



# Flood and Water Management Act 2010

## 2010 CHAPTER 29

### PART 1

#### FLOOD AND COASTAL EROSION RISK MANAGEMENT

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

#### **7 National flood and coastal erosion risk management strategy: England**

- (1) The Environment Agency must develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England (a “national flood and coastal erosion risk management strategy”).
- (2) The strategy must specify—
  - (a) the English risk management authorities,
  - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to England,
  - (c) the objectives for managing flood and coastal erosion risk,
  - (d) the measures proposed to achieve those objectives,
  - (e) how and when the measures are to be implemented,
  - (f) the costs and benefits of those measures, and how they are to be paid for,
  - (g) the assessment of flood and coastal erosion risk for the purpose of the strategy,
  - (h) how and when the strategy is to be reviewed,
  - (i) the current and predicted impact of climate change on flood and coastal erosion risk management, and
  - (j) how the strategy contributes towards the achievement of wider environmental objectives.
- (3) The Agency must consult the following about the national flood and coastal erosion risk management strategy—
  - (a) the English risk management authorities,
  - (b) the public,

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)*

- (c) so far as the strategy may affect flood and coastal erosion risk management in Wales, the Welsh Ministers, and
  - (d) so far as the strategy may affect flood and coastal erosion risk management in Scotland, the Scottish Ministers.
- (4) The Agency must publish a summary of the strategy.
- (5) The Agency may issue guidance about the application of the strategy.
- (6) The Agency may, in particular, issue guidance about how English risk management authorities are to comply with the duties under sections 13(1) and 14.
- (7) The Agency must submit a draft of the strategy and any guidance under this section to the Secretary of State for review.
- (8) On a review, the Secretary of State may—
- (a) approve the draft strategy or guidance, with or without modification, or
  - (b) reject it.
- (9) The Secretary of State must lay any approved strategy or guidance before Parliament; and it may not be issued if during the period of 40 days beginning with the date of laying (ignoring any periods for which Parliament is dissolved or prorogued or for which both Houses are adjourned for more than 4 days) either House of Parliament resolves that it should not be issued (in that form).

**Commencement Information**

**II** S. 7 in force at 1.10.2010 for E. by S.I. 2010/2169, art. 4, Sch.

**8 National flood and coastal erosion risk management strategy: Wales**

- (1) The Welsh Ministers must develop, maintain and apply a strategy for flood and coastal erosion risk management in Wales (a “national flood and coastal erosion risk management strategy”).
- (2) The strategy must specify—
- (a) the Welsh risk management authorities,
  - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to Wales,
  - (c) the objectives for managing flood and coastal erosion risk,
  - (d) the measures proposed to achieve those objectives,
  - (e) how and when the measures are to be implemented,
  - (f) the costs and benefits of those measures, and how they are to be paid for,
  - (g) the assessment of flood and coastal erosion risk for the purpose of the strategy,
  - (h) how and when the strategy is to be reviewed,
  - (i) the current and predicted impact of climate change on flood and coastal erosion risk management, and
  - (j) how the strategy contributes towards the achievement of wider environmental objectives.

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)

- (3) The Welsh Ministers must consult the Secretary of State about the national flood and coastal erosion risk management strategy, so far as the strategy may affect flood and coastal erosion risk management in England.
- (4) The Welsh Ministers must publish a summary of the strategy.
- (5) The Welsh Ministers may issue guidance about the application of the strategy.
- (6) The Welsh Ministers may, in particular, issue guidance about how Welsh risk management authorities are to comply with the duties under sections 13(1) and 14.
- (7) The Welsh Ministers must lay any guidance in draft before the National Assembly for Wales; and it may not be issued if during the period of 40 days beginning with the date of laying (ignoring any periods for which the National Assembly is dissolved or is in recess for more than 4 days) the National Assembly resolves that it should not be issued (in that form).
- (8) The Welsh Ministers must lay the strategy before the National Assembly for Wales.

#### Commencement Information

**I2** S. 8 in force at 1.10.2010 for W. by S.I. 2010/2169, art. 4, Sch.

## 9 Local flood risk management strategies: England

- (1) A lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area (a “local flood risk management strategy”).
- (2) In subsection (1) “local flood risk” means flood risk from—
  - (a) surface runoff,
  - (b) groundwater, and
  - (c) ordinary watercourses.
- (3) In subsection (2)(c) the reference to an ordinary watercourse includes a reference to a lake, pond or other area of water which flows into an ordinary watercourse.
- (4) The strategy must specify—
  - (a) the risk management authorities in the authority's area,
  - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area,
  - (c) the objectives for managing local flood risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Regulations 2009),
  - (d) the measures proposed to achieve those objectives,
  - (e) how and when the measures are expected to be implemented,
  - (f) the costs and benefits of those measures, and how they are to be paid for,
  - (g) the assessment of local flood risk for the purpose of the strategy,
  - (h) how and when the strategy is to be reviewed, and
  - (i) how the strategy contributes to the achievement of wider environmental objectives.

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)*

- (5) The strategy must be consistent with the national flood and coastal erosion risk management strategy for England under section 7.
- (6) A lead local flood authority must consult the following about its local flood risk management strategy—
  - (a) risk management authorities that may be affected by the strategy (including risk management authorities in Wales), and
  - (b) the public.
- (7) A lead local flood authority must publish a summary of its local flood risk management strategy (including guidance about the availability of relevant information).
- (8) A lead local flood authority may issue guidance about the application of the local flood risk management strategy in its area.
- (9) A lead local flood authority must have regard to any guidance issued by the Secretary of State about—
  - (a) the local flood risk management strategy, and
  - (b) guidance under subsection (8).

#### **Commencement Information**

**I3** S. 9 in force at 1.10.2010 for E. by S.I. 2010/2169, art. 4, Sch.

## **10 Local flood risk management strategies: Wales**

- (1) A lead local flood authority for an area in Wales must develop, maintain, apply and monitor a strategy for local flood risk management its area (a “local flood risk management strategy”).
- (2) In subsection (1) “local flood risk” means flood risk from—
  - (a) surface runoff,
  - (b) groundwater, and
  - (c) ordinary watercourses.
- (3) In subsection (2)(c) the reference to an ordinary watercourse includes a reference to a lake, pond or other area of water which flows into an ordinary watercourse.
- (4) The strategy must specify—
  - (a) the risk management authorities in the authority's area,
  - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area,
  - (c) the objectives for managing local flood risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Regulations 2009),
  - (d) the measures proposed to achieve those objectives,
  - (e) how and when the measures are expected to be implemented,
  - (f) the costs and benefits of those measures, and how they are to be paid for,
  - (g) the assessment of local flood risk for the purpose of the strategy,
  - (h) how and when the strategy is to be reviewed, and

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)

- (i) how the strategy contributes to the achievement of wider environmental objectives.
- (5) The strategy must be consistent with the national flood and coastal erosion risk management strategy for Wales under section 8.
- (6) A lead local flood authority must consult the following about its local flood risk management strategy—
  - (a) risk management authorities that may be affected by the strategy (including risk management authorities in England), and
  - (b) the public.
- (7) A lead local flood authority must publish a summary of its local flood risk management strategy (including guidance about the availability of relevant information).
- (8) A lead local flood authority may issue guidance about the application of the local flood risk management strategy in its area.
- (9) A lead local flood authority must submit a draft of the strategy and any guidance under this section to the Welsh Ministers for review.
- (10) On a review, the Welsh Ministers may—
  - (a) approve the draft strategy or guidance, with or without modification, or
  - (b) reject it.

#### Commencement Information

**I4** S. 10 in force at 1.10.2010 for W. by S.I. 2010/2169, art. 4, Sch.

VALID FROM 19/07/2011

#### **11 Effect of national and local strategies: England**

- (1) In exercising its flood and coastal erosion risk management functions, an English risk management authority must—
  - (a) act in a manner which is consistent with the national strategy and guidance, and
  - (b) except in the case of a water company, act in a manner which is consistent with the local strategies and guidance.
- (2) But—
  - (a) subsection (1) does not apply in relation to the function of the Environment Agency under section 7(1);
  - (b) the Agency must have regard to the national and local strategies and guidance in exercising that function.
- (3) In exercising a flood or coastal erosion risk management function in relation to an area in England, a water company must have regard to the local strategies and guidance.

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)*

- (4) In exercising any other function in a manner which may affect a flood risk or coastal erosion risk, an English risk management authority must have regard to the national and local strategies and guidance.
- (5) A cross-border internal drainage board for an internal drainage district that is mainly in Wales must—
  - (a) act in a manner which is consistent with the local strategies and guidance, and
  - (b) have regard to the national strategy and guidance.
- (6) Subsection (5) does not affect the duties of a cross-border internal drainage board under section 12.
- (7) The Secretary of State may by order require a specified person to have regard to the national and local strategies and guidance in exercising a statutory function which may affect a flood risk or coastal erosion risk in England.
- (8) In this section—
  - (a) references to the national strategy and guidance are references to (i) the national flood and coastal erosion risk management strategy under section 7, and (ii) any guidance on the national strategy issued by the Environment Agency, and
  - (b) references to the local strategies and guidance are references to (i) any local flood risk management strategy under section 9 for the relevant area, and (ii) any guidance on a local strategy issued by a lead local flood authority.
- (9) In subsection (7) “statutory function” means a function conferred by or under an enactment.

VALID FROM 01/11/2011

## **12 Effect of national and local strategies: Wales**

- (1) In exercising its flood and coastal erosion risk management functions, a Welsh risk management authority must—
  - (a) act in a manner which is consistent with the national strategy and guidance, and
  - (b) except in the case of a water company, act in a manner which is consistent with the local strategies and guidance.
- (2) In exercising a flood or coastal erosion risk management function in relation to an area in Wales, a water company must have regard to the local strategies and guidance.
- (3) In exercising any other function in a manner which may affect a flood risk or coastal erosion risk, a Welsh risk management authority must have regard to the national and local strategies and guidance.
- (4) A cross-border internal drainage board for an internal drainage district that is mainly in England must—
  - (a) act in a manner which is consistent with the local strategies and guidance, and
  - (b) have regard to the national strategy and guidance.

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)

- (5) Subsection (4) does not affect the duties of a cross-border internal drainage board under section 11.
- (6) The Welsh Ministers may by order require a specified person to have regard to the national and local strategies and guidance in exercising a statutory function which may affect a flood risk or coastal erosion risk in Wales.
- (7) In this section—
  - (a) references to the national strategy and guidance are references to (i) the national flood and coastal erosion risk management strategy under section 8, and (ii) any guidance on the national strategy issued by the Welsh Ministers, and
  - (b) references to the local strategies and guidance are references to (i) any local flood risk management strategy under section 10 for the relevant area, and (ii) any guidance on a local strategy issued by a lead local flood authority.
- (8) In subsection (6) “statutory function” means a function conferred by or under an enactment.

### 13 Co-operation and arrangements

- (1) A relevant authority must co-operate with other relevant authorities in the exercise of their flood and coastal erosion risk management functions.
- (2) A relevant authority may share information with another relevant authority for the purpose of discharging its duty under subsection (1).
- (3) In subsections (1) and (2) “relevant authority” means—
  - (a) a risk management authority, and
  - (b) the Welsh Ministers.
- (4) A risk management authority may arrange for a flood risk management function to be exercised on its behalf by—
  - (a) another risk management authority, or
  - (b) a navigation authority (within the meaning given by section 219 of the Water Industry Act 1991).
- (5) But subsection (4) does not apply in relation to—
  - (a) the function of the Environment Agency under section 7(1), or
  - (b) the function of a lead local flood authority under section 9(1) or 10(1).
- (6) A coast protection authority may, with the appropriate consent, arrange for a person to exercise a coastal erosion risk management function on its behalf.
- (7) In subsection (6) the “appropriate consent” means—
  - (a) in relation to a coast protection authority in England, the consent of the Environment Agency, and
  - (b) in relation to a coast protection authority in Wales, the consent of the Welsh Ministers.
- (8) The Environment Agency may arrange for a coastal erosion risk management function to be exercised on its behalf by—
  - (a) a coast protection authority,

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** *There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)*

- (b) a lead local flood authority, or
  - (c) an internal drainage board.
- (9) In subsections (4), (6) and (8) a reference to a flood risk management function or a coastal erosion risk management function includes a reference to anything that may be done by a risk management authority for a purpose connected with the exercise of that function.
- (10) In this section “coast protection authority” has the meaning given by section 1 of the Coast Protection Act 1949.

#### **Commencement Information**

**I5** S. 13 in force at 1.10.2010 by [S.I. 2010/2169](#), art. 4, [Sch.](#)

VALID FROM 06/04/2011

#### **14 Power to request information**

- (1) An authority listed in subsection (2) may request a person to provide information in connection with the authority's flood and coastal erosion risk management functions.
- (2) The authorities are—
  - (a) the Environment Agency, and
  - (b) lead local flood authorities.
- (3) The Welsh Ministers may request a person to provide information in connection with the function under section 8.
- (4) Information requested under subsection (1) or (3) must be provided—
  - (a) in the form or manner specified in the request, and
  - (b) within the period specified in the request.

VALID FROM 18/01/2011

#### **15 Civil sanctions**

- (1) An authority that requests a person (P) to provide information under section 14(1) or (3) may give P an enforcement notice if P fails to comply with the request.
- (2) An enforcement notice must—
  - (a) specify the information requested,
  - (b) state that the authority may impose a penalty if P fails to provide the information within a specified period, which must be at least 28 days beginning with the date of issue of the notice, and
  - (c) state that P may make representations to the authority about the notice within that period.
- (3) The authority may by penalty notice impose a penalty on P if P fails to provide the specified information in the specified period.



*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)

- (4) The amount of the penalty—
  - (a) is to be determined by the authority, but
  - (b) must not exceed £1000.
- (5) In deciding whether to impose a penalty and in determining the amount of a penalty the authority must have regard to—
  - (a) any representations under subsection (2)(c), and
  - (b) any partial compliance with the initial request under section 14.
- (6) The penalty notice must—
  - (a) specify the reasons for the decision to impose a penalty,
  - (b) state a period within which payment must be made, which must be at least 14 days beginning with the date of issue of the notice, and
  - (c) notify P of the right of appeal under subsection (8).
- (7) A penalty is recoverable as a debt.
- (8) The Minister must by regulations provide a right of appeal against penalties; and the regulations must—
  - (a) confer jurisdiction on the Minister, a court or a tribunal, and
  - (b) make provision about procedure.
- (9) The Minister may by order substitute a different amount for the amount specified in subsection (4)(b) to reflect a change in the value of money.
- (10) In this section “the Minister” means—
  - (a) the Secretary of State in relation to penalties issued by—
    - (i) lead local flood authorities for areas in England, and
    - (ii) the Environment Agency in respect of a failure to comply with a request in connection with a flood or coastal erosion risk management function in relation to England, and
  - (b) the Welsh Ministers in relation to penalties issued by—
    - (i) lead local flood authorities for areas in Wales,
    - (ii) the Environment Agency in respect of a failure to comply with a request in connection with a flood or coastal erosion risk management function in relation to Wales, and
    - (iii) the Welsh Ministers.
- (11) A reference in this section to an authority includes a reference to the Welsh Ministers.
- (12) The first sets of regulations under subsection (8) may not be made unless a draft has been laid before and approved by resolution of—
  - (a) each House of Parliament, in the case of the first regulations made by the Secretary of State, and
  - (b) the National Assembly for Wales, in the case of the first regulations made by the Welsh Ministers.

---

*Status: Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding. (See end of Document for details)*

---

## 16 Funding

- (1) The Environment Agency may make grants in respect of expenditure incurred or expected to be incurred in connection with flood or coastal erosion risk management in England.
- (2) The Welsh Ministers may make grants in respect of expenditure incurred or expected to be incurred in connection with flood or coastal erosion risk management in Wales.
- (3) A grant may be subject to conditions (including conditions as to repayment and interest).

---

### Commencement Information

- I6** S. 16(1) in force at 1.10.2010 for E. by S.I. 2010/2169, art. 4, Sch.  
**I7** S. 16(2) in force at 1.10.2010 for W. by S.I. 2010/2169, art. 4, Sch.  
**I8** S. 16(3) in force at 1.10.2010 by S.I. 2010/2169, art. 4, Sch.

## 17 Levies

- (1) The Environment Agency may issue levies to the lead local flood authority for an area in respect of the Agency's flood and coastal erosion risk management functions in that area.
- (2) A levy issued under this section shall be issued in accordance with regulations under section 74 of the Local Government Finance Act 1988.
- (3) The Agency shall be treated as a levying body within the meaning of that section.
- (4) This section is subject to the requirement in section 23(3) to obtain the consent of the appropriate Regional Flood and Coastal Committee.

---

### Commencement Information

- I9** S. 17(2)(3) in force at 1.10.2010 for specified purposes by S.I. 2010/2169, art. 4, Sch.

**Status:**

Point in time view as at 01/10/2010. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 2. Strategies, co-operation and funding.