk of flooding from main rivers

- Where appropriate and depending on funding, carrying out surveys and mapping
- Acting as a statutory consultee for planning authorities providing advice on planning applications, local plans, and environmental assessments regarding flood risk from main rivers and the sea

Contact details

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

email: enquiries@environment-agency.gov.uk tel: 03708 506 506

4.2 North Somerset Council as The Lead Local Flood Authority



The Flood and Water Management Act 2010 defines North Somerset Council as the lead local flood authority (LLFA) for its area and manages the risk of flooding in North Somerset by:

- Developing, maintaining, and applying a strategy for local flood risk (surface water runoff, groundwater, and ordinary watercourses) management in North Somerset (this document)

- Preparing flood risk management plans for sources of flooding other than main rivers, reservoirs, and the sea
- Where appropriate and depending on funding, carrying out works to manage flood risk from surface water and groundwater
- Where appropriate and depending on funding, carrying out works on ordinary watercourses to manage the risk of flooding
- Maintaining a register of flood defences infrastructure in North Somerset
- Consenting to specific structural changes on ordinary watercourses
- Investigating flooding when more than five properties are flooded internally, a single property is flooded internally regularly, or critical infrastructure is flooded
- Acting as a statutory consultee for planning authorities and responding to the drainage design for major planning applications
- Where appropriate and depending on funding, carrying out surveys and mapping
- Where appropriate and depending on funding, using its powers to carry out works to manage coastal change
- Leading and supporting coastal groups and leading the production of shoreline management plans

4.3 North Somerset Council as a Highway Authority



North Somerset Council is responsible for providing and managing highway drainage. The Council must ensure that road projects do not increase flood risks. Where appropriate and depending on funding, the Council can carry out drainage works on highways or adjoining land.

Contact details

<https://www.n-somerset.gov.uk/>

Tel: 01934 888 888

One of the most obvious impacts of heavy rainfall is flooding of the highway. We maintain thousands of gullies on public land and their connections to the drainage system along roads. If you notice a problem please report it to the highway team, through the channels available. <https://www.n-somerset.gov.uk/my-services/nuisances-pollution-environmental-issues/flooding-drainage/drainage>

More serious flooding is that which affects homes and businesses, and it is essential that all such incidents are recorded to assist with the development of this strategy and the planning of future works. If your home or business has experienced flooding inside your home please report it to the flood risk team via this link: <https://www.n->

[somerset.gov.uk/my-services/nuisances-pollution-environmental-issues/flooding-drainage/reporting-flood](https://www.somerset.gov.uk/my-services/nuisances-pollution-environmental-issues/flooding-drainage/reporting-flood)

4.4 Internal Drainage Boards



Under the Land Drainage Act 1991, Internal drainage boards are responsible for managing water levels within their internal district. They have (amongst others) the following functions to manage the risk of flooding.

- Exercises a general power of supervision over all matters relating to water level management within its district
- Carrying out works, where appropriate and depending on funding, to manage flood risk from ordinary watercourses and the sea and to manage water levels within their internal drainage district
- Consenting to specific structural changes on ordinary watercourses
- They have set a series of bylaws relating to the management of watercourses
- They have statutory duties about the environment and recreation when exercising their functions

- Acting as a statutory consultee for planning authorities for Local Plan creation and Development Consent Orders

Each internal drainage board is a local independent public authority established in areas of special drainage need in England. There are two internal drainage boards in North Somerset, the North Somerset Levels Internal Drainage Board and a small part of the Axe Brue Internal Drainage Board.

Contact details

<https://somersetdrainageboards.gov.uk/email:admin@somersetdrainageboards.gov.uk>

Tel: 01278 789906

4.5 Wessex Water



Wessex Water is responsible for providing public sewers. They are required (amongst other things) to:

- Ensure public sewers effectually drain the areas they serve (this includes drainage of surface water)
- Manage the risk of flooding from their water main and sewer networks
- Produce a drainage and sewerage management plan

- Acting as a statutory consultee for planning authorities for Local Plan creation and Development Consent Orders

Contact details

<https://www.wessexwater.co.uk/>

Tel: 0345 600 3 600

4.6 National Highways



National Highways is responsible for providing and managing drainage for the M5. They must ensure that their road projects do not increase flood risks. Where appropriate and depending on funding, they can carry out drainage works on the M5 or adjoining land. They also are statutory consultees for planning authorities where development is proposed adjacent to the motorway.

Contact details

<https://nationalhighways.co.uk/>

Tel: 0300 123 5000

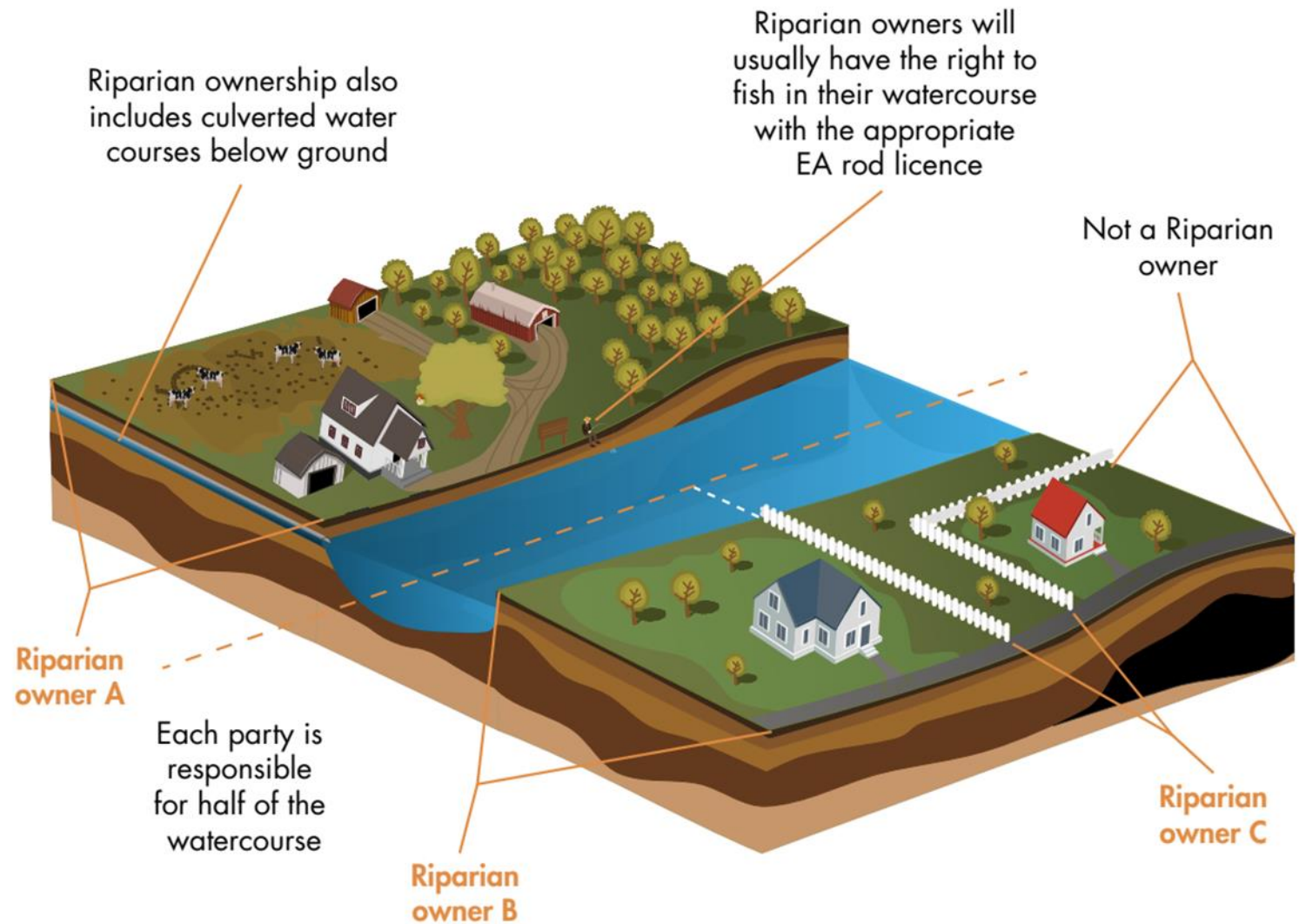
5.0 Non-risk management authorities

5.1 Riparian landowners

Riparian landowners have a stretch of a watercourse that runs on, under (in a culvert) or alongside their property. They usually are responsible for that watercourse and are required to take reasonable steps to ensure it does not cause a risk of flooding to others.

If the land on the other side of the watercourse is in another person's ownership, they are presumed to be the joint riparian owner and the landowner on the other side. In the case of joint riparian ownership, each party is presumed to own up to the centre line of the watercourse and therefore is responsible up to this point.

Riparian ownership example



Riparian landowners must also comply with any byelaws for watercourses on, under or alongside their land.

The rights of a riparian owner:

- They are presumed to own the land up to the centre of the watercourse unless it is known to be owned by others.
- They have the right to receive water flow in its natural state without undue interference in quantity or quality.
- They have the right to protect their property from flooding and their land from erosion. They may need the consent of the Environment Agency / Internal Drainage Board/council for such works.
- They have the right to fish in your watercourse unless this has been expressly excluded. However, this must be done legally and with an Environment Agency rod licence.
- Without needing a licence, they can abstract a maximum of 20 cubic metres of water per day for domestic purposes of their household or for agricultural use, excluding spray irrigation, from a watercourse at a point that directly adjoins their land. Most other types of abstraction will require a licence from the Environment Agency.
- If the work affects sites of known conservation or archaeological value, they may need further permission from the relevant authorities. Environmental issues

must be considered, including flood risk, wildlife conservation, fisheries, and reshaping the river and landscape.

The responsibilities of a riparian owner

Riparian owners have responsibilities concerning the watercourse flowing through or adjacent to your property.

Their legal duties are to:

- Pass on flow without obstruction, pollution or diversion affecting the rights of others.
- Accept flood flows through their land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- Maintain the bed and banks of the watercourse (including trees and shrubs growing in the banks) and clear any debris, natural or otherwise, including litter, even if it did not originate from their land.
- Not cause any obstructions to the free passage of fish.
- For keeping the bed and banks clear of any matter that could cause an obstruction, either on their land or by being washed away by high flow to obstruct a structure downstream.
- Watercourses and their banks should not be used to dispose of any garden or other waste.

- For keeping any structures they own clear, such as culverts, trash screens, weirs and mill gates.

Further information

www.gov.uk/guidance/owning-a-watercourse

5.3 Network Rail



Network Rail is a sizeable riparian owner responsible for maintaining the drainage that runs alongside the track and watercourses that pass beneath the railway.

Further information

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/delays-explained/flooding/>

Tel: 03457 11 41 41

5.2 Emergency responders

In addition to the roles and responsibilities given above, some risk management authorities have a statutory role to play in planning for emergencies.

The Civil Contingency Act (2004) sets out the roles and responsibilities of different organisations in responding to

emergencies such as floods and coastal change events. The duties here are assessing risks, planning for them, and warning the public. There is no specific duty to respond to an emergency. It splits responders into two categories and imposes different requirements on each category. Some risk management authorities are category one or category two responders.

Risk management authorities who also hold an emergency response role are:

Category 1:

- Environment Agency
- North Somerset Council

Category 2:

- Wessex Water
- National Highways
- The Secretary of State for Transport

Category 1 and 2 responders come together within local resilience forums (LRFs). LRF members aim to plan and prepare for localised incidents and catastrophic emergencies. LRFs help responders collaborate to identify potential risks and produce emergency plans to prevent or mitigate any incident's impact on their local communities.

Further information

<https://www.avonandsomerset.police.uk/media/29281120/community-risk-register-april-17.pdf>

email: aslrf@avonandsomerset.police.uk

5.3 Wessex Regional Flood and Coastal Committee (WRFCC)

Regional Flood and Coastal Committees bring together members appointed by the government, the Environment Agency and lead local flood authorities. **Members of the public are welcome to attend as observers.** Environment Agency is required to:

- consult the RFCC about how it proposes to carry out its flood and coastal erosion risk management functions in the committee's region
- consider representations made by committees about the exercise of its flood and coastal erosion risk management functions
- obtain the consent of the WRFCC before the Environment Agency can implement its regional programme
- obtain the consent of the WRFCC before the Environment Agency can raise a local levy from lead local flood authorities

- obtain the consent of the WRFCC before spending local levies, special and general drainage charges (raised by the Environment Agency from occupiers of agricultural land) or IDB contributions to Environment Agency costs (raised from IDBs)

Further information

<https://www.gov.uk/government/groups/wessex-regional-flood-and-coastal-committee>

email: wessexrfcc@environment-agency.gov.uk

5.4 Communities, including Flood Action Groups

Communities should understand their risk from flooding and coastal change and their options to manage this risk and increase their resilience to a changing climate.

Across the country, many formal and informal community groups, partnerships, and charities are set up to support those affected by flooding and coastal change— They're not any current active flood groups in North Somerset.

These groups are vital in providing support, advice, and practical help.

They can also support risk management authorities by engaging in discussions or taking action to manage the risk of flooding or coastal change.

Homeowners and renters should consider their resilience. All homeowners and renters must consider and understand the risk of flooding and coastal change to their property and the options they have to adapt to and manage this risk.

For example, incorporating property level resilience measures or signing up for flood warnings. There is further information on resilience in **Part F Flood Resilient North Somerset**.

Further information

National Flood Forum is a charity to help, support and represents people at risk of flooding

<https://nationalfloodforum.org.uk/>

6.0 Relevant Legislation

The following legislation sets out duties and powers related to flood risk in England.

Legislation	Purpose
The Flood and Water Management Act 2010	To define the management of risks in connection with flooding and coastal erosion.
Water Resources Act 1991	To define the Environment Agency and the matters about which it exercises function.
Water Industry Act 1991	To define arrangements regarding water supply and the provision of sewerage services.
Coast Protection Act 1949	To define arrangements relating to the protection of the coast of Great Britain against erosion and encroachment by the sea.
Reservoirs Act 1975	To define arrangements against escapes of water from large reservoirs or lakes or lochs artificially created or enlarged.
Flood Risk Regulations 2009	To define arrangements for the preparation of flood risk management plans.
Environmental Permitting Regulations (England and Wales) Regulations 2016	To define arrangements for environmental permitting
Town and Country Planning (Development Management Procedure) (England) Order 2015	To define arrangements of consultations to planning applications.
Land Drainage Act 1991	To define internal drainage boards and the functions of such boards and local authorities regarding land drainage
Highways Act 1980	To define arrangements for the management and maintenance of public highways.
The Civil Contingency Act 2004	To define arrangements in the event of an emergency.
The Environment Act 2021	To define targets, plans and policies for improving the natural environment.