

APPENDIX AI

SECTION 19 REPORT – TOTON – STORM BABET, OCTOBER 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 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 RMAs.
3. The objective of this report is to investigate which RMAs had relevant flood risk management functions during the flooding in October 2023 and whether the relevant RMAs 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 for this area of Nottinghamshire are Broxtowe Borough Council (BBC), Nottinghamshire County Council (NCC) as Lead Local Flood Authority (LLFA), VIA East Midlands Ltd as Highways Authority on behalf of NCC & Environment Agency (EA).
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. Toton is a large suburban settlement in the Broxtowe Borough of Nottinghamshire with a population of approximately 8,238 people according to the 2011 census.
7. On the 20th October, during Storm Babet, Stapleford suffered a flood event caused by sustained heavy rainfall. Between the 18th and 20th of October, 107mm of rainfall was recorded at the Newstead Abbey rain gauge as shown by figure one below.
8. This storm came after a prolonged period of persistent rain which had saturated the ground resulting in flooding of roads and properties quicker than they would following a dry period.

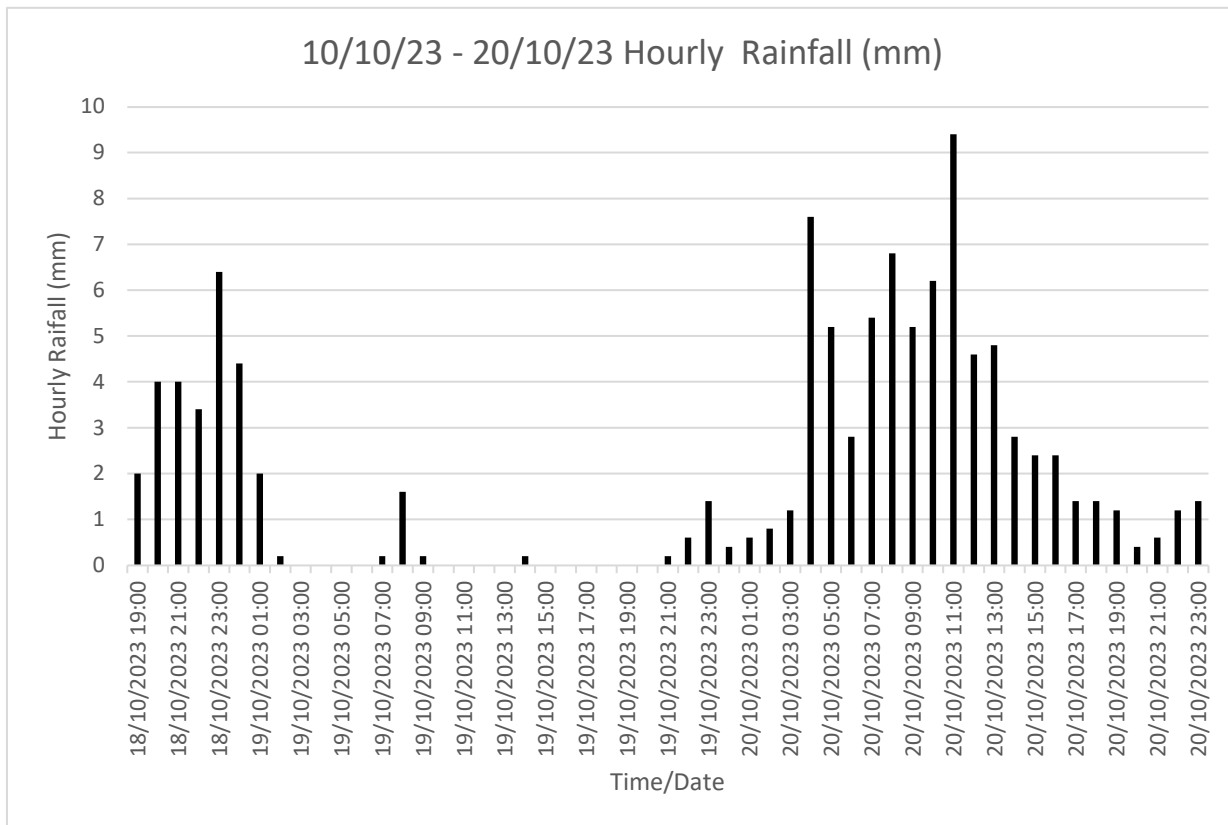


Figure 1. Newstead Abbey Hourly Rainfall 18th October 2023. Data supplied by the Environment Agency

9. Localised flooding occurred in Toton at Nottingham Road and Portland Road, with a total of 15 properties suffering internal flooding. Figure 2 highlights this area and identifies the affected roads and where internal property flooding was present.

i. Figure 2: Nottingham Road (14 properties), Portland Road (1 property).



Figure 2: Affected area in Toton: Nottingham Road & Portland Road.

10. Evidence from local community identify that the properties on Nottingham Road were effected from the rear of the properties from the River Erewash (main river). As you can see shown below in Figure 3, the River Erewash recorded it's highest ever peak at 2.25m.

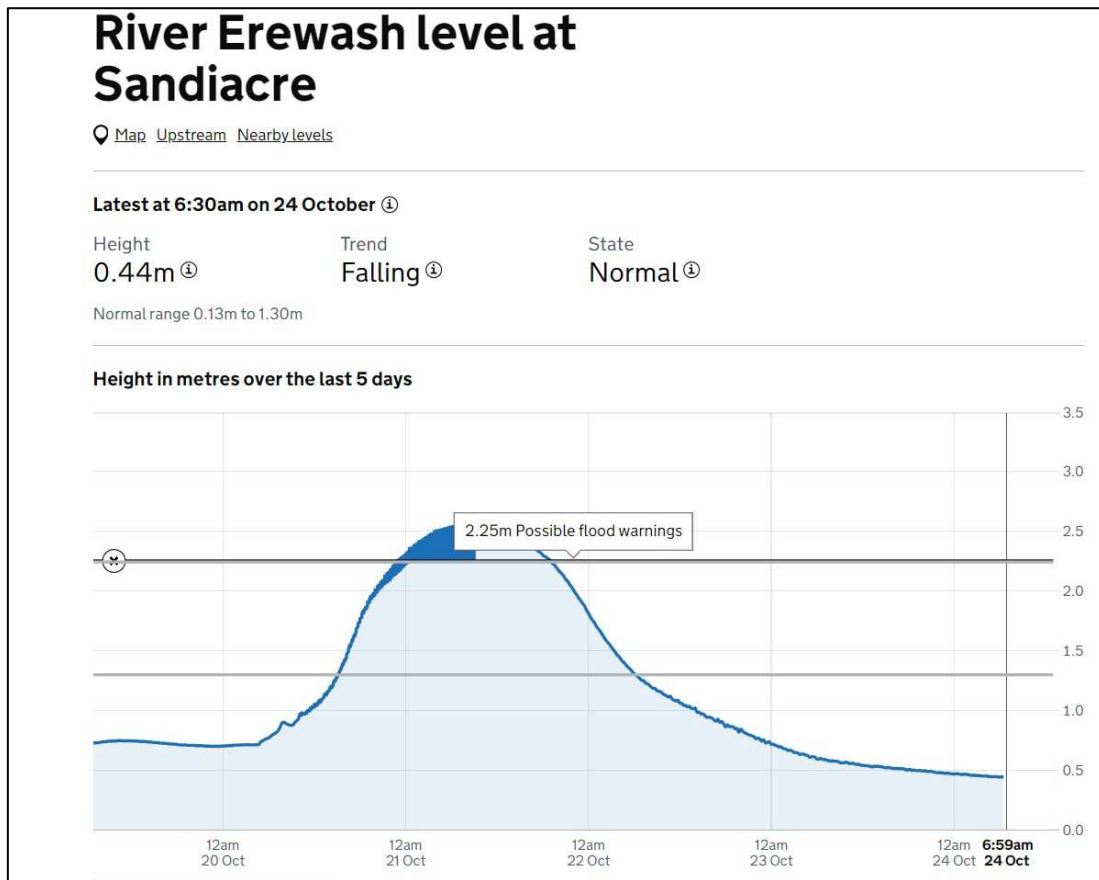


Figure 3: Environment Agency River Level Gauge – River Erewash at Sandiacrea

11. Figure 4 below is an extract from the Environment Agency’s flood risk maps that shows the area to be at risk of fluvial flooding. For the properties on Nottingham Road they are situated with Flood Zone 3 and for the property on Portland Road they are situated within Flood Zone 2 & 3.

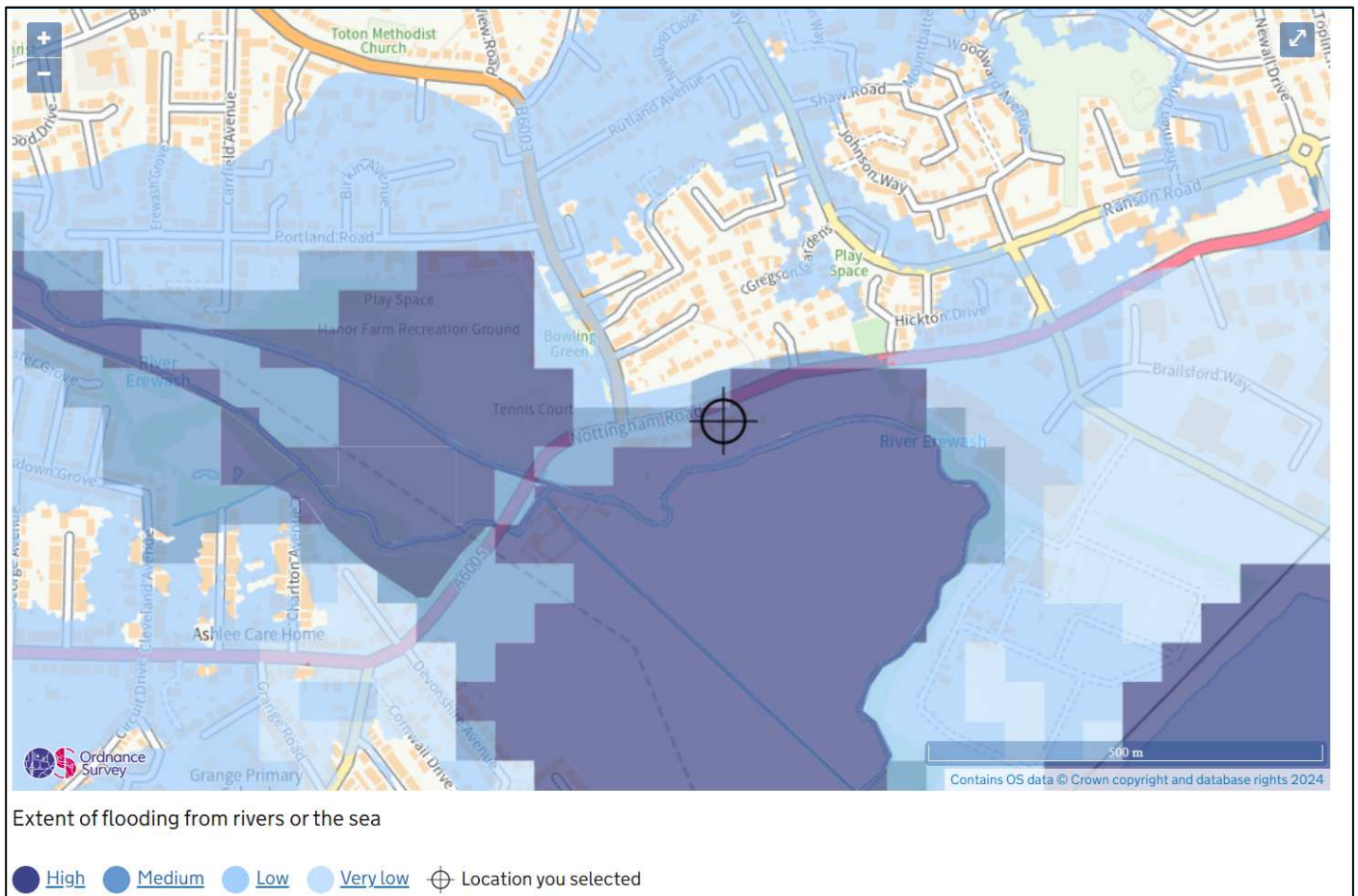


Figure 4: Environment Agency: Flood Risk Mapping for Eastwood

Risk Management Authorities and their responsibilities

12. 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.

13. 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.

14. Environment Agency (EA)

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

15. 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:

16. Nottinghamshire County Council.

Officers from across the County Council played a key role in the response to the Major Incident that had significant impacts across the county. The following lists the key actions taken by Nottinghamshire County Council:

- a) Initiated its Community Flood Recovery Grant to support individuals affected by internal flooding as a short-term recovery aid.
- b) Attended site after flooding occurred to verify scale of internal flooding, offer support, guidance and advice to affected residents and businesses.
- c) Information gathered on site was fed back to relevant RMA's and partners.
- d) Collated flood impact data from other RMA's and partners and published verified data on Resilience Direct.
- e) Visited flood affected residents and businesses to establish sources and mechanisms of flooding and severity of flood impacts.
- f) Chaired and attended Strategic / Tactical / Recovery Coordination Group meetings initiated by the Local Resilience Forum.
- g) Provided 24-hour support through the Emergency Planning team.
- h) Carried out relevant actions requested by Strategic / Tactical / Recovery Coordination Groups.
- i) Initiated and led the Section 19 Flood Investigation, including liaison with relevant RMA's, parish councils, community groups, affected residents and businesses.
- j) Leading on procurement and delivery of DEFRA Property Flood Resilience Repair Grant Scheme.
- k) Liaised with and supported existing community flood signage schemes during the flooding.
- l) Delivered sandbags to affected areas and communities.
- m) Closed 77 roads across Nottinghamshire to promote road safety and avoid additional flood damage to at risk areas.

- n) Supported District and Borough partners by sharing resources during the emergency response.
- o) Utilised existing communication channels to update the public, partners and Elected Members with key messages during the event.

17. Broxtowe Borough Council:

- a) Provided emergency response support in management of flooding event.
- b) Delivered sandbags to affected residents.
- c) Managed and continue to manage recovery in affected Broxtowe communities.
- d) Administered the flood hardship fund.
- e) Administered the council tax and business rate relief grant scheme.
- f) Actively engaged in the Section 19 Flood Investigation.

18. Environment Agency:

- a) Issued Flood Alerts for the River Erewash.
- b) Instigated flood patrols to operate their structures.
- c) Coordinated community information officers and surveyors to gather information.

Additional information and future actions

- 19. 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.
- 20. 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 contained within this report.
- 21. 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.
- 22. The Flood Risk Management team will look at the suitability of its Property Flood Resilience Programme for communities affected by Storm Babet and will take recommendations through the Cabinet Member later this year for consideration.
- 23. NCC will work with its partners to look at ways of strengthening the enforcement of riparian responsibilities alongside developing our asset inspection process.