

STAFFORDSHIRE LOCAL FLOOD RISK MANAGEMENT STRATEGY

2024 Update

Roles and Responsibilities in Flood Risk Management

1. Lead Local Flood Authority (LLFA)

There are both strategic and operational elements to the role of the Lead Local Flood Authority and these are set out in **Table 1-1**.

LLFA responsibilities complement the work that the County Council and partner organisations already do on flood risk management. This includes highways drainage, land drainage, development planning and management, regeneration, emergency planning and response, environmental management, and local investment.

The Council have no legal responsibility for clearing out drains, ditches and watercourses that are on private land in private ownership. They will seek to work with relevant landowners to promote suitable action where these have the potential to cause flooding.

Table 1-1 Roles and responsibilities of Staffordshire County Council as LLFA

Strategic	Operational
Develop, maintain, apply, and monitor a Local Flood Risk Management Strategy (LFRMS).	Investigate flooding incidents and set out who has responsibilities and what actions can be taken.
Co-ordinate partnership working between relevant organisations.	Hold a register of significant drainage/ flood alleviation assets.
Represent Staffordshire on the River Trent and English Severn and Wye Regional Flood and Coastal Committee.	Power to designate third party assets acting as flood defences so they cannot be altered or removed.
To comply with European Floods Directive, produce a Preliminary Flood Risk Assessment and for nationally significant Flood Risk Areas, surface water mapping and a Flood Risk Management Plan (on a six-year cycle) *.	Powers to enforce land drainage legislation to ensure ordinary watercourses flow properly and a duty to consent to certain works on these watercourses.
	Powers to build new flood alleviation schemes for local sources of flooding.
	Statutory Consultee for Planning Applications for surface water drainage on major developments.

2. Partnership Working

There are a number of different organisations in and around Staffordshire that have responsibilities for flood risk management, known as Risk Management Authorities (RMAs). These are shown in **Table 2-2**, with a summary of their responsibilities.

The County Council also liaise regularly with internal stakeholders and meet regularly with the other neighbouring LLFAs and further afield to share emerging approaches and best practice.

It is important to note that land and property owners are responsible for the maintenance of watercourses either on or next to their properties as riparian owners. Property owners are also responsible for the protection of their properties from flooding. When it comes to undertaking works to reduce flood risk, LLFAs do have powers but limited resources must be prioritised and targeted to where they can have the greatest effect.

Table 2-2 Summary of roles and responsibilities for flood risk management

RMA	Strategic Level	Operational Level
Environment Agency	<ul style="list-style-type: none"> • Strategic overview for all sources of flooding • National Flood and Coastal Erosion Strategy • Reporting and general supervision 	<ul style="list-style-type: none"> • Main Rivers (e.g. Trent, Severn) • Sea • Reservoirs
Lead Local Flood Authority (Staffordshire County Council)	<ul style="list-style-type: none"> • Preliminary Flood Risk Assessment • Local Flood Risk Management Strategy 	<ul style="list-style-type: none"> • Surface water • Groundwater • Ordinary Watercourses (consenting and enforcement)
District and Borough Councils in Staffordshire: <ul style="list-style-type: none"> • Cannock Chase District • East Staffordshire Borough • Lichfield District • South Staffordshire District 	<ul style="list-style-type: none"> • Local plans as Local Planning Authorities 	<ul style="list-style-type: none"> • Ordinary Watercourses (works) • Determination of Planning Applications as Local Planning Authorities

<ul style="list-style-type: none"> • Stafford Borough • Staffordshire Moorlands • Tamworth Borough • Newcastle Borough 		<ul style="list-style-type: none"> • Managing open space under District/Unitary Council ownership
<p>Internal Drainage Boards (IDBs):</p> <ul style="list-style-type: none"> • Sow and Penk (Staffordshire) 	<ul style="list-style-type: none"> • Water Level Management Plans 	<ul style="list-style-type: none"> • Ordinary Watercourses within Internal Drainage Districts
<p>Water Companies:</p> <ul style="list-style-type: none"> • Severn Trent Water • United Utilities 	<ul style="list-style-type: none"> • Asset Management Plans, supported by Periodic Reviews (business cases) 	<ul style="list-style-type: none"> • Public Sewers
<p>Highways Authorities:</p> <ul style="list-style-type: none"> • National Highways (motorways and trunk roads) • Staffordshire County Council (other adopted roads) 	<ul style="list-style-type: none"> • Highway drainage policy and planning 	<ul style="list-style-type: none"> • Highway drainage
<p>County Planning Authorities (Staffordshire County Council)</p> <p><i>Minerals and waste and County developments, such as new roads and schools</i></p>	<ul style="list-style-type: none"> • Local Plans as Local Planning Authorities 	<ul style="list-style-type: none"> • Determination of Planning Applications as Local Planning Authorities

Stoke City Council is a Unitary Authority which means it is responsible for all local government services within their areas and so are both Lead Local Flood Authority themselves. Staffordshire County Council will work in partnership with neighbouring authorities to promote joined up flood risk management on shared watercourses and catchments.

3. Regional Flood and Coastal Committees

Regional Flood and Coastal Committees (RFCCs) are committees established by the Environment Agency under the Flood and Water Management Act 2010. They meet on a quarterly basis and bring together members appointed by LLFAs and independent members with relevant experience for three purposes:

- to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- to promote efficient, targeted and risk-based investment in flood and coastal erosion risk management that optimises value for money and benefits for local communities, and;
- to provide a link between the Environment Agency, Lead Local Flood Authorities (LLFAs), other Risk Management Authorities (RMAs) and other relevant bodies to promote a mutual understanding of flood and coastal erosion risks in its area.

Staffordshire is covered by two RFCCs:

- Trent Regional Flood and Coastal Committee (RFCC) covers the majority of Staffordshire, with member representation, and;
- Severn and Wye Regional Flood and Coastal Committee (RFCC) covers a small part of Staffordshire, with no member representation.

4. Emergency Planning, Response and Recovery

The Civil Contingencies Act 2004¹ aims to deliver a single framework for civil protection in the UK and sets out the actions that need to be undertaken in the event of a flood. Responsibilities include:

- the undertaking of risk assessments;
- developing Emergency Plans;
- developing Business Continuity Plans;
- arranging to make information available to the public about civil protection matters and maintaining arrangements to warn, inform and advise the public in the event of an emergency;

¹ [Civil Contingencies Act 2004](#)

- sharing information with other local responders to enable greater co-ordination;
- co-operating with other local responders to enhance co-ordination and efficiency, and;
- providing advice and assistance to businesses and voluntary organisations about business continuity management.

Staffordshire County Council and the Environment Agency are Category 1 Responders under the Act with key responsibilities for emergency planning, response, and preparedness. In Staffordshire, emergency planning is undertaken by the Staffordshire Civil Contingencies Unit, which is a multi-agency partnership. As part of this update, Central Government have issued new guidance on developing Multi-Agency Flood Plans² which include tactical plans.

5. Landowners

Riparian land ownership is a legal term given to a householder, business owner or other landowner who owns land adjacent to a watercourse (river, stream, ditch etc.). Riparian landowners are responsible for the maintenance of watercourses, ensuring the normal flow of water. Lead Local Flood Authorities (LLFAs) and the Environment Agency have permissive powers to require riparian landowners to carry out maintenance work where flood risk is a concern. Where a watercourse forms the boundary between two properties / landowners, responsibility is deemed to be up to the centreline of the watercourse. Typical maintenance activities include:

- removal of blockages and obstructions;
- managing vegetation;
- accepting the natural flow from upstream and transferring it downstream without obstruction, pollution or diversion, and;
- maintaining any structures, including culverts, weirs and sluice gates.

Riparian landowners have a right to protect their property from flooding and erosion but should discuss proposals with the LLFA, the Environment Agency or the IDB as certain types of work require prior consent. Further information can be found in the Environment Agency's Living on the Edge³ document.

² [Developing a multi-agency flood plan](#), 2020. Central Government.

³ [Living on the Edge](#), 2014. Environment Agency.

Common Law – Responsibilities for Watercourses and Roadside Ditches

The Highway Authority has permissive powers to drain the highway into roadside ditches and watercourses and can cleanse and restore the profile of these ditches as appropriate, charging the landowner where necessary. Common Law imposes a duty on the owner of land adjoining a highway to maintain these ditches that provide natural drainage for both the land and highway. In view of this, and in most cases, the responsibility for ditch maintenance rests with the adjacent landowner and this includes sections of ditches which have been culverted (piped).

However, where the ditch was created by the Highway Authority and owned by them solely for draining the highway, then the ditch will form part of the highway and will be the responsibility of the Highway Authority (**Figure 5-1**).



Figure 5-1: Responsibilities for Roadside Ditches and Watercourses