



# Flood and Water Management Act 2010

## CHAPTER 29

### FLOOD AND WATER MANAGEMENT ACT 2010

#### PART 1

##### FLOOD AND COASTAL EROSION RISK MANAGEMENT

###### *1. Key concepts and definitions*

- 1 “Flood” and “coastal erosion”
- 2 “Risk”
- 3 “Risk management”
- 4 “Flood risk management function”
- 5 “Coastal erosion risk management function”
- 6 Other definitions

###### *2. Strategies, co-operation and funding*

- 7 National flood and coastal erosion risk management strategy: England
- 8 National flood and coastal erosion risk management strategy: Wales
- 9 Local flood risk management strategies: England
- 10 Local flood risk management strategies: Wales
- 11 Effect of national and local strategies: England
- 12 Effect of national and local strategies: Wales
- 13 Co-operation and arrangements
- 14 Power to request information
- 15 Civil sanctions
- 16 Funding
- 17 Levies

###### *3. Supplemental powers and duties*

- 18 Reports about flood and coastal erosion risk management

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- 19 Local authorities: investigations
- 20 Ministerial directions
- 21 Lead local authorities: duty to maintain a register

#### *4. Regional Flood and Coastal Committees*

- 22 Establishment
- 23 Consultation and consent
- 24 Membership
- 25 Money
- 26 “The Minister”
- 26A “The appropriate agency”

##### *4A. Flood and Coastal Erosion Committee for Wales*

- 26B Establishment and functions
- 26C Constitution
- 26D Payments relating to members

#### *5. General*

- 27 Sustainable development
- 28 Power to make further amendments
- 29 Restructuring
- 30 Designation of features
- 31 Amendment of other Acts

### **PART 2**

#### MISCELLANEOUS

- 32 Sustainable drainage
- 33 Reservoirs
- 34 Special administration
- 35 Provision of infrastructure
- 36 Water use: temporary bans
- 37 Civil sanctions
- 38 Incidental flooding or coastal erosion: appropriate agency
- 39 Incidental flooding or coastal erosion: local authorities
- 40 Building regulations: flood resistance
- 41 Compulsory works orders
- 42 Agreements on new drainage systems
- 43 Drainage: concessionary charges for community groups
- 44 Social tariffs
- 45 Water and sewerage charges: non-owner occupiers
- 46 Abolition of Fisheries Committee (Scotland)

### **PART 3**

#### GENERAL

- 47 Pre-consolidation amendments
- 48 Subordinate legislation
- 49 Technical provision

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## SCHEDULES

### SCHEDULE 1 — Risk Management: Designation of Features

#### *“Designating authority”*

- 1 In this Schedule “designating authority” means— (a) the Environment Agency,...

#### *“Responsible authority”*

- 2 (1) The responsible authority in relation to a structure or...

#### *“Owner”*

- 3 In this Schedule “owner” in relation to anything which is...

#### *Designation*

- 4 (1) If the following conditions are satisfied, a designating authority...

#### *Effect of designation*

- 5 (1) A person may not alter, remove or replace a...

#### *Consent to alteration, removal or replacement*

- 6 (1) The responsible authority may by notice given to the...

#### *Provisional designation notice: procedure*

- 7 (1) A designating authority may make a provisional designation by...

#### *Designation notice: procedure*

- 8 (1) A designating authority may make a designation by giving...

#### *Cancellation*

- 9 (1) The responsible authority may cancel a designation by giving...

#### *Notice to other authorities*

- 10 (1) This paragraph applies where an authority—

#### *Enforcement notice*

- 11 (1) If a person contravenes paragraph 5(1) the responsible authority...

#### *Emergency powers*

- 12 (1) This paragraph applies if— (a) a person has contravened...

#### *Powers of entry*

- 13 (1) A person authorised by the responsible authority may at...

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*Compensation for owners and third parties*

- 14 (1) The relevant authority must pay compensation if, as a...

*Appeals*

- 15 (1) The Minister must by regulations provide a right of...

*Notices and applications*

- 16 The Minister may by regulations make provision about—

*“The Minister”*

- 17 (1) This paragraph defines “the Minister” in this Schedule.

SCHEDULE 2 — Risk Management: Amendment of Other Acts

*Coast Protection Act 1949*

- 1 The Coast Protection Act 1949 is amended as follows.  
 2 Section 2 (constitution of coast protection boards) is repealed.  
 3 After section 2 insert— Coastal erosion risk management authorities  
 The following are “coastal erosion risk management authorities” for  
 the...  
 4 (1) Section 4 (general powers) is amended as follows.  
 5 (1) Section 5 (coast protection work: objections and approvals) is...  
 6 In section 6 (power to make schemes for carrying out...  
 7 (1) In section 8(1) (confirmation of works schemes)—  
 8 In section 9 (carrying out of work) in subsection (4)...  
 9 In section 10 (recovery of coast protection charges) in subsections...  
 10 In section 12 (maintenance and repair) in subsections (1) and...  
 11 In section 13 (recovery of maintenance cost) in subsections (1),...  
 12 (1) Section 14 (compulsory acquisition of land) is amended as...  
 13 In section 19 (compensation for depreciation of value of an...  
 14 Section 20 (contributions towards expenses) is repealed.  
 15 Section 21 (grants to coast protection authorities) is repealed.  
 16 In section 23 (power to sell materials) in subsections (1)...  
 17 In section 24 (arbitrations) in subsection (3) for “coast protection...  
 18 In section 25 (powers of entry and inspection) in subsections...  
 19 In section 26 (power to require information) in subsections (1)...  
 20 In section 27 (acquisition of right of passage) in subsections...  
 21 In section 28 (power of Minister to facilitate coast protection...  
 22 In section 44 (regulations and orders) in subsection (2) for...  
 23 In section 45 (service) in subsection (2) for “coast protection...  
 24 In section 49 (interpretation) for the definition of “coast protection...

*Land Drainage Act 1991*

- 25 The Land Drainage Act 1991 is amended as follows.  
 26 Section 8 (concurrent powers of the Environment Agency) is repealed...  
 27 In section 9(1) (default powers of the Agency)—  
 28 At the end of section 11 (arrangements between drainage authorities)...  
 29 (1) After section 14 (general drainage powers of boards and...  
 30 Section 17 (supervision by the Agency: works) is repealed.  
 31 (1) Section 21 (enforcement of obligations to repair watercourses and...

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- 32 (1) Section 23 (prohibitions on obstructions) is amended as follows....
- 33 (1) Section 25 (powers to require works for maintaining the...
- 34 Section 26 (competing jurisdictions under section 25) is repealed.
- 35 (1) Section 33 (commutation of obligations) is amended as follows....
- 36 (1) Section 34 (financial consequences of commutation) is amended as...
- 37 In section 59 (grants) omit subsection (4)(c).
- 38 (1) Section 66 (byelaws) is amended as follows.
- 39 In section 72 (interpretation) in subsection (1) after the definition...

#### *Water Resources Act 1991*

- 40 The Water Resources Act 1991 is amended as follows.
- 41 Section 106 (obligation to carry out flood defence functions through...
- 42 In section 110 (main river structures: applications for consent) in...
- 43 (1) Section 118 (special duties with respect to flood defence...
- 44 Section 133 (power to authorise the Agency to issue levies)...
- 45 In section 159 (powers to lay pipes in streets) after...
- 46 In section 160 (power to lay pipes in other land)...
- 47 (1) Section 165 (powers to carry out works) is amended...
- 48 After section 204(2)(c) (exceptions to prohibition on disclosure of information)...
- 49 In Schedule 25 (byelaws) for paragraph 5(1)(a) and (b) substitute—...

#### *Water Industry Act 1991*

- 50 After section 206(3)(c) of the Water Industry Act 1991 (exceptions...

#### *Environment Act 1995*

- 51 The Environment Act 1995 is amended as follows.
- 52 For section 6(4) (general supervision by the Environment Agency) substitute—...
- 53 Sections 14 to 19 and Schedules 4 and 5 (flood...

...

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### SCHEDULE 3 — Sustainable Drainage

#### *“Drainage system”*

- 1 (1) In this Schedule “drainage system” means a structure designed...

#### *“Sustainable drainage”*

- 2 “Sustainable drainage” means managing rainwater (including snow and other precipitation)...

#### *Cross-border systems*

- 3 Where a drainage system is partly in Wales and partly...

#### *“The Minister”*

- 4 In this Schedule “the Minister” means— (a) for drainage systems...

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*National standards*

- 5 (1) The Minister shall publish national standards for the implementation...

*Approving body*

- 6 (1) The approving body for a drainage system is—

*Requirement for approval*

- 7 (1) Construction work which has drainage implications may not be...

*Applications for approval*

- 8 (1) This paragraph provides two approaches for applying for approval...

*Free-standing application for approval*

- 9 (1) This paragraph provides for free-standing applications for approval under...

*Combined applications*

- 10 (1) This paragraph provides for the combination of an application...

*Determination of application for approval*

- 11 (1) On considering an application for approval the approving body...

*Non-performance bonds*

- 12 (1) A non-performance bond is a bond of a kind...

*Fees*

- 13 (1) The Minister shall by regulations provide for fees for...

*Enforcement*

- 14 (1) The Minister shall by order provide for the enforcement...

*Guidance*

- 15 The Minister may issue guidance about the process of seeking...

*Sewers and roads*

- 16 (1) After section 106(1A) of the Water Industry Act 1991...

*Duty to adopt*

- 17 (1) An approving body must adopt a drainage system which...

*Exception 1: single-property systems*

- 18 (1) The adoption duty does not apply to a drainage...

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*Exception 2: roads*

19 (1) The adoption duty does not apply to any part...

*Exception 3: systems under section 114A Water Industry Act 1991*

19A The adoption duty does not apply to a drainage system...

*Additional exceptions*

20 The Minister may by order provide additional exceptions to the...

*Power to adopt*

21 An approving body may voluntarily adopt all or part of...

*Effect of adoption*

22 (1) Where an approving body adopts a drainage system it...

*Process of adoption in pursuance of duty to adopt*

23 (1) This paragraph describes the procedure for adoption in pursuance...

*Process of voluntary adoption*

24 (1) This paragraph applies where an approving body decides to...

*Appeals*

25 (1) The Minister must by regulations provide a right of...

*Building Act 1984*

26 (1) At the end of section 21 of the Building...

*New Roads and Street Works Act 1991*

27 At the end of section 63 of the New Roads...

*Works on public land*

28 (1) The Minister may make regulations requiring a statutory undertaker...

SCHEDULE 4 — Reservoirs

*Introduction*

1 The Reservoirs Act 1975 is amended as follows.

*“Large raised reservoir”*

2 Before section 1 insert— Large raised reservoir”: England and Wales...

3 (1) Omit section 1(1) to (3) (meaning of “reservoir”).

*Registration*

4 After section 2(2A) (registration) insert— (2B) The undertaker must register...

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- 5 In section 21 (duty to provide information)—  
6 In section 22 (criminal liability) before subsection (1) insert—

*High-risk reservoirs*

- 7 After section 2 (registration) insert— Consideration of risk and provisional...  
8 In section 7 (certificates of construction engineers) in subsection (5)...

*Panels of engineers*

- 9 At the end of section 4 (panel of civil engineers)...

*Construction and alteration*

- 10 (1) Section 6 (construction and alteration) is amended as follows....  
11 (1) In section 7 (certificates of construction engineers) in subsection...

*High-risk reservoirs: inspections*

- 12 (1) Section 10 (inspections) is amended as follows.  
13 In section 17 (powers of entry) in subsection (1)(b) after...  
14 In section 19(1)(a) after “safety” insert “, or as...  
15 In section 22 (criminal liability) after subsection (1) insert—

*High-risk reservoirs: monitoring and supervision*

- 16 In section 11 (records) in subsection (1) for “large raised...  
17 (1) Section 12 (supervision) is amended as follows.  
18 In section 21(5) (information) for “large raised reservoir” substitute “...  
19 In section 22 (criminal liability) after subsection (1AB) (inserted by...

*Flood plans*

- 20 (1) Section 12A (flood plans) is amended as follows.  
21 After section 12A insert— Flood plans: preparation (1) This section applies where an undertaker is directed to...  
22 (1) Section 19 (references) is amended as follows.  
23 (1) Section 20 (reports, certificates etc.) is amended as follows....  
24 In section 22 (criminal liability) after subsection (1AD) (inserted by...

*Discontinuance*

- 25 (1) Section 13 (discontinuance) is amended as follows.  
26 (1) In section 15 (reserve powers) in subsection (1) after...

*Abandonment*

- 27 (1) Section 14 (abandonment) is amended as follows.  
28 In section 20 (reports, certificates etc.) in subsection (4)(b) omit...

*Powers of entry*

- 29 In section 17 (powers of entry) for subsection (1)(a) substitute—...



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### *Appeals*

- 30 After section 19 (references) insert— Appeals (1) The Minister must by regulations provide a right of...

### *Directions of engineers*

- 31 In section 20(1) (general provision about documents: prescribed form) for...

### *Assessment of reports and statements*

- 32 After section 20 insert— Assessment of reports and statements (1) The Minister may by regulations make provision for the...

### *Information and reports*

- 33 After section 21 (duty to provide information) insert— Power to...  
34 In section 22 (criminal liability) after subsection (4) insert—

### *Enforcement: supplementary*

- 35 In section 22 (criminal liability) in subsection (1)—  
36 After section 22B insert— Expenses The undertaker must pay to the appropriate agency the amount...

### *Arrangements for civil protection: charges*

- 37 After section 22C (inserted by paragraph 36) insert— Arrangements for...

### *Regulations and orders*

- 38 (1) Section 5 (power to prescribe by regulations) is amended...

### *Charges*

- 39 In section 41(1) of the Environment Act 1995 (power to...

### *Power to make further provision*

- 40 (1) The Minister may by order make such further amendments...

### *Regulatory impact assessment*

- 41 (1) The Minister must carry out a review of the...

### *Ministerial responsibility*

- 42 (1) In this Schedule, and the amendments of the Reservoirs...

### *Cross-border England-Scotland reservoirs*

- 43 (1) In this paragraph— (a) a “cross-border reservoir” means a...

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#### *Transfer schemes*

- 1 (1) This paragraph amends paragraph 2 of Schedule 2 to...
- 2 At the end of paragraph 3(2)(b) of Schedule 2 add...

#### *Objectives*

- 3 After section 23(2A) of the Water Industry Act 1991 (special...

#### *Financial assistance*

- 4 (1) This paragraph amends sections 153 and 154 of the...

#### *Hive down*

- 5 (1) In section 23 of the Water Industry Act 1991...

#### *Application of general administration law*

- 6 (1) For section 23(3) of (and Schedule 3 to) the...

#### *Strategic supplies*

- 7 (1) In section 66G(10) of the Water Industry Act 1991...

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**Changes and effects yet to be applied to :**

- s. 22 cross-heading words inserted by 2016 anaw 3 Sch. 2 para. 25(4)
- s. 17(4) words inserted by 2016 anaw 3 Sch. 2 para. 25(3)
- s. 22(1) words omitted by 2016 anaw 3 Sch. 2 para. 25(5)(a)(ii)
- s. 22(1) words omitted by 2016 anaw 3 Sch. 2 para. 25(5)(a)(iii)
- s. 22(1) words substituted by 2016 anaw 3 Sch. 2 para. 25(5)(a)(i)
- s. 22(2) words substituted by 2016 anaw 3 Sch. 2 para. 25(5)(b)(i)
- s. 22(2) words substituted by 2016 anaw 3 Sch. 2 para. 25(5)(b)(ii)
- s. 22(3) omitted by 2016 anaw 3 Sch. 2 para. 25(5)(c)
- s. 23(1) words substituted by 2016 anaw 3 Sch. 2 para. 25(6)(a)(i)
- s. 23(1)(a) word substituted by 2016 anaw 3 Sch. 2 para. 25(6)(a)(ii)
- s. 23(1)(b) word substituted by 2016 anaw 3 Sch. 2 para. 25(6)(a)(iii)
- s. 23(2)-(4) word substituted by 2016 anaw 3 Sch. 2 para. 25(6)(b)
- s. 24 words substituted by 2016 anaw 3 Sch. 2 para. 25(7)
- s. 25(1) words substituted by 2016 anaw 3 Sch. 2 para. 25(8)(a)(i)
- s. 25(1)(d) words substituted by 2016 anaw 3 Sch. 2 para. 25(8)(a)(ii)
- s. 25(2) word substituted by 2016 anaw 3 Sch. 2 para. 25(8)(b)
- s. 25(3) words substituted by 2016 anaw 3 Sch. 2 para. 25(8)(c)
- s. 26 26A omitted by 2016 anaw 3 Sch. 2 para. 25(9)
- s. 28(3)(a) substituted by 2017 c. 4 Sch. 6 para. 85
- s. 35(2) words repealed by 2014 c. 21 Sch. 7 para. 145
- s. 42(2) repealed by 2014 c. 21 Sch. 7 para. 146(a)
- s. 42(3) repealed by 2014 c. 21 Sch. 7 para. 146(b)
- s. 49(3)(c) omitted by 2016 anaw 3 Sch. 2 para. 25(10)
- Sch. 3 para. 12(4)(c) words inserted by 2014 c. 21 s. 88(a)
- Sch. 3 para. 12(4)(c) words substituted by 2014 c. 21 s. 88(b)
- Sch. 4 para. 43(1)(d) words substituted by S.I. 2015/48 art. 15

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(17) inserted by 2016 anaw 3 Sch. 2 para. 25(2)