

29th April 2014**Agenda Item: 14****REPORT OF THE SERVICE DIRECTOR,
ACCESS AND PUBLIC PROTECTION****LEGISLATIVE BASIS OF PLANNING FOR MAJOR FLOODS****Purpose of the Report**

1. The purpose of this report is to provide an overview of the legislative basis for planning and preparation for the impact of major flooding in Nottinghamshire.

Information and AdviceBackground

2. Recent experience of severe flooding across the UK has raised concerns that flooding is becoming more frequent and more severe, with a growing number of communities affected each year. In such incidents, the victims may experience many weeks of hardship, and the local economy can be affected severely.
3. The risk of flooding in Nottinghamshire is ranked amongst the highest of the risks identified in the Community Risk Register (CRR) of the Local Resilience Forum (LRF). Small scale floods occur most years somewhere in the county and major wide-scale flooding has been experienced most recently in 2000, 2007 and 2013. Across the whole of Nottinghamshire there are around 40,500 people that could be affected by river flooding during an event with a 1% chance of happening in any given year. The floods of 2007 inundating some 1,400 Nottinghamshire properties.
4. Flooding from various sources may occur separately or in combination, and can vary considerably in magnitude and duration, with significant damage possible in both urban and rural areas. River systems cover much of Nottinghamshire and 'Fluvial' (river related) flooding may result from the overtopping and/or breaching of flood defences by:
 - Heavy rainfall and/or melting snow causing high water levels in rivers and tributaries
 - Dam/reservoir failure causing exceptionally high water levels in rivers downstream
 - Flash flooding due to intensive localised storms
 - Any combination of the above

5. Another type of flooding, called 'Pluvial' (or surface water) flooding occurs when the ground and drainage systems cannot cope with intense rainfall. This is typically associated with summer thunderstorms and is normally highly localised. This flooding tends to have a very short lead-time, making it difficult to predict, and it can occur where no natural watercourse exists.
6. Legislation governing local authorities' interest in flooding falls into two distinct parts; that relating to flood risk management / flood prevention work (which is led by Highways, and is reported to the Transport and Highways Committee) and that relating to the need to plan and prepare to respond when flooding occurs, which is led by the emergency planning team and is reported to the Community Safety Committee.
7. As witnessed during the flood events affecting Somerset Levels and the Thames Valley over recent months, major flooding events attract attention from local, national and international audiences. In such events, the response of local agencies (including County Councils) comes under intense scrutiny and attracts critical comment.

Flood Risk Management

8. Following the severe flooding of summer 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 transpose the EU Floods Directive into UK Law, and the 'Flood and Water Management Act' (2010). Under this Act, the County Council is a 'Lead Local Flood Authority' (LLFA) and has powers and duties for managing flooding from local sources (Ordinary Watercourses, surface water and ground water). The role includes investigations after flooding has occurred and flood risk assessment and management.
9. Although this particular legislation does not cover flood emergency response, residents in flood risk areas naturally look to the County Council for support during flooding due to the authority's status as the 'Lead Local Flood Authority.'

Floods Emergency Planning and Response

10. The Civil Contingencies Act (2004) is the most significant piece of legislation affecting emergency planning and response in the UK. Under this Act, the County Council and other Local Resilience Forum partners have seven duties:
 - Risk Assessment
 - Emergency Planning
 - Cooperation with Partners
 - Information Sharing with Partners
 - Warning and Informing the Public
 - Business Continuity
 - Business Continuity Promotion

11. In respect of the duty to assess the risk of emergencies impacting the County, the Community Risk Register of the Local Resilience Forum identifies the following four specific flood related hazards:

- Local fluvial flooding (High Risk)
- Local / urban flooding (fluvial or surface run-off) (High Risk)
- Localised, extremely hazardous flash flooding (High Risk)
- Major reservoir dam failure / collapse (Medium Risk)

12. The assessments identify some thirty communities in danger of flooding and the following rivers and watercourses as posing the greatest risk in the county:

- River Trent
- Lower River Soar
- River Devon
- River Smite
- River Erewash
- River Maun
- River Idle
- River Ryton
- The Cocker Beck
- The Dover Beck at Woodborough
- The Potwell Dyke at Southwell
- River Greet at Rolleston.

13. Having assessed the risk of flooding, other duties under the Civil Contingencies Act require the County Council, working in concert with partners, to prepare appropriate plans to be able to respond effectively to the impact of flooding and help to alleviate the effects on communities and infrastructure.

14. For the purpose of emergency planning, a major flooding incident can be considered as one that has a significant impact on a community including the flooding of multiple properties, disruption of road networks and the interruption of other transport systems. Often they will affect multiple locations, with fluvial flooding in particular likely to have countywide impact. The main elements of the County Council's planned response to a flood emergency are:

- On scene response / support – providing sandbags, closing off unsafe roads, pumping where appropriate, structural assessments (e.g. bridges), gully emptying.
- Warning and informing the public, providing timely information and advice.
- Identifying and supporting vulnerable residents that are known to the County Council.
- Supporting emergency services and other responding agencies (e.g. with evacuation).
- Providing emergency accommodation / transport for evacuees and addressing any other welfare needs.
- Responding to animal health / welfare issues (e.g. stranded livestock).

- Representation at multi-agency coordinating groups.
 - Ensuring that delivery of the County Council's critical services is uninterrupted.
15. The principle LRF emergency plans involved are the Flood Response Plan, Generic Reservoir Emergency Off-site Plan, Sandbag Policy, and Local Floods Response Plans for Newark and Sherwood, Bassetlaw and Mansfield. The County Council's plans include an internal Floods Emergency Plan plus generic NCC plans including:
- Major Emergency Plan
 - County Emergency Centre Plan
 - Elected Members Emergency Plan
 - Emergency Accommodation Plan
 - Emergency Transport arrangements
 - Community Flood Signage Scheme Policy
16. Other relevant plans include:
- LRF Communicating with the Public Plan
 - LRF Generic Major Incident Response Plan
 - LRF Recovery Plan
 - Community emergency plans
17. Responding effectively to significant flooding will usually demand a high level of resources and it is likely that some normal service delivery will be interrupted. In these circumstances, it is likely that the Nottinghamshire County Council response structure for major emergencies will be invoked and the 'County Emergency Centre' will be brought into use as a communication and coordination hub for the Council.
18. Training events are provided for staff, partners and volunteers, and the plans are validated through exercises. The most recent major exercise of local flood response plans was Exercise Diamond 3 held on 19th September 2013.

Community Resilience

19. Recent UK flood incidents have demonstrated the important leadership role of councils when emergencies affect local communities. As well as the immediate support for victims (as part of the multi-agency response), Councils play a significant role in helping households, communities and businesses to recover. In many areas, the recovery process stimulates an interest amongst householders, businesses' and community groups to take steps themselves to be prepared for future flooding. The emergency planning team support this by signposting to flood protection advice, providing business continuity advice and a template 'Community Emergency Plan' and guidance.
20. A particularly good example of a flood risk community taking steps to manage their own risks and to prepare for future floods is provided by the Southwell Flood Forum. This has evolved to be the most elaborate example of community resilience in Nottinghamshire. The emergency planning team has assisted by

providing support and guidance, participated in the development of a community flood signage scheme (involving up to 21 possible road closure points in severe flooding) and training for more than 50 Southwell Flood Wardens.

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

It is recommended that the committee:

1. notes the contents of this report, reflecting in particular that a variety of legislative instruments govern flood risk management and planning for the response to a flood emergency, and,
2. asks the Emergency Planning Team to brief individual Members on the plans in place for responding to flooding in their area.

PAUL MCKAY

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Constitutional Comments (SHB 10.4.14)

22. This report is for noting only so no Constitutional Comments are required.

Financial Comments (KAS 02/04/14)

23. There are no financial implications contained within the 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.

- NCC Floods Response Plan

Electoral Division(s) and Member(s) Affected

- All