

# Flood Risk Regulations

## Preliminary Flood Risk Assessments FAQs

14 December 2011

### Introduction

These FAQs have been produced to help Environment Agency staff and Lead Local Flood Authorities (LLFAs) in answering questions associated with publication of Preliminary Flood Risk Assessments (PFRAs). They build on three previous versions relating to the development of PFRAs. The previous versions were aimed at practitioners and provided more detailed technical advice on how to produce a PFRA. This version is aimed at a wider audience, providing answers to more generic questions as well as more detailed technical questions.

### Headline messages

1. There is a statutory requirement to produce PFRAs under the European Floods Directive which is implemented in England and Wales through the Flood Risk Regulations 2009.
2. All LLFAs in England and Wales have produced PFRAs. These will be available from the Environment Agency's website from 22 December 2011.
3. This marks the culmination of joint working between LLFAs, the Environment Agency, LGA / Welsh LGA, Defra and Welsh Government.
4. These PFRAs mean that for the first time we have a complete assessment of local flood risk across England and Wales including the risk of flooding from surface water, groundwater and ordinary watercourses (which include smaller rivers, streams and ditches).
5. The Environment Agency is encouraging LLFAs to make information on PFRAs available to the public and communities as part of their role in managing local flood risk. Some LLFAs have already published their assessments or intend to do so.
6. For many LLFAs there will be no further work required under the Flood Risk Regulations. For LLFAs with Flood Risk Areas, flood hazard and risk maps will need to be produced in 2013 and flood risk management plans in 2015. All LLFAs in England and Wales are required to produce local flood risk management strategies under the Flood and Water Management Act. PFRAs will be used to provide the evidence base for these.

# General questions

## Q1. What is a PFRA?

A PFRA is a high level assessment of flood risk involving the collection of information on past (historic) and future (potential) floods. This information has been used to identify Flood Risk Areas which are areas where flood risk is a significant issue (more on Flood Risk Areas can be found in Q15).

## Q2. Why have they been produced?

PFRA's have been produced to fulfil statutory requirements in the Flood Risk Regulations which implement the requirements of the European Floods Directive. The Directive gives a deadline that all PFRA's should be published by 22 December 2011.

## Q3. What do they cover?

A PFRA covers local sources of flood risk i.e. flooding from ordinary watercourses (which includes small rivers, streams and ditches), surface runoff, and ground water. They also acknowledge interactions with other sources of flooding i.e. main river, the sea and reservoirs.

## Q4. Why are they important?

They provide a comprehensive of assessment of flood risk from local sources across all of England and Wales. This has not been available previously.

# Roles and responsibilities

## Q5. Who is responsible for producing a PFRA?

LLFAs are required to produce a PFRA covering flood risk from local sources and the Environment Agency for main river, the sea and reservoirs. This is consistent with responsibilities in the Flood and Water Management Act 2010.

A PFRA has been produced by every LLFA in England and Wales (174 in total - 152 in England and 22 in Wales). Some LLFAs collaborated to produce PFRA's, so a total of 170 have been produced. These represent the first major demonstration of LLFAs taking on their new local flood risk management responsibilities under the Flood and Water Management Act and the Regulations.

The Environment Agency is responsible for producing a PFRA for main rivers, the sea and reservoirs. However, we have an exemption from this stage as we already map and plan for these sources of flood risk. The Environment Agency will be required to fulfil the next stages of the Regulations including the production of hazard and risk maps and flood risk management plans (see Q20).

## Q6. What is the role of the Environment Agency in producing PFRA's?

The Environment Agency has a number of roles under the Flood Risk Regulations and as part of delivering our strategic overview / oversight role as enshrined in the Flood and Water Management Act.

We are responsible for:

- Producing [guidance](#) and supporting tools
- Working with LLFAs at the local level
- Reviewing PFRAs and Flood Risk Areas
- Publishing PFRAs

To help LLFAs develop their PFRAs we provided guidance, tools and indicative Flood Risk Areas (see Q15) in December 2010. Our local staff have worked closely with LLFAs to help them interpret the requirements and deliver compliant PFRAs. We have also provided an e-learning course, skills development workshops and FAQs.

The Environment Agency has a duty under the Regulations to review PFRAs and Flood Risk Areas. PFRAs were submitted by LLFAs to the Environment Agency on 22 June 2011. The purpose of our review was to check compliance with the Regulations, guidance and reporting requirements.

Our local staff carried out a comprehensive review of all PFRAs. A national sample review of approximately 10% of PFRAs was completed, this included a check of the review completed by our local staff and an independent review of the PFRA. Following the national sample review a briefing was issued to Environment Agency and LLFA staff identifying some issues to be followed up. The findings of the national review were endorsed by the Environment Agency's national review panel (consisting of the Environment Agency programme board for the Flood Risk Regulations and Flood and Water Management Act with the exception of the Defra and Welsh Government representatives).

The national review panel findings were presented to Regional Flood and Coastal Committees / Flood Risk Management Wales for comment and endorsement. Environment Agency regional directors provided the final step in the sign-off of the Environment Agency's view of PFRAs.

We also have a duty to publish PFRAs but we have been encouraging the LLFAs who produced them to do this as part of their local leadership role in flood risk management. The Environment Agency will also report key elements to the European Commission by the end of March 2012.

## **Q7. Who is responsible for the content of PFRAs?**

PFRAs have been produced by LLFAs and therefore the content is the responsibility of LLFAs.

The Environment Agency has reviewed the PFRAs to ensure compliance (see Q6) and as part of our strategic overview / oversight role, we have also provided comments on the assessments on the basis of our local knowledge and understanding. LLFAs were not required to take into account these comments if they were not related to compliance with the legislation and guidance.

## **Q8. Who is responsible for dealing with queries on PFRAs?**

Any specific queries on a PFRA received by the Environment Agency will ideally be directed to the relevant LLFA. Although the Environment Agency is responsible for ensuring PFRAs are published, LLFAs are responsible for the content of the documents. The Environment Agency will be able to

provide answers to generic questions about the production and purpose of PFRAs, but we will not be able to answer specific questions on the detail of an individual assessment.

### **Q9. Are all PFRAs compliant?**

The Environment Agency reviewed all PFRAs and agreed they were compliant (see Q6 for further information on our compliance checking) with the exception of some additional Flood Risk Areas proposed in one PFRA. These additional Flood Risk Areas did not meet the criteria and thresholds identified in Government Guidance.

In accordance with the Regulations as the Environment Agency and the LLFA were unable to agree on the Flood Risk Areas, the matter has been referred to the Minister to make a final determination. Defra expect this decision to be made in January 2012.

Although the European Directive sets a deadline of 22 December for publication of PFRAs, this does not include the identification of Flood Risk Areas. There is no specific deadline for identification of Flood Risk Areas in the Directive, however the Commission has since proposed that Member States should report on this within 6 months of publication of the PFRAs.

As the PFRA with the contested Flood Risk Areas is otherwise compliant and meets the needs of the Directive, we are publishing the PFRA with a caveat that the additional areas are subject to a Ministerial determination.

## **Publishing & using PFRAs**

### **Q10. Where will PFRAs be published?**

The Environment Agency has a duty under the Regulations to publish PFRAs and therefore our website will provide a 'hub' for all PFRAs (see Q6). We have encouraged LLFAs (as the authors of the assessments) to demonstrate ownership and publish their own PFRAs on their websites. If a LLFA has published its own PFRA, the Environment Agency will provide a link to its website. If a LLFA has not informed us of their intention to publish, or provided a link to their website, we will be publishing it on the Environment Agency's publications catalogue. If a LLFA at a later date decides to publish its own PFRA, we can remove it from our publications catalogue.

We will be publishing PFRAs by river basin district. LLFAs will be listed under the river basin district they fall mostly within. We are currently working on updating our website. The existing PFRA page will change to become the home page for all matters relating to the Flood Risk Regulations.

### **Q11. What information should be published?**

Publication of a PFRA should include all supporting information and annexes with the exception of any GIS layers as these are technical files which will not be accessible to the public.

## **Q12. Do LLFAs have to publish maps of their 'locally agreed surface water information' as part of their PFRAs?**

A map or maps of future floods should be included in preliminary assessment reports as identified in the Environment Agency PFRA guidance, but there is no need to publish a detailed map of surface water flood risk associated with the 'locally agreed surface water information'.

The maps should have been produced at the LLFA level i.e. at a scale enabling the entire local authority boundary to be shown on one map. As the PFRA is a high-level screening exercise, it should not describe risk to individual properties or even at street-level. Any maps produced should include appropriate caveats in relation to the accuracy of the underlying information and the extent to which it can support conclusions at particular scales. The 'locally agreed surface water information' only needs to be summarised in the PFRA i.e. by identifying what it is comprised of (Environment Agency national surface water maps or local information) and where and, if known, the drainage capacity.

Suitable wording for our surface water maps (Areas Susceptible to Surface Water Flooding (AStSWF) and Flood Map for Surface Water (FMfSW)) can be found in our guidance on 'Using surface water flood risk information' (see p21 & 22) which is available on Datashare.

If a LLFA wishes to publish a more detailed map of their locally agreed surface water information, they need to be clear they understand the licensing arrangements around the Environment Agency's national surface water maps. LLFAs can do this by checking the terms of their licence agreement and also by reading the guidance on 'Using surface water flood risk information'.

The Environment Agency is working with LLFAs to determine what surface water information needs to be made available to customers to best meet their requirements.

## **Q13. How should PFRAs or 'locally agreed surface water information' be used in land use planning activities?**

The PFRA is a high level screening exercise and should not be used by Local Planning Authorities to make decisions on individual planning applications, although the information gathered for the PFRA may help inform decisions. The Environment Agency's PFRA guidance (section 1.4.3) describes how Strategic Flood Risk/Consequence Assessments, which provide an evidence base to inform strategic plans and decisions on planning applications, are likely to contain information which can be used in a PFRA, and may be updated using data gathered in the PFRA process.

Our guidance on 'Using surface water flood risk information', which can be found on Datashare, identifies how surface water flood risk information should be used for land use planning (see page 30).

## **Q14. Can the Environment Agency give any advice to LLFAs in relation to possible concerns about any property or insurance implications of sharing information from PFRAs/locally agreed surface water information?**

Insurers already have access to historic claims, models and commercial products similar to the Environment Agency's national surface water maps that show surface water flood risk information. They use their information to make decisions on risk in order to set premiums and excesses using a range of information.

The Environment Agency and Association of British Insurers are in regular dialogue over the provision of flood risk information to the insurance industry. This includes the most appropriate use of surface water mapping.

Legislation requires risk management authorities to share flood risk information which should increase awareness and engagement. LLFAs should be aware that there may be legal implications if information is withheld in an area which subsequently floods.

## Flood Risk Areas

### Q15. What is a Flood Risk Area?

A Flood Risk Area in England is defined as exceeding a 'significant' threshold of 30,000 people at risk from flooding. The threshold is 5,000 for Wales. In Wales a lower threshold was selected to enable the risks in Wales to be adequately represented. As settlements are smaller and the source and nature of surface water problems are different, this threshold enables known risks in the Welsh valleys and other specific locations to be included.

The thresholds were determined by Ministers following feedback from workshops held with LLFAs in September 2010. Ministers were keen to take a proportionate approach for the first cycle of the Flood Risk Regulations and concentrate on a few areas of highest risk. This approach also enables England and Wales to take a more proportionate approach to managing flood risk through other mechanisms such as local flood risk strategies. More information can be found on local flood risk management strategies on the [Environment Agency's e-learning](#) and in the [LGA framework](#). Welsh Government will also shortly be making their guidance available on their [website](#).

Ten Flood Risk Areas have been identified in England covering approximately a third of properties at risk of surface water flooding in England. Eight have been identified in Wales covering approximately 40% of all properties at risk of surface water flooding in Wales.

### Q16. How were the Flood Risk Areas defined?

The Flood Risk Areas were produced based on a method identified in Defra / Welsh Government's [guidance](#). As a starting point for LLFAs, the Environment Agency used its national surface water mapping products to define indicative Flood Risk Areas.

### Q17. I am in a Flood Risk Area, what does it mean?

Being in a Flood Risk Area should not affect individual householders and not all properties in a Flood Risk Area will be at risk of flooding. The PFRA is a high level screening exercise based on existing information to identify areas at a significant risk of flooding. They have been identified to focus our efforts on where we need to better understand the risk of flooding so we can map and plan to manage it and to do so consistently across England and Wales. The production of flood hazard and risk maps, and flood risk management plans for each Flood Risk Area should mean the risk becomes better understood and managed.

## Q18. I'm not in a Flood Risk Area, so does that mean there is no flood risk?

The determination of Flood Risk Areas is not intended to identify all local flood risks. Rather, it is intended to identify areas where the potential for local flooding exceeds significance thresholds determined by Ministers (see Q15). It is also important to remember that Flood Risk Areas only cover local sources of flood risk and not risks of flooding from rivers, the sea and reservoirs.

Local flood risks that fall below the Government's thresholds for the purposes of the Regulations can still be dealt with through Local Flood Risk Strategies and exercise of functions under the Flood and Water Management Act, for which the Government has provided funding for all LLFAs. See sections 2.1 & 2.2 of the Defra/Welsh Government guidance. These other mechanisms offer LLFAs greater flexibility in using the appropriate mechanisms for managing local flood risk.

## Q19. If a LLFA does not have a Flood Risk Area, does it mean that they will not get funding to manage local flood risks?

No, the funding of local flood risk will not be determined primarily by the Flood Risk Areas under the Regulations (see response to Q19 and sections 2.1 & 2.2 of the Defra / Welsh Government guidance).

For English LLFAs, Defra recently announced funding for local authorities to manage local flood risk which is not linked to the Regulations. Instead of meeting the full costs of just a limited number of projects, the new approach could make Government money available towards any worthwhile scheme over time. Funding levels for each scheme will relate directly to the number of households protected, the damages being prevented, plus the other benefits a scheme would deliver. For the first time, grants for surface water management and property-level protection will be available alongside funding for other risks and approaches. More information can be found on [Defra's website](#).

For Welsh LLFAs, the Welsh Government has confirmed that it will continue to provide additional funding for the 2012/2013 financial year to support the ongoing implementation of the Flood and Water Management Act and the Flood Risk Regulations.

## Next steps

### Q20. What happens next?

#### For LLFAs in Flood Risk Areas

Hazard and risk maps need to be produced by June 2013 and flood risk management plans by June 2015 apply. The Environment Agency is working on the approach to delivering these stages. We are currently piloting potential improvements to our national surface water mapping. Working with the Welsh Government, the Environment Agency has agreed to produce surface water hazard and risk maps meeting the requirements of the Regulations for all of Wales. It is anticipated that the Environment Agency will produce surface water hazard maps meeting the requirements of the Regulations for all of England; a decision on this will be made in spring 2012 following the current pilot testing. The Environment Agency will also provide guidance in spring 2012 for LLFAs in England who wish to use or develop their own hazard and risk mapping.

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[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## **For LLFAs not in Flood Risk Areas**

There are no further statutory outputs required under the Flood Risk Regulations until the next cycle begins in 2016. We may however, for example as part of our surface water mapping ask you to work with us on our outputs to tie in with the timetable of the Regulations and to help us plan for the next six year planning cycle. As indicated above, the Environment Agency is likely to provide all LLFAs in England and Wales with surface water hazard mapping meeting the requirements of the Regulations. The information collected in the PFRA should be used by LLFAs in developing their local flood risk management strategies.

## **Q21. What additional funding will there be for LLFAs with Flood Risk Areas or for the future mapping and planning stages?**

### **England**

£21million worth of grants were provided to help LLFAs manage flood risk in England in 2011/12. The funds were provided to cover the costs of putting into place and carrying out new responsibilities under the Flood and Water Management Act 2010 and Flood Risk Regulations, such as flood mapping, producing risk management plans and supporting community flood awareness groups.

Funding will rise to £36million for 2012/13 and subsequent years of this Spending Review period. Funding has been allocated based on the individual risk that each local authority has, areas with higher risk are more likely to have a Flood Risk Area will receive more funding to pay for the subsequent work.

### **Wales**

Welsh Government provided £500,000 to LLFAs in Wales to assist with the preparation of PFRAs and a further £2m was made available to cover the costs of the new responsibilities under the Flood and Water Management Act 2010 and the further work in relation to the Flood Risk Regulations that will be required prior to April 2012.

A further £2m of additional funding will be made available in 2012/13 to support the ongoing implementation of the Flood and Water Management Act and the Flood Risk Regulations.

**For further information, please contact your local Environment Agency office.**