

APPENDIX C

SECTION 19 REPORT – JACKSDALE – NOVEMBER 2019

Introduction

Section 19 of the Flood and Water Management Act 2010 states:

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 RMAs 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) of Section 19 it must:
 - (a) Publish the results of its investigation.
 - (b) Notify any relevant Risk Management Authorities.
3. The objective of this report is to investigate which Risk Management Authorities had relevant flood risk management functions during the flooding in November 2019 and whether the relevant Risk Management Authorities have exercised, or propose to exercise, their risk management functions (as per section 19(1) of the Flood and Water Management Act 2010).
4. The Risk Management Authorities with a duty to respond to this flooding incident are Nottinghamshire County Council (NCC) as Lead Local Flood Authority (LLFA), Nottinghamshire County Council as Highways Authority (Via East Midlands Ltd.), and Ashfield District Council (ADC).
5. It should be noted that this duty to investigate does not guarantee that flooding problems will be resolved and cannot force others into action.

Background

6. On the 7th November 2019, parts of the East Midlands experienced a month's worth of rainfall in just 24 hours. Via East Midlands Ltd., on behalf of Nottinghamshire County Council, facilitated 66 road closures across the county, placed over 750 flood signs on the network to warn motorists of issues and delivered over 5000 sandbags. It was reported by the Environment Agency that Nottinghamshire experienced 225% of its average monthly rainfall between the 7th and 14th November. A major incident was declared at 09:50 on Thursday 7th November by the Tactical Co-Ordinating Group.

With the ground already saturated following one of the wettest autumn's on record, further rain on 14th November resulted in flooding across parts of Nottinghamshire including

Jacksdale, a small village that sits on the Nottinghamshire / Derbyshire border with a population of approximately 3500 at the 2011 Census.

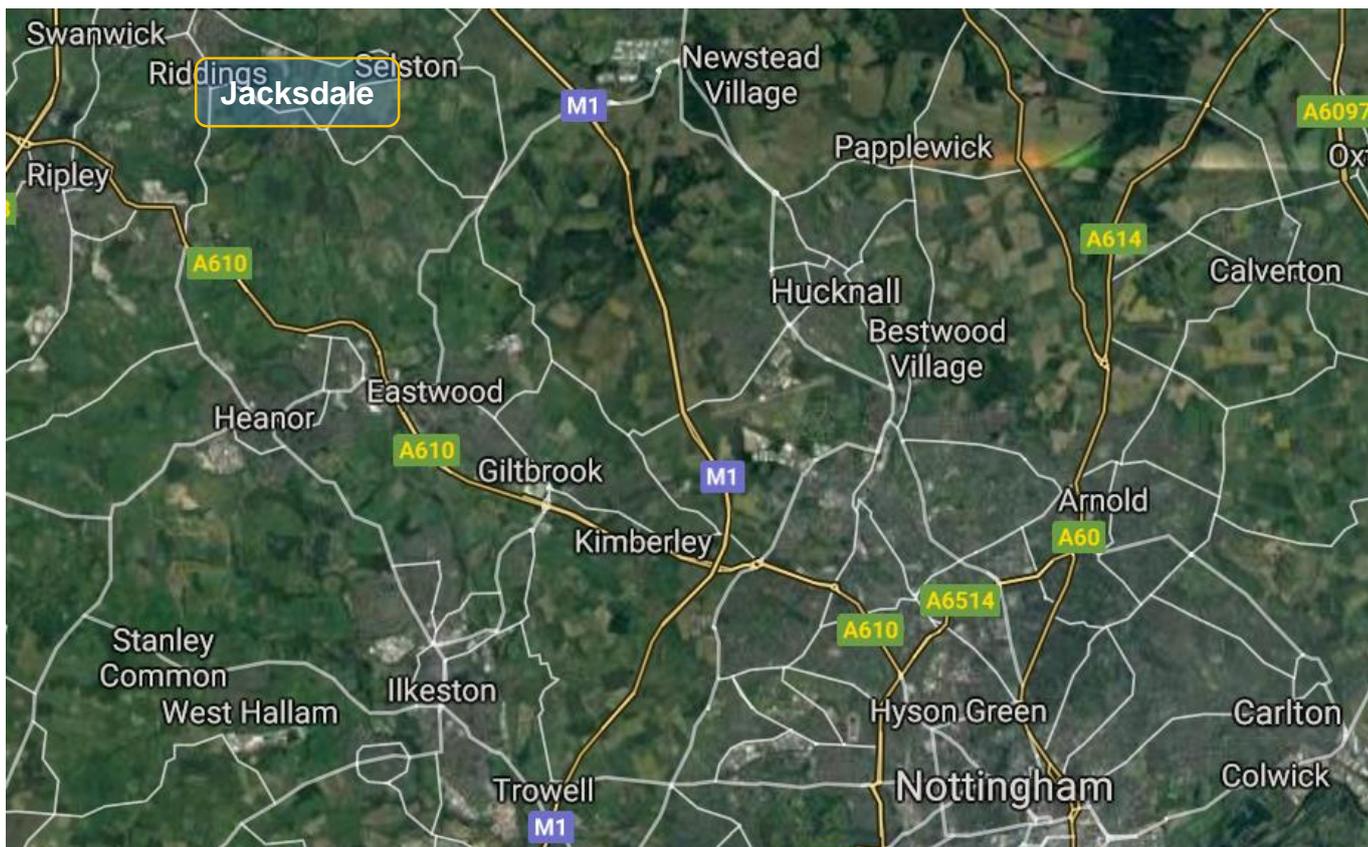


Figure 1. Location Plan

The severe weather led to Nottinghamshire Local Resilience Forum declaring a major incident. In the following days, further intense rainfall caused additional surface water and fluvial (river) flooding.

During this period the Environment Agency monitored water levels constantly and issued 38 flood warnings and 16 flood alerts across Nottinghamshire in November as shown in Figure 2 below.

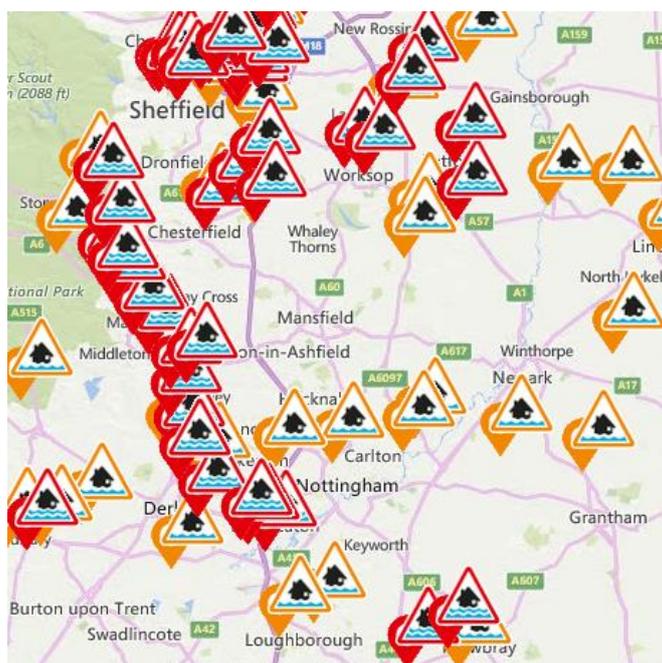


Figure 2. Flood Warnings and Alerts Issued during November 2019

On the 14th of November 2019 parts of Jacksdale suffered a significant flood event with 7 reported incidents of internal property flooding. The flooding also affected the public highways in the village and a number of gardens and curtilages.

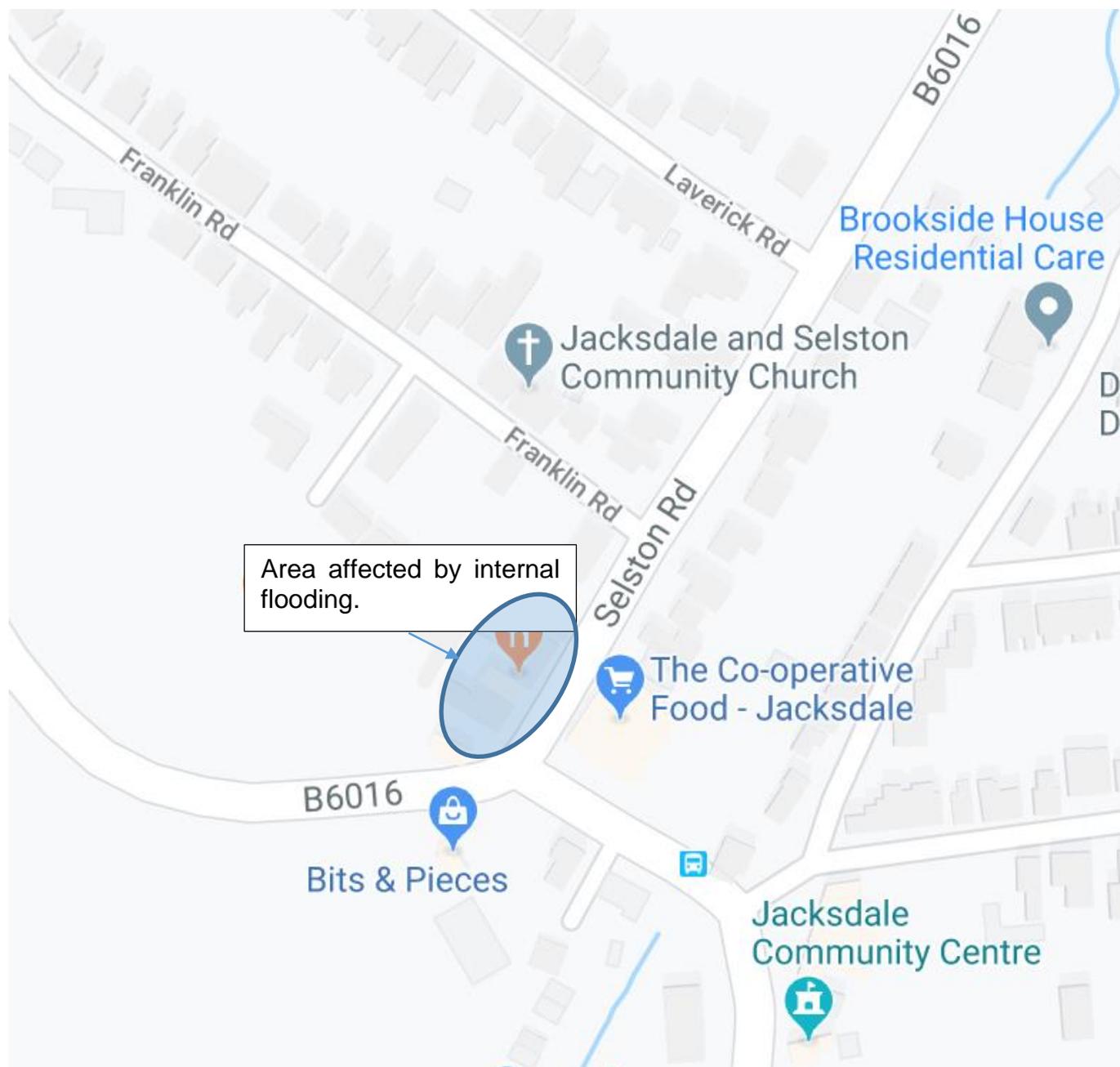


Figure 3. Plan highlighting area affected by internal flooding

Summary of flooding and its causes

7. The area of Jacksdale affected is at the bottom of quite a large catchment area, which is served by a mixture of highway drainage and surface water culverts / ditches.

During the rainfall event all the surface water assets were overwhelmed which resulted in water collecting at a low spot in the catchment, flooding properties and businesses.

Figure 4 shows an extract from the Environment Agency's flood risk maps that clearly show predicted flooding from surface water correlating with the actual flooding experienced in November. Figure 5 shows the topography of the area and the surface water flow paths. Figures 6 and 7 show how low the affected properties are compared to the surrounding area highlighting their vulnerability to flooding.

There are anecdotal reports of previous flooding in the area and the issue of future maintenance and responsibilities for the watercourse adjacent to Selston Road has been raised with Nottinghamshire County Council as Land Drainage Authority who are proactively looking at ways of managing the issues with responsible land owners. No formal reports of previous internal flooding are held by Nottinghamshire County Council.

It is acknowledged that some unconsented modifications carried out to the watercourse upstream of the affected area and on private land may have contributed to the flooding but should not be seen as the single cause. As Lead Local Flood Authority we are pursuing remediation of this work and it is likely that this will require the support of our Legal Team to help resolve.

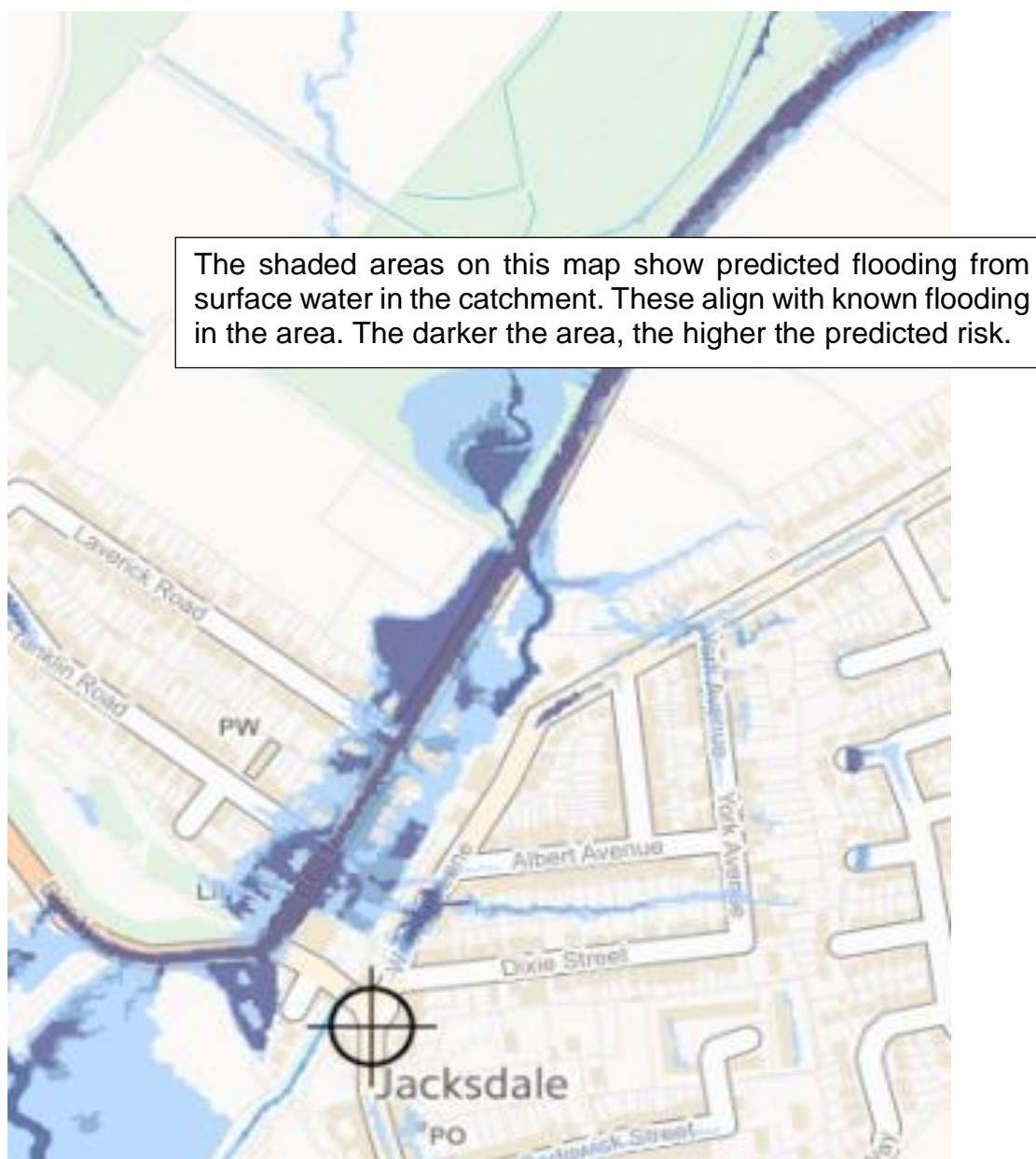
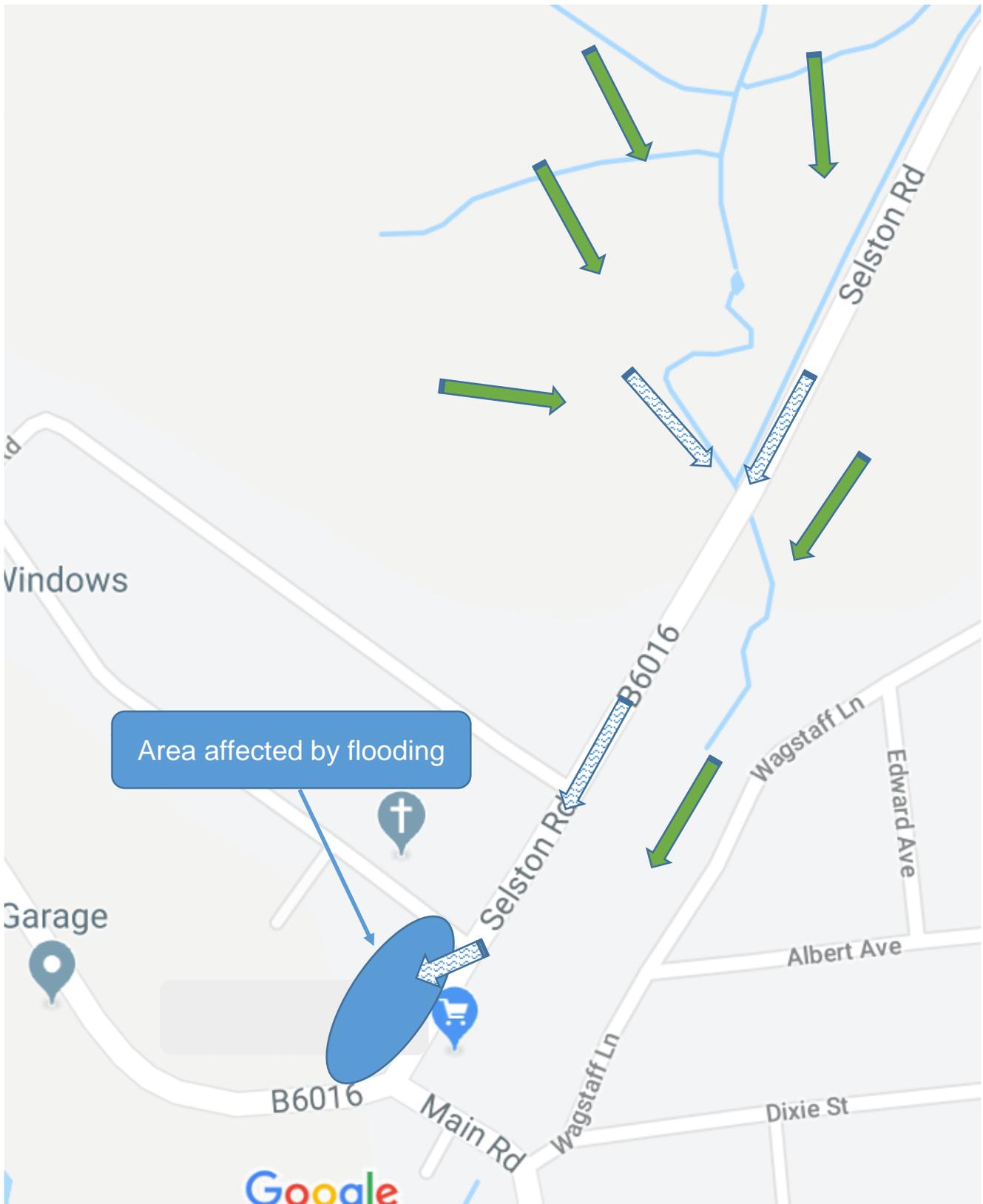


Figure 4. Extract from the Environment Agency's Flood Risk Maps



 Fall of the land / valley
  Surface water flowpaths

Figure 5. Selston Road catchment and surface water flow paths

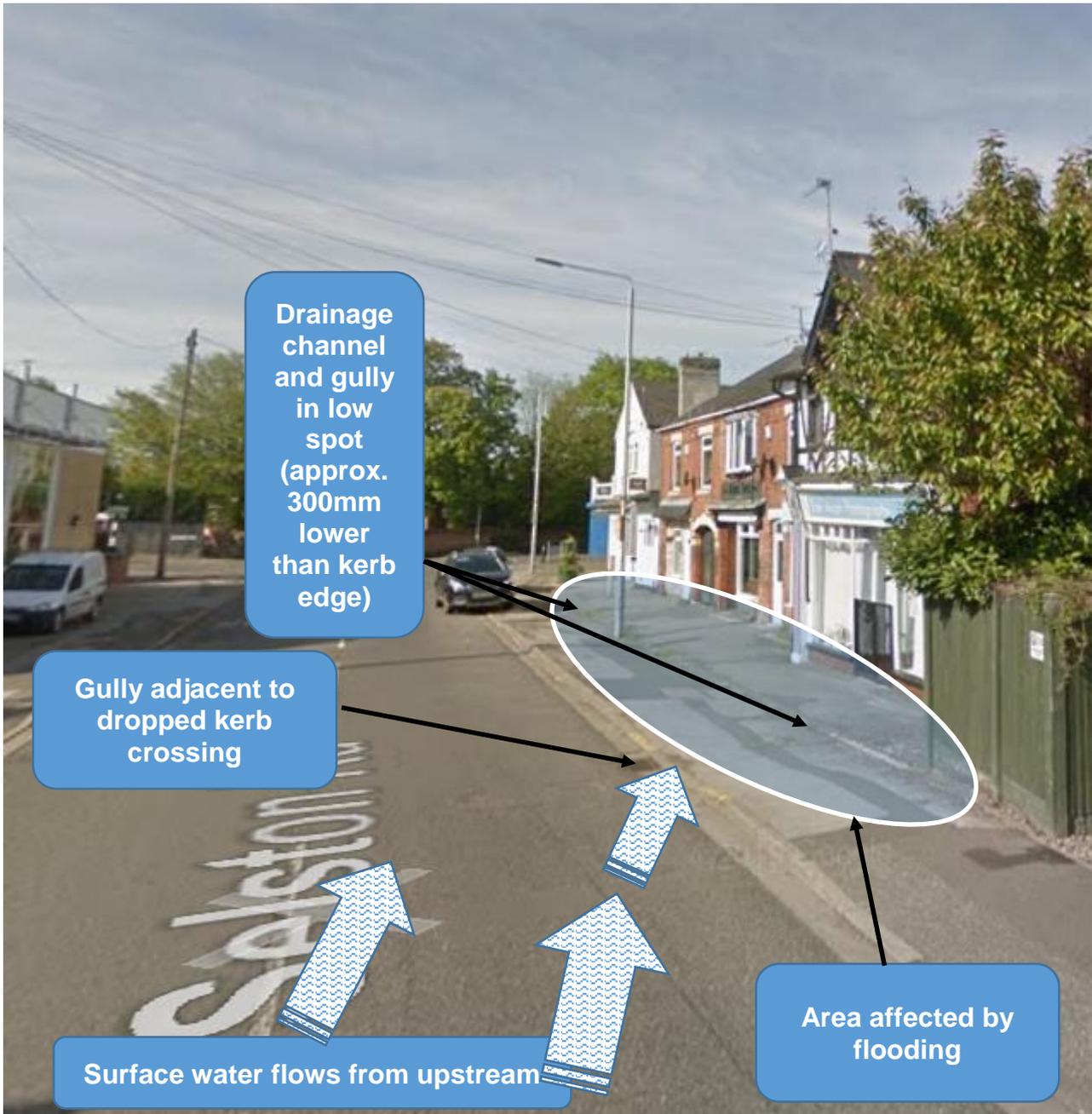


Figure 6. Localised surface water flowpaths around affected properties



Figure 7. The low doorstep threshold levels of some of the properties affected – newer properties adjacent to these have been constructed with bigger thresholds

Risk Management Authorities and their responsibilities

8. Nottinghamshire County Council

a) Lead Local Flood Authority

- i. Investigate significant local flooding incidents and publish the results of such investigations.
- ii. Play a lead role in emergency planning and recovery after a flood event.
- iii. Lead Local Flood Authorities also have a duty to determine which risk management authorities have relevant powers to investigate flood incidents to help understand how they happened, and whether those authorities have or intend to exercise their powers.
- iv. By working in partnership with communities, Lead Local Flood Authorities can raise awareness of flood risks.
- v. Lead Local Flood Authorities should encourage local communities to participate in local flood risk management.

b) Emergency Planning

- i. If a flood happens, all local authorities are 'category one responders' under the Civil Contingencies Act. This means they must have plans in place to respond to emergencies and control or reduce the impact of an emergency.

c) Highway Authority (Nottinghamshire County Council / Via East Midlands Ltd)

- i. Maintenance of the public highways including highway drainage assets.
- ii. Provided site-based presence and investigations immediately following the event.

9. Ashfield District Council

- a) Category one responder under the Civil Contingencies Act. This means they must have plans in place to respond to emergencies and control or reduce the impact of an emergency.

Risk Management Authority Responses to Flood

10. The following lists the actions taken by each Risk Management Authority in response to the flooding both in the immediate aftermath as well as in the longer term:

a) Nottinghamshire County Council:

- i. Initiated and co-ordinated Emergency Planning procedures including delivery of 100 sandbags for the area.
- ii. Carried out investigations and maintenance work on culvert in vicinity of flooded properties and checked highway gully connectivity.
- iii. Liaised with private landowners and continue to pursue the making good of unconsented modifications to a watercourse and maintenance of watercourse in private land.
- iv. Administered Flooding Hardship Fund.
- v. Initiated and led the Section19 Flood Investigation.

b) Ashfield District Council

- i. Provided emergency response support in management of flooding event.
- ii. Actively engaged in the Section 19 Flood Investigation and provided support to Lead Local Flood Authority.

Additional information and future actions

11. At the upper end of the catchment the decommissioned colliery site is now privately owned land and contains within it a series of ordinary watercourses. These watercourses have the potential to significantly contribute to the flow of water in the area and careful management of them is important. We have already started to liaise with one of the land owners to ensure this message is understood and will continue to work with him and other land owners as necessary. This issue is further complicated due to the ongoing sale of sections of the land in question however our enquiries are progressing and we will continue to work with landowners as necessary.
12. All the Risk Management Authorities involved in this event are committed to continuing the investigations into the causes of this incident. Those investigations may identify further actions not listed below.
13. The local community spirit and resilience during the flooding must be recognised as without their efforts the impacts of the flooding could have been worse.
14. Where appropriate Nottinghamshire County Council and the Environment Agency administer a Flood Warden scheme, including supporting the provision of local sandbag stores, and a Community Flood Signage Scheme in communities at risk of potential flooding. All equipment and training is provided for free should there be sufficient volunteer interest in the community. Further information on these services are available on Nottinghamshire County Council's website.
15. We will continue to pursue the making good of unconsented modifications to a watercourse as mentioned in paragraph 7 of this report and support Ashfield District Council in ensuring watercourses in the area are maintained by the relevant land owners / responsible persons.
16. 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. Nottinghamshire County Council will continue to work closely with partners and communities to identify ways of proactively reducing the risk, likelihood and consequences of future flooding events.