

APPENDIX A

SECTION 19 REPORT – EASTWOOD – 18 SEPTEMBER 2023

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 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) of Section 19 it must:
 - (a) Publish the results of its investigation.
 - (b) Notify any relevant Risk Management Authorities.
3. This report sets out the results of such investigation detailing which RMAs had relevant flood risk management functions during the flooding in September 2023 and whether the relevant RMAs have exercised, or propose to exercise, their risk management function (as per section 19(1) of the Flood and Water Management Act 2010).
4. The Risk Management Authorities for this area of Nottinghamshire are:
 - (a) The Environment Agency (EA).
 - (b) Broxtowe Borough Council (BBC).
 - (c) Nottinghamshire County Council (NCC) as Lead Local Flood Authority (LLFA).
 - (d) Nottinghamshire County Council as Local Highway Authority (LHA)
 - (e) VIA East Midlands Ltd as Highways Authority on behalf of NCC (Via).
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. During the evening of the 17th September 2023 Nottinghamshire was subjected to heavy localised rainfall with over 35mm of rain falling over the Eastwood area in 3 hours. This rainfall resulted in internal flooding to 5 residential properties and external flooding to gardens and roads. Figure 1 below shows the local area, the areas affected and the development site where the flooding occurred.



Figure 1. Diagram showing local area.

7. The internal flooding was very isolated in nature with 5 residential properties affected. Investigations showed that excessive surface water built up behind earthen bunds on the development site at the rear of the affected properties. These bunds were built to stop excess water flowing off site, following the stripping of the site. After the intense rainfall event this bund failed resulting in the captured water flowing down the banks of one resident's garden and eventually entering the 4 other properties. Figure 2 below shows the bund in question and the area of failure.



Figure 2. Photographs showing banks on development site.

8. Properties on Garden Road suffered flooding from the rear due to the direct breach of the bund, this water subsequently entered the highway, then travelled between properties affecting further residential properties on Greenhills Road. An additional 9 properties in the area suffered external damage to gardens, sheds, garages and outbuildings.
9. Discussions were undertaken with the development site owners with regards to ensuring additional remedial works were undertaken to reinforce existing bunds on site. As of the 4th of November, these additional measures were complete and included:
 - (a) Reinforcing and compacting of the earth bund on the North side of the site,
 - (b) installation of a land drain across the northern boundary, discharging into 2 existing manholes,
 - (c) further creation of depressions across site to spread water retention,
 - (d) installation of geo-textile membrane to stop silt build up on new assets.

Risk Management Authorities and their responsibilities

10. 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 (Via East Midlands Ltd. on behalf of Nottinghamshire County Council)
 - i. Maintenance of the public highways including highway drainage assets.
11. Broxtowe Borough Council
 - i. 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

12. 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. Attended site immediately after flooding occurred.
 - ii. Initiated and led the Section 19 Flood Investigation.
 - iii. Carried out on site investigation into the flooding.
 - iv. Liaised with affected residents on site.
 - v. Liaised with development site owner.
 - vi. Undertook follow up site visits with development site owner.

 - b) Broxtowe Borough Council:
 - i. Responded to residents: cleared debris from Garden Road and pavements, unblocked drain on Beach Lane, and assisted an elderly resident to clear his drive.
 - ii. Assessed whether any resident was homeless and needed emergency accommodation.
 - iii. Informed Emergency Planning: Nottinghamshire County Council.
 - iv. Liaised with affected residents on Garden Road, Beach Lane and Greenhills Road.
 - v. Planning Enforcement officer attended site and reported incident to the Health and Safety Executive.
 - vi. Liaised with developer.
 - vii. Liaised with Nottinghamshire County Council representatives on site.
 - viii. Contacted VIAEM to initiate emergency response.
 - ix. Distributed sandbags to residents.
 - x. Released communications to provide media and residents with latest information.
 - xi. Checking whether a breach of planning legislation / regulations has occurred.
 - xii. Planning Enforcement Officer has visited the site on a number of occasions since the flooding to monitor the situation.

Additional information and future actions

13. This was a very isolated flooding incident and onsite investigations concluded that it was the result of a heavy localised rainfall event falling onto a stripped development, with an ultimate failure of the assets on site with no other obvious contributing factors. There was no evidence or suggestions that any flood water came from the public highway network, sewer network or nearby watercourses.
14. 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.
15. Further reviews on the current mitigation on the development site have been assessed by NCC and Broxtowe Borough Council to ensure their suitability and safety. The Local Planning Authority will continue to monitor and assess.
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. 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.

17. NCC will continue to work with local planning authorities and developers regarding the need for robust construction phase management plans.