



Flood and Water Management Act 2010

2010 CHAPTER 29

PART 1

FLOOD AND COASTAL EROSION RISK MANAGEMENT

1. Key concepts and definitions

1 “Flood” and “coastal erosion”

- (1) “Flood” includes any case where land not normally covered by water becomes covered by water.
- (2) It does not matter for the purpose of subsection (1) whether a flood is caused by—
 - (a) heavy rainfall,
 - (b) a river overflowing or its banks being breached,
 - (c) a dam overflowing or being breached,
 - (d) tidal waters,
 - (e) groundwater, or
 - (e) anything else (including any combination of factors).
- (3) But “flood” does not include—
 - (a) a flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system, or
 - (b) a flood caused by a burst water main (within the meaning given by section 219 of the Water Industry Act 1991).
- (4) “Coastal erosion” means the erosion of the coast of any part of England or Wales.

2 “Risk”

- (1) “Risk” means a risk in respect of an occurrence assessed and expressed (as for insurance and scientific purposes) as a combination of the probability of the occurrence with its potential consequences.
- (2) “Flood risk” means a risk in respect of flood.
- (3) “Coastal erosion risk” means a risk in respect of coastal erosion.
- (4) In each case the potential harmful consequences to be considered in assessing risk include, in particular, consequences for—
 - (a) human health,
 - (b) the social and economic welfare of individuals and communities,
 - (c) infrastructure, and
 - (d) the environment (including cultural heritage).

3 “Risk management”

- (1) “Risk management” means anything done for the purpose of—
 - (a) analysing a risk,
 - (b) assessing a risk,
 - (c) reducing a risk,
 - (d) reducing a component in the assessment of a risk,
 - (e) altering the balance of factors combined in assessing a risk, or
 - (f) otherwise taking action in respect of a risk or a factor relevant to the assessment of a risk (including action for the purpose of flood defence).
- (2) In particular, risk management includes things done—
 - (a) that increase the probability of an event but reduce or alter its potential consequences, or
 - (b) that increase the probability of an event occurring at one time or in one place but reduce the probability of it occurring at another time or in another place.
- (3) The following are examples of things that might be done in the course of flood or coastal erosion risk management—
 - (a) planning, erecting, maintaining, altering or removing buildings or other structures (including structures built or used for flood defence purposes),
 - (b) maintaining or restoring natural processes,
 - (c) reducing or increasing the level of water in a place (whether or not it results in a change to the water level in another place),
 - (d) carrying out work in respect of a river or other watercourse (such as taking things out of it or supporting or diverting the banks),
 - (e) moving things onto, off or around a beach, or carrying out other works in respect of the shoreline,
 - (f) using statutory or other powers to permit, require, restrict or prevent activities,
 - (g) making arrangements for financial or other support for action taken by persons in respect of a risk of, or in preparing to manage the consequences of, flooding or coastal erosion,
 - (h) making arrangements for forecasting and warning,

- (i) preparing, gathering and disseminating maps, plans, surveys and other information, and
- (j) providing education and giving guidance (including, for example, guidance on changes to land management).

4 “Flood risk management function”

- (1) “Flood risk management function” means a function listed in subsection (2) which may be exercised by a risk management authority for a purpose connected with flood risk management.
- (2) The functions are—
 - (a) a function under this Part,
 - (b) a function under section 159 or 160 of the Water Resources Act 1991,
 - (c) a flood defence function within the meaning of section 221 of that Act,
 - (d) a function under the Land Drainage Act 1991,
 - (e) a function under section 100, 101, 110 or 339 of the Highways Act 1980, and
 - (f) any other function, under an enactment, specified for the purposes of this section by order made by the Minister.
- (3) In this section and section 5 “the Minister” means—
 - (a) the Secretary of State in relation to flood and coastal erosion risk management in England, and
 - (b) the Welsh Ministers in relation to flood and coastal erosion risk management in Wales.

5 “Coastal erosion risk management function”

- (1) “Coastal erosion risk management function” means a function listed in subsection (2) which may be exercised by a risk management authority for a purpose connected with coastal erosion.
- (2) The functions are—
 - (a) a function under this Part,
 - (b) a function under the Coast Protection Act 1949, and
 - (c) any other function, under an enactment, specified for the purposes of this section by order made by the Minister.

6 Other definitions

- (1) “Main river” has the meaning given by section 113 of the Water Resources Act 1991.
- (2) “Watercourse” has the meaning given by section 72(1) of the Land Drainage Act 1991.
- (3) “Ordinary watercourse” means a watercourse that does not form part of a main river.
- (4) “Groundwater” means all water which is below the surface of the ground and in direct contact with the ground or subsoil.
- (5) “Surface runoff” means rainwater (including snow and other precipitation) which—
 - (a) is on the surface of the ground (whether or not it is moving), and
 - (b) has not entered a watercourse, drainage system or public sewer.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (5)(b)—
- (a) the reference to a watercourse includes a reference to a lake, pond or other area of water which flows into a watercourse, and
 - (b) “drainage system” has the meaning given by paragraph 1 of Schedule 3.
- (7) “Lead local flood authority” in relation to an area in England means—
- (a) the unitary authority for the area, or
 - (b) if there is no unitary authority, the county council for the area.
- (8) “Unitary authority” means—
- (a) the council of a county for which there are no district councils;
 - (b) the council of a district in an area for which there is no county council;
 - (c) the council of a London borough;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly.
- (9) “Lead local flood authority” in relation to an area in Wales means—
- (a) the county council for the area;
 - (b) the county borough council for the area.
- (10) “Internal drainage board” has the same meaning as in section 1 of the Land Drainage Act 1991.
- (11) “Water company” means a company which holds—
- (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991, or
 - (b) a licence under Chapter 1A of Part 2 of that Act.
- (12) “Highway authority” has the meaning given by section 1 of the Highways Act 1980.
- (13) “Risk management authority” means—
- (a) the Environment Agency,
 - (b) a lead local flood authority,
 - (c) a district council for an area for which there is no unitary authority,
 - (d) an internal drainage board,
 - (e) a water company, and
 - (f) a highway authority.
- (14) “English risk management authority” means—
- (a) the Environment Agency,
 - (b) a risk management authority within subsection (13)(b), (c) or (f) for an area that is wholly in England,
 - (c) an internal drainage board for an internal drainage district that is wholly or mainly in England, and
 - (d) a water company that exercises functions in relation to an area in England.
- (15) “Welsh risk management authority” means—
- (a) the Environment Agency,
 - (b) a risk management authority within subsection (13)(b), (c) or (f) for an area that is wholly in Wales,
 - (c) an internal drainage board for an internal drainage district that is wholly or mainly in Wales, and

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- (d) a water company that exercises functions in relation to an area in Wales.
- (16) “Cross-border internal drainage board” means an internal drainage board for an internal drainage district that is partly in England and partly in Wales.