

# Local Flood Risk Strategy 2022-2027



## **Section 3: Reviewing Flooding Incidents**

**How we review and prioritise flooding incidents, and what happens next when a problem is identified**

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### 3 Reviewing and investigating flooding incidents in North Yorkshire

The Flood and Water Management Act 2010 identifies a crucial role for Lead Local Flood Authorities in the review and investigation of flooding incidents and flood risk. Whilst we can't investigate every case in detail, we are committed to helping communities and individuals to understand as much as possible about the nature of the risks they might face.

Our Flood Risk Management Investigation Protocol helps us to identify and prioritise those locations at the greatest risk from flooding.

However, we are also aware that communities that have suffered flooding in the past, though they might not now carry the greatest risk of future flooding, are often the most proactive in contacting the authority seeking help and protection.

This protocol sets out how we intend to strike the right balance between focussing on those communities that we believe are exposed to the greatest level of threat, whilst also recognising the importance of responding effectively to direct requests from communities and members of the public.



#### 3.1 Establishing the scale of the issue

Flooding can cause a [variety of problems](#), and our expertise is increasingly sought for a wide range of flood-related issues. The first stage in assessing an issue is to determine the scale of the flooding, to establish whether our involvement can be justified as Lead Local Flood Authority.

Though we can often provide valuable guidance and assistance to any flooding query, there is a significant amount of effort required to establish all the facts relating to a particular issue. We have to be satisfied that the impact of the flooding is significant enough for our resources to be diverted from the delivery of other planned flood risk reduction activities, before launching a more significant review.

It is not possible to determine a quantitative measure of significance, but the following features should be considered when determining the scale of our response:-

- Number of properties believed to be affected (internal flooding)
- Number of risk management authorities likely to be involved
- The scale of the impact on critical infrastructure
- The reported frequency of the issues
- The reported circumstances that generated the incident

### 3.2 Response Options

Depending upon the outcome of the desktop assessment of the initial evidence base, a wide range of potential responses can be considered, the most common of which are set out in the table below.

<b>General description</b>	<b>What we will do</b>
Flooding reported with no internal property impact, and no significant impact on infrastructure. One-off or relatively infrequent occurrences associated with heavy rain	Respond with a clear indication of our role, register the incident(s), request any further evidence, pass details to other relevant Risk Management Authorities (RMAs), refer to longer term strategic review, provide details of community planning, offer guidance for riparian owners, consider informing the elected member
Flooding reported with either limited internal property impact, or moderate impact on infrastructure as a one-off or relatively infrequent occurrences associated with heavy rain, OR, relatively frequent occurrences that are causing significant inconvenience or distress	As above, but with a more active exploration of the circumstances surrounding the issue, including direct discussion with RMAs. Generate a letter in response that sets out the current protection being provided, any initiatives that are currently being pursued, and where appropriate any future actions that could be considered  Active engagement with elected members and senior management report
Flooding reported with either several internal properties impacted, or a significant impact on infrastructure as a one-off, OR, relatively frequent occurrences affecting a single property	As above, but in these circumstances the issue will be given greater priority and we would consider taking a more direct leadership role in the pursuit of solutions  In these circumstances we would also consider raising a 'hot spot' scheme via the local levy, national partnership funding, or from our own flood reserve
Significant property flooding and impact on critical infrastructure	As above, but with a significant communication plan. It is likely that a formal investigation will be carried out in accordance with Section 19 of the Flood and Water Management Act.

### 3.3 Formal Investigations

Occasionally, the severity or nature of a flooding incident will generate the need for a formal investigation to be carried out. This section sets out the criteria that we consider when assessing whether a formal investigation under s.19 will be carried out.

The policy has been developed in partnership with the Environment Agency and Yorkshire Water, reflecting the critical nature of partner organisations in the investigation process. The policy recognises the benefits to lead local flood authorities (LLFAs) and their partners that a consistent platform across the region for the development of investigation policies can provide.

One of the key aspects of the policy is the suggestion that it should recognise and clearly articulate that not all flooding will require a formal investigation under the Act. Where the criteria for a formal investigation are not met, North Yorkshire County Council might nonetheless progress the flooding issue though not as a S19 investigation, recognising the broader responsibility to manage flood risk in its area as LLFA.

#### 3.3.1 Background

In his review of the summer 2007 floods, Sir Michael Pitt recommended that local authorities should be given a duty to investigate flooding.

His recommendation came in response to complaints from flood victims that they had struggled to get satisfactory responses to their questions regarding the causes and responsibility for flooding affecting their properties and communities.

The Flood and Water Management Act 2010 received Royal Assent on 08 April 2010<sup>1</sup>. The Act implements the recommendations made by Sir Michael Pitt which require primary legislation, including the recommendation that local authorities should have a duty to investigate flooding.

### 3.3.2 S.19 Lead local authorities: duty to investigate

Section 19 of the Act states the following:

#### **Local authorities: investigations**

*(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, 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.*

### 3.3.3 Defining ‘Necessary or Appropriate’

The first test applied to a flooding incident in terms of the need for a formal investigation relates to the degree of support and openness being demonstrated by the relevant Risk Management Authorities. Wherever possible, it is our intention to carry out flood incident reviews in partnership with other Risk Management Authorities before we consider the application of the formal section 19 process.

Where we consider that a formal investigation might be necessary or appropriate, we will then consider the nature and scale of the incident against the following characteristics. This policy does not set specific quantitative thresholds.

### 3.3.4 Characteristics of a Flood

The following ‘characteristics of a flood’ have been identified which can be used to determine whether or not it is appropriate to generate a formal s.19 Investigation in response to a flood.

- Level of support and engagement from other Risk Management Authorities
- Number of properties internally flooded
- The depth, area or velocity of flooding reported
- The frequency of flooding in a given location
- The nature or extent of critical infrastructure impacted by the flood
- The nature or source of requests for an investigation received by NYCC
- Whether the flood relates to a known issue

**Number of properties affected** - Flooding which does not impact upon a property internally will not generally be considered to require formal investigation. At the other end of the spectrum, the internal flooding of more than 100 properties would seem certain to meet any LLFA's definition of necessary or appropriate.

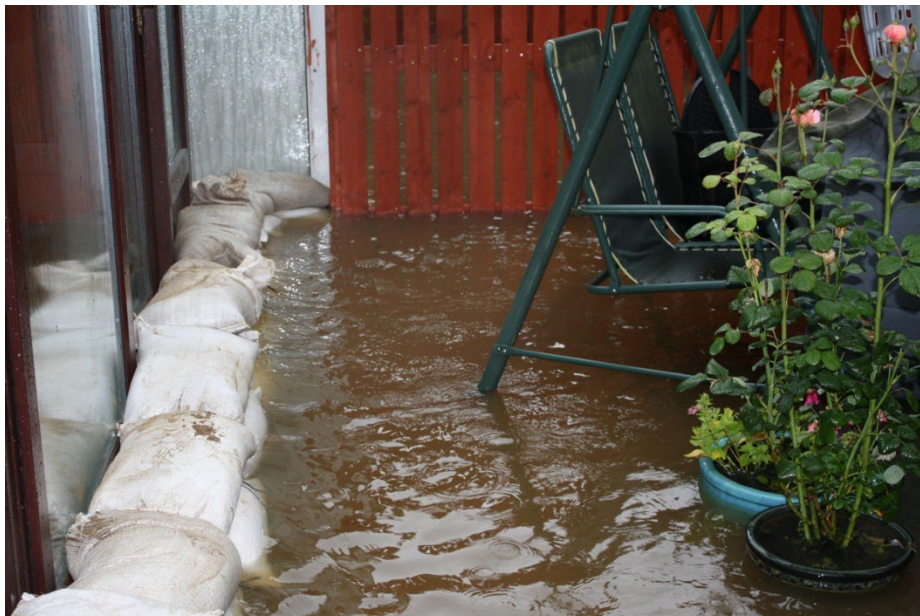
**Depth or velocity of flooding** – NYCC will consider this characteristic of a flood to reflect the increased risk to life and limb associated with deep or fast flowing water

**Frequency of flooding** – Flooding that would not reach the threshold for investigation, when it occurred as an isolated incident, might warrant consideration if repeated incidents are experienced. The number of repeats required to trigger formal investigation would need to reflect the severity of the flooding.

**Critical Infrastructure** – NYCC will take into account the impact of the flooding upon critical infrastructure, including circumstances which could be considered to be a 'near miss'.

**Investigation requests** - To reflect democratic principles, NYCC may wish to consider whether requests made by their elected members, committees, or other democratically elected bodies, will be considered as a factor in determining whether a formal investigation should be carried out.

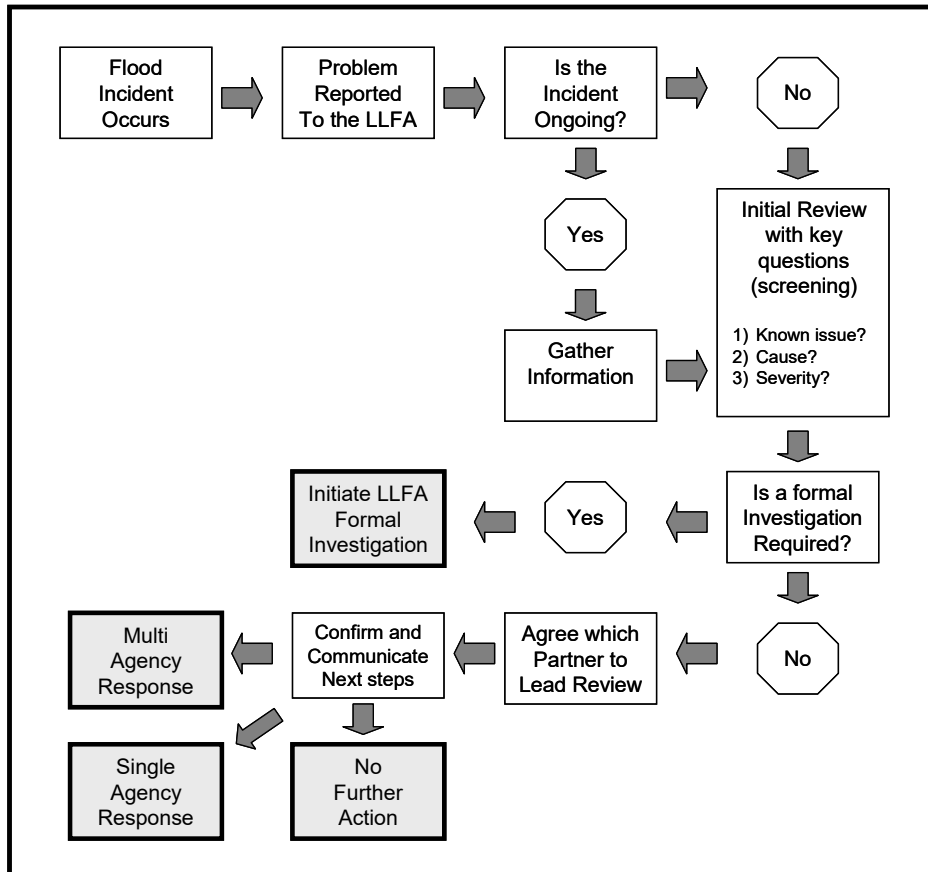
**Known flooding** - In relation to known flooding issues, an investigation may still be appropriate, but NYCC may wish to use its discretion and judgement to avoid the expense associated with a formal investigation in circumstances where the nature of the issue is already well established. An example of where this might be appropriate would be flooding from a main river for which the EA have already developed detailed models and a comprehensive suite of risk management responses.



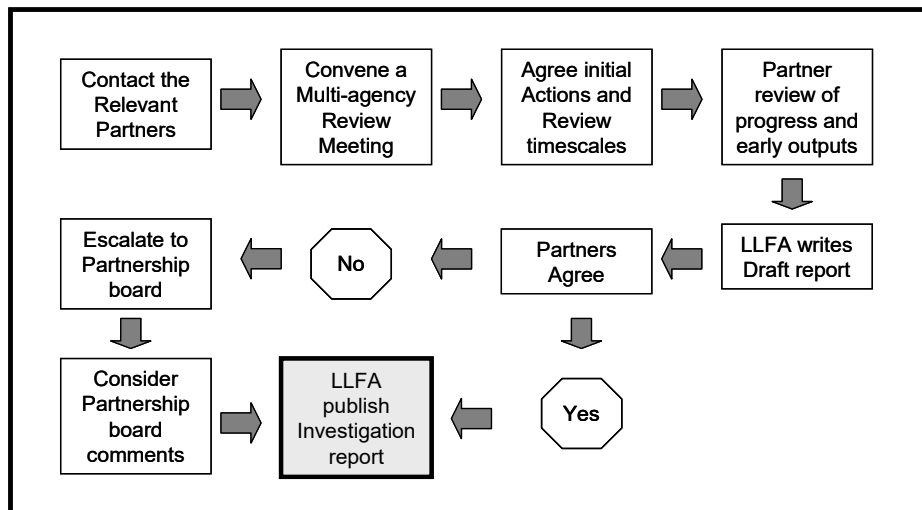
### 3.3.5 Process for Determining Whether a Formal Investigation is Appropriate

The investigation of flooding often requires input from partner organisations, and it may often be more appropriate for them to lead the investigation where the cause is believed to relate to their assets or areas of responsibility.

Establishing whether the formal process is required



### NYCC Formal Investigation Process





## 3.4 Being clear about our role

### 3.4.1 Delivering our Statutory Duties Effectively and Efficiently

Flooding is often caused by a complex range of factors, and investigating flooding can therefore be a very time consuming and costly exercise. It is therefore critically important that the County Council uses the resources available in the most effective way possible, and in the way that the law requires us to.

Regrettably, this may mean that we will not always be able to investigate all incidents reported to us as flooding, or we may not be able to include in our investigations all the things that communities or individuals may want us to.

### 3.4.2 Who is responsible for flooding?

It is critically important that the extent and nature of our role in flood risk management is understood and appreciated by the communities and individual residents affected by flooding. It is equally important that we set out the roles that others, including riparian owners, are required to play. [Section 6](#) of our Local Strategy provides a description of each of the organisations and other parties involved in the management of flood risk.

### 3.4.3 Capturing information about flooding

Whatever the scale or nature of a flooding incident, we are always keen to receive details and information regarding flooding incidents. Information on flooding incidents can really help us to understand how the drainage network operates and where weaknesses might exist.

This information is then used in conjunction with our own records and with predictive modelling to determine the nature and priority of our risk management activities, even if a specific project to deal with the flooding issues in a specific location is not possible straight away.

Information on recent or historic flooding incidents, including reports, photographs, maps and video clips can be sent to [floodriskmanagement@northyorks.gov.uk](mailto:floodriskmanagement@northyorks.gov.uk)