

Flood and Water Management Act

The Flood and Water Management Act was drafted in response to the Government's investigation into the causes of severe flooding in 2007, gained Royal Assent in 2010 and was brought into force earlier this year. The Act is wide ranging and introduces new statutory responsibilities for managing flood risk. It affects all new developments and so must be considered from the pre-planning stage.

For example, the Act establishes an Approving Body within local authorities responsible for ensuring that Sustainable Drainage Systems are appropriately incorporated into all developments in accordance with forthcoming National standards, before any construction work can commence on a project. The Approving Body will have a duty to adopt and maintain SuDS systems that serve more than one property. This has implications in terms of providing access for maintenance and the payment of commuted sums towards the cost of future maintenance, amongst other considerations. The automatic 'right of connection' to a public sewer has been removed by the Act and connection can only be obtained where the drainage system has been approved by the SuDS Approving Body.

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The Approving Body will have a duty to adopt and maintain SuDS systems that serve more than one property. The adoption of SuDS systems is a benefit for developers, but has implications in terms of providing access for maintenance and will involve the payment of commuted sums towards the cost of future maintenance, amongst other considerations.

The automatic 'right of connection' to a public sewer has been removed by the Act and connection can only be obtained where the drainage system has been approved by the SuDS Approving Body. This means that any proposed connection that has Approving Body consent cannot be refused by the sewerage undertaker.

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