



264/01

24 May 2001

To Chief Executives (local authorities)
Clerks to Police, Joint Fire and Passenger Transport Authorities

Please circulate to: Spokespersons for flood defence and Heads of Engineering/Technical Services/Emergency Planning

Environment Agency/LGA flood defence protocol

Attaches a copy of the revised protocol on Flood Defence for the guidance of local authorities. The protocol establishes a framework for the way in which local authorities and the Agency will assist each other in carrying out their respective duties and responsibilities, to achieve a seamless flood defence service. Local authorities are encouraged to enter into local agreements with the Agency using part 2 of the protocol as a model.

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Dear Colleague

The Local Government Association and the Environment Agency (EA) have produced a number of protocols that aim to set out the relationship that should exist between the local authority and the Agency in the discharge of shared duties and responsibilities. The attached protocol on flood defence replaces and updates the original version circulated in August 1998. It takes account of the additional requirements arising out of the Easter Floods Action Plan, the Government's objectives for flood defence and the Agency's supervision by consent of the local authority role in flood defence.

The protocol is in two parts; the first part sets out the national relationship between local authorities and the Environment Agency, while the second is intended for discussion and adoption locally.

The LGA recommends to all local authorities in England and Wales that they should work with the Agency in accordance with the framework given in the protocol and enter into a local Agreement with the Agency along the lines set out in Part 2 of the document.

The Association welcomes feedback on the operation of the protocol and would be grateful to learn of progress with local agreements.

The protocol can also be found on the LGA web site at
<http://www.lga.gov.uk/publicprotection/floodprotocol.pdf>

Yours sincerely

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ENVIRONMENT AGENCY and LOCAL GOVERNMENT ASSOCIATION

FLOOD DEFENCE PROTOCOL Part 2 - Local Protocol between [the Authority] and the Environment Agency

1. INTRODUCTION

Background Information

This model local protocol for Flood Defence between [XXXXXX], hereby called 'the Authority' and the Environment Agency, hereby called 'the Agency', implements the broad principles agreed and signed by the Local Government Association and the Environment Agency in the "Flood Defence Protocol, Part 1 – General Principles", on XXth XXXXX 2000. The protocol is recognised as a framework on which the Agency and local authorities can work together to provide a seamless and integrated flood defence service for England (and Wales). It also recognises the emerging and changing context of regional governance and the need for a more open and transparent planning process.

This local protocol encourages the Authority and Agency to work together to manage the flood risk and assist each other in carrying out their respective duties and responsibilities. It emphasises working in partnership to achieve a seamless flood defence service that takes in to account sustainable development, best practice and best value.

The implementation of this local protocol will be achieved through the forward planning process, the provision and exchange of information, and with monitoring and review.

Working Together Better

In December 1999 the Agency and the Local Government Association produced a document titled "Working Together Better" for developing a better relationship between the Agency and local authorities (LA's).

The Plan identified the need for a new Flood Defence Protocol.

2. SHARING INFORMATION AND WORKING WITH THE COMMUNITY

Sharing Information

The Authority has a general interest in the social, economic and environmental well being of the communities it serves, and can use the flood defence advice of the Agency to make a more holistic appraisal of local issues, leading to better and more sustainable decision making.

The Authority will provide the Agency with advice and information on issues related to flood risk in its area.

Working with the Community

The Agency wants to connect better with local communities, to achieve greater understanding and support for its work and would like the Authority to assist in the communication of the local flood defence issues to the communities they serve.

The Authority will:

Investigate and communicate community concerns and issues associated with flood defence to the Agency.

The Agency will:

Continue to encourage the use of public meetings and exhibitions on flood defence plans, strategies and schemes, supported by booklets and information sheets.

3. FUNDING

Funding through Flood Defence Committees

The Agency has executive Flood Defence Committees each having a statutory majority of elected members of local authorities from the geographic area that committee serves. These committees are responsible for raising the necessary funding by levy from local authorities and ensuring that this funding is spent locally, but at the same time ensuring a degree of flexibility exists.

The Agency has an obligation to carry out its flood defence function through these committees and spend the money raised.

The Agency will:

Prepare Medium Term (3-5 years) Regional Flood Defence Business Plans, updated annually, for determining appropriate levels of service and required funding.

Develop, implement and monitor regional performances against the MAFF High Level Targets.

The Authority will:

Ensure that its members on Flood Defence Committees are fully aware of the necessary funding that is required to meet the flood defence needs of the communities and areas they represent.

4. STRATEGIC PLANNING

MAFF High Level Targets

From 1st April 2000 the MAFF High level Targets come in to operation. These set the context for the elaboration of the Agency's supervisory role.

The Agency and Authority will work in partnership on the implementation of the Agency's supervisory role.

Achievement of MAFF High Level Targets;

As the principal operating authority, and with its general flood defence supervisory role, the Agency has a key responsibility in the achievement of MAFF high level targets. This will be achieved through its supervision by consent role, advice to operating authorities and by monitoring and reporting on progress of targets.

The Agency will:

Provide advice and call for information in a timely manner.

The Authority will:

Take full and proper account of advice given by the Agency

Respond to advice in a constructive way and provide information in a timely manner.

Produce and copy to the Agency a publicly available policy statement setting out plans for the delivering the Government's policy aims and objectives.

Awareness of flood risk (flood risk maps)

The Agency and LA's individually, hold much information about flood risk. The Agency has just completed a large scale national programme of mapping flood risk areas, according to priorities identified with Planning Authorities (this programme is known as the Section 105 surveys).

The Agency will:

Provide updated flood risk maps to the Authority as they become available.

The Authority will:

Provide the Agency with any information in their possession relating to flood defence or land drainage, sought by the Agency in order to carry out its flood defence function.

Provide information on the state of its own flood defences.

Co-ordination of all flood defences, watercourses and coastal defences

There is a need to collect and co-ordinate information on all of the country's flood and coastal defences.

The Agency will:

Create and maintain a new national Flood Defence and Coastal Protection Database, making relevant information available to the Authority.

Ensure a programme is in place for the regular inspection of all flood and coastal defence assets and lengths of Main River and critical ordinary watercourses.

The Authority will:

Provide the Agency with agreed information for all flood and coastal defence assets for which they are the operating authority.

Standards of protection provided by and performance of existing defences

There is a need to make an assessment of the level of protection offered by the country's existing flood defences at both a national and local level.

The Agency in partnership with the Authority will:

In relation to all flood defence assets and watercourses identified by the Authority and placed on the Flood Defence and Coastal Protection Database, provide an assessment of the risk of flooding and action taken or proposed to remedy a deficiency.

Agree methods of assessing whether an ordinary watercourse is critical or not.

The Agency will:

Provide information, guidance and advice on the inspection of assets and watercourses.

The Authority will:

Provide a prioritised forward plan to the Agency of capital and maintenance work for which they are responsible. This will cover the current year and the following 3-year period, they will be updated annually.

5. DEVELOPMENT CONTROL

Future development proposals that have potential impact on flood risk

The Agency and the Authority will work together on the implementation of the recommendations of Planning and Policy Guidance (PPG) 25 – Development and Flood Risk.

The Authority will:

Ensure that flood risk statements are included in Local Authority Structure Plans.

Ensure that when drawing up development plans and in considering planning applications, local planning authorities are aware of the assessed risk of coastal erosion as set out in SMP's.

The Agency will:

Advise the LA on flood risk aiming to identify areas of critical flood risk and areas where certain types of development may be permissible.

The Agency will in partnership with the Authority:

Report to MAFF and DETR on the success of the Agency's responses to development plans and planning applications (identifying where decisions have been contrary to Agency advice).

Report to MAFF and DETR on the inclusion of adequate flood risk statements and coastal erosion statements in the Authority's Development Plans.

Regulation of Others

The Agency has a key role in the regulation of other parties carrying out work on watercourses. This is achieved through the Land Drainage Consenting process for such works as culverting and bridging of watercourses.

The Agency will:

Make as freely available as possible its Floodplain Policy, Riparian Owner Guide, Best Practice Guides and other relevant guidance.

The Authority also has powers to ensure that other parties clear their watercourses.

6. ENVIRONMENTAL ASPECTS

Introduction

The Agency and Authority both provide protection and environmental management for the public, and should strive to work together.

Application of conservation duty and environmental impact.

The Agency and LA's each produce WLMP's where water level control affects SSSI's. Generally, the Agency is producing them for sites related to Main River and the Authority for ordinary (and critical) watercourses, these contribute to Biodiversity Action Plans.

WLMP's and SMP's inform both County Structure Plans and Local Development Plans where appropriate.

The Authority will:

Report annually to the Agency on all losses and gains of habitats covered by Biodiversity Action Plans as a result of their flood and coastal defence operations.

The Agency will:

Lead in the establishment of national systems for the integration and processing of local environmental data collected and managed by the Authority and the Agency.

7. FLOOD WARNING

An Integrated Flood Forecasting, Warning and Emergency Service

The Agency and the Authority will work together to achieve a seamless and integrated flood defence service of forecasting, warning and emergency response to the public:

The Agency will:

Be responsible for providing flood forecasting and flood warning.

Commence a Flood Awareness Campaign based on the premise that many people in flood risk areas are unaware of the Agency's role in flood warning and do not understand what to do before, during and after a flood. This will be an ongoing long-term commitment not a one-off project.

Promote regional seminars on the wider flood defence issues and appear at local shows where appropriate.

The Authority will:

Assist the Agency in determining whether a flood warning service and associated dissemination plans can be provided

In a flood situation provide an immediate response in order to care for people affected.

Flood Warning Dissemination Plans

Flood Warning Dissemination Plans are prepared by the Agency in consultation with the Authority and others. Copies of plans for specific areas can be inspected in the relevant Agency area or Authority office.

Flood Emergency Programmes at National, Regional and Local levels

The response to a major flooding incident involves a number of organisations working together in a well co-ordinated and rehearsed manner at a national, regional and local level

The Agency will:

Arrange in conjunction with local authorities, emergency services and other partners a programme of flood emergency exercises at a national, regional and local level.

The Authority will:

Fully assist and participate in all local flood emergency exercises.

8. AGREEMENT

The Agency and the Authority will support this protocol agreement and work together to implement, review and develop it.

Signed on behalf of the Agency: -----

Title _____

Signed on behalf of the Authority: -----

Title _____