



REPORT OF THE CORPORATE DIRECTOR, PLACE FLOOD RISK MANAGEMENT SECTION 19 REPORT

Purpose of the Report

1. This report sets out the County Council's duties as the Lead Local Flood Authority to report on flooding incidents under Section 19 of the Flood and Water Management Act 2010 and contains one Section 19 report in relation to flooding in August 2020, for Members' approval and endorsement.

Information

2. Following the severe flooding in many parts of the country during the summer of 2007, the Government commissioned an independent review (the 'Pitt Review') which in 2008 recommended that local authorities should lead on the management of local flood risk, working in partnership with other organisations. Two key pieces of legislation have brought this forward; the Flood Risk Regulations 2009 which transposed the EU Floods Directive into UK Law and the Flood and Water Management Act 2010.
3. Nottinghamshire County Council (NCC) is a Lead Local Flood Authority (LLFA) and has powers and statutory duties to manage and co-ordinate local flood risk management activities. Nottinghamshire County Council does this by working together with other organisations including the Environment Agency (EA), who manage flooding from generally larger rivers known as Main Rivers, such as the River Trent; The Trent Valley Internal Drainage Board (TVIDB) managing low lying areas; District, Borough, Parish and Town Councils; and infrastructure/ utility providers, such as Severn Trent Water (STW) and Highways England (HE).
4. This partnership work is overseen by the Strategic Flood Risk Management Board, jointly chaired by Nottinghamshire County Council and Nottingham City Council (NCiC) and attended by all Risk Management Authorities (RMAs).
5. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses).
6. Section 19 of the Flood and Water Management Act gives Nottinghamshire County Council as a Lead Local Flood Authority, the following duties:
 1. On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate:

- (a) Which Risk Management Authorities (RMAs) have relevant flood risk management functions.
- (b) Whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

2. Where an authority carries out the above investigation it must:-

- (a) Publish the results of its investigation.
- (b) Notify any relevant RMAs.

- 7. It should be noted that the purpose of a Section 19 Report is to outline what happened during a flooding incident and whether the relevant Risk Management Authorities have exercised or will exercise their responsibilities - it does not identify specific measures to prevent future flooding. It is up to the Lead Local Flood Authority and other Risk Management Authorities if they wish to then carry out further investigation into possible flood prevention and protection measures that could be implemented.
- 8. At Transport and Highways Committee on 31 October 2013 it was resolved that Section 19 Reports should be undertaken where the Authority is aware that five or more properties in a locality have been affected by internal flooding (over the threshold [doorstep level] of the property).

Section 19 Report Summary

- 9. The month of August 2020 started out as a dry month before receiving large amounts of rainfall across the East Midlands region with levels 'Above Normal' (94.3mm) compared to the long-term average (63.6mm) experienced across the region. Soil saturation was also showing as higher than the long-term average.
- 10. On the evening of Sunday 15th August Ollerton, a town with a population of almost 10,000, was subjected to heavy localised rainfall that resulted in 5 business premises experiencing internal flooding.
- 11. Ollerton is the only recorded incident of internal flooding for the weekend in question. Nottinghamshire County Council are the Lead Risk Management Authority for the incident and the full Section 19 Report is included as Appendix A.
- 12. The flooding experienced by those affected can have significant effects on their wellbeing and livelihoods. The impacts of this flooding will be felt particularly by the small businesses affected for many months as they remain concerned about the future impacts of the flooding.
- 13. The attached Section 19 report identifies that all relevant Risk Management Authorities carried out, and continue to carry out their respective duties.

Summary of Actions.

- 14. The County Council will continue to provide support and guidance to business owners and the Parish Council where necessary in an endeavour to help understand and manage the risk of future flooding incidents.
- 15. Funding channels and options will be explored as part of analysing potential mitigation measures.

Reason/s for Recommendation/s

16. The report delivers a duty defined within the Flood and Water Management Act 2010 and in line with approved County Council Policy.

Statutory and Policy Implications

17. The County Council has a number of statutory duties and powers under the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 including preparation of Section 19 Reports.
18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

19. Since becoming a Lead Local Flood Authority, Nottinghamshire County Council has worked in collaboration with colleagues, risk management authorities, partners and local communities to help reduce the risk of flooding in Nottinghamshire.

Implications for Sustainability and the Environment

20. It is anticipated that this collaborative work may ultimately result in the delivery of sustainable projects that reduce flood risk across the county whilst also reducing the negative impacts that flooding has on the environment.

RECOMMENDATION/S

It is recommended that:

- 1) Committee approves the publishing of the Section 19 report Appendix A in accordance with Section 19 of the Flood and Water Management Act 2010 and our Lead Local Flood Authority responsibilities.
- 2) The Committee endorses the work outlined in the report.
- 3) Committee encourages all agencies involved to seek and implement suitable measures to alleviate flooding as soon as reasonably possible.
- 4) That officers provide updates to Committee on all relevant agencies' progress with alleviation measures as part of the regular Flood Risk Management updates.

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Constitutional Comments (SJE – 05/11/2020)

21. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to flood risk management scrutiny has been delegated.

Financial Comments (RWK 05/11/2020)

22. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All