



REPORT OF THE CORPORATE DIRECTOR, PLACE

FLOOD RISK MANAGEMENT SECTION 19 REPORT - KIMBERLEY – 24 SEPTEMBER 2019

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 to present its report in relation to the flooding in Kimberley on 24th September 2019, 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 (FWMA).
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 Via East Midlands Ltd. on behalf of Nottinghamshire County Council as Highway Authority, the Environment Agency (EA), who manage flooding from generally larger rivers known as Main Rivers, such as the River Trent; Internal Drainage Boards (IDB) managing low lying areas; District, Borough, Parish and Town Councils; and infrastructure/utility providers, such as Severn Trent Water (STW) and the Highways England (HE). 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).
4. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses).
5. Section 19 of the Flood and Water Management Act gives Nottinghamshire County Council, as 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 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 Risk Management Authorities.
6. 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 if it wishes to then carry out further investigation into possible flood prevention and protection measures that could be implemented.
7. At Transport and Highways Committee on 31 October 2013 it was approved that Section 19 Reports should be undertaken where Nottinghamshire County Council 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 for Kimberley

8. As a result of the flooding in Kimberley on the 24th September 2019 the Lead Local Flood Authority working with partners carried out investigations and is now able to present its Section 19 Report as contained in Appendix A.
9. The report identifies that following a prolonged period of heavy rainfall, there were significant overland flows that followed the natural topography of the Kimberley area. On the morning of the 24th of September 2019 and following an increase in rain intensity, the highway drainage system public sewer system was beaten by fast flowing overland flows that used the roads as channels. This flood water resulted in 7 businesses suffering from internal flooding.
10. As part of the investigations Nottinghamshire County Council officers liaised closely with Severn Trent Water and Broxtowe Borough Council who have both worked closely with the community to assist affected businesses. They have also carried out investigations into the mechanism of this flood event through checking the working efficiency of their relevant assets.
11. The report also identifies that all relevant Risk Management Authorities carried out, and continue to carry out their respective duties.
12. As the Lead Local Flood Authority, we have witnessed and have experience of how flooding devastates communities. The most vulnerable in the community will be our priority. NCC will continue to work closely with partners and communities to identify ways of proactively reducing the risk, likelihood and consequences of future flooding events.

Reason/s for Recommendation/s

13. 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

14. 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.
15. 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 National Health Service 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

16. Since becoming an 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

17. It is anticipated that this collaborative work will 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) The Committee approves the publishing of the Section 19 report Appendix A in line 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.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Gary Wood – Group Manager, Tel: 0115 9774270 / Sue Jaques – Flood Risk Manager, Tel: 0115 9774368

Constitutional Comments (SG 08/01/2020)

18. The attached 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 (SES 08/01/2020)

19. 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

- Nuthall and Kimberley:
- County Councillor Philip Owen