

11 February 2016

**Agenda Item: 9**

## **REPORT OF SERVICE DIRECTOR, HIGHWAYS**

### **SECTION 19 REPORT – FLOODING IN HUCKNALL ON THE 23 JULY 2013**

#### **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 Hucknall on the 23 July 2013

#### **Information and Advice**

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 transpose the EU Floods Directive into UK Law and the Flood and Water Management Act (2010) (FWMA).
3. The Council is now a Lead Local Flood Authority (LLFA) and has new powers and statutory duties to manage and co-ordinate local flood risk management activities. The County Council does this by working together with other organisations including the Environment Agency, who manage flooding from generally larger rivers (known as Main Rivers, such as the River Trent), Internal Drainage Boards managing low lying areas, District, Borough, Parish and Town Councils and infrastructure/ utility providers, such as Severn Trent Water and the Highways Agency. Partnership work is overseen by Strategic Flood Risk Management Board, jointly chaired by NCC and NCiC and attended by all Risk Management Authorities.
4. Section 19 of the FWMA gives NCC, as LLFA, 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, and
    - (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 an investigation under subsection (1) it must—

- (a) publish the results of its investigation, and
- (b) notify any relevant risk management authorities.

- 5. 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 RMAs have exercised or will exercise their responsibilities but it does not identify specific measures to prevent future flooding. It is up to the LLFA if it wishes to then carry out further investigation into possible flood prevention and protection measures that could be implemented.
- 6. At Transport and Highways Committee on 31 Oct 2013 it was approved that Section 19 Reports should be undertaken where the 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 for Hucknall**

- 7. As a result of the flooding in Hucknall on the 23 July 2013 the LLFA carried out investigations and is now able to present its Section 19 Report as contained in Appendix A
- 8. The report identifies four main sources of flooding:
  - 1. Baker Lane Brook
  - 2. Titchfield Park Brook
  - 3. Surface Water Runoff
  - 4. Sewer pipe surcharge

Without repeating the detail of the report it does acknowledge that the storm that caused flooding in 2013 was unprecedented in nature and far exceeded all relevant design standards for the watercourses and drainage systems identified above by a significant margin. It also identifies that all relevant Risk Management Authorities carried, and continue to carry, out their respective duties.

### **Other Options**

- 9. This report delivers a duty defined within the Flood and Water Management Act (2010) and in line with approved Council policy and as such there are no other options.

### **Further investigation**

- 10. As highlighted earlier the LLFA may carry out further investigations into possible flood prevention and protection measures. In the case of Hucknall the LLFA decided that such action was necessary and a detailed hydraulic investigation was carried out by URS (now AECOM). This work has provided the necessary information to identify a number of measures ranging from individual Property Level Protection (installation of flood gates and similar) through to the inclusion of a large flood relief culvert as part of the Hucknall Town Centre Improvement Scheme. The current programme shows the highway and flood relief culvert completion dates of October 2016 with the whole TCIS scheme completed by May 2017. Much of this work has been done in conjunction with other RMAs.

## **Statutory and Policy Implications**

11. The County Council has a number of new statutory duties and powers under the FWMA and Flood Risk Regulations (2009) including Section 19 Reports.
12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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.

## **Financial Implications**

13. The costs of the Section 19 report will be contained within existing budgets.

## **Reason for Recommendation**

14. The report delivers a duty defined within the Flood and Water Management Act (2010) and in line with approved Council policy.

## **RECOMMENDATION**

It is RECOMMENDED that the Committee note for information the Section 19 Report as contained in Appendix A

**Neil Hodgson**  
**Service Director Highways**

### **For any enquiries about this report please contact:**

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### **Constitutional Comments (SLB 13/01/2016)**

This report is for noting only.

### **Financial Comments (SES 15/01/16)**

The financial implications are set out in the report.

### **Background Papers**

None

**Electoral Division(s) and Member(s) Affected**

Hucknall  
Cllr Wilkinson  
Cllr Grice  
Cllr Wilmott