

# **Flood and Coastal Erosion Risk Management**

## **Flood Investigation Policy**

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## 1. Introduction

The Flood and Water Management Act (FWMA) 2010 designated all county and unitary authorities, and thus Sefton Council, as 'Lead Local Flood Authorities' (LLFAs) and introduced a number of new duties in relation to flood investigation.

As the LLFA, the Council is required to oversee and participate in the management of local flood risk, which includes the risk of flooding from surface water, groundwater and from ordinary watercourses.

There are a number of 'risk management authorities' which are defined under Part 1, 6(13) of the FWMA and this term refers to organisations who have responsibility for flood risk management. These include:

- LLFA - Sefton Council
- Environment Agency
- Water Companies (United Utilities)

This Flood Investigation Policy outlines Sefton Council's approach to flood investigation and sets out the legal requirement to report on flood investigations under Section 19 the FWMA. It provides details on the criteria Sefton Council will apply in deciding whether or not a Section 19 Report is appropriate.

When flooding occurs it is often unclear what the source(s) of the flood water is and who has responsibility for the systems concerning that water. Under these circumstances it can be beneficial to undertake an investigation into the flooding to understand the source, mechanism and to identify any potential actions.

## 2. Legislative Requirements - Flood and Water Management Act 2010

Sefton Council is only required to investigate floods where it meets the criteria under Section 19 of the FWMA.

Section 19 of the FWMA 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 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.*

The FWMA is clear that Sefton Council's responsibility for investigation only extends as far as establishing which of the risk management authorities has a flood risk management function and whether they have, or will be, exercising that function. It may be the responsibility of one of the other risk management authorities, or even the land or property owner themselves, to take action to resolve the issue.

The FWMA also allows Sefton Council, as the LLFA, to define '*the extent that it considers it necessary or appropriate*', these have been set out in this flood investigation policy.

### 3. Flood Investigation Policy

The FWMA requires anyone wishing to alter an ordinary water course to obtain consent from the Council prior to undertaking the work.

Sefton Council aims to investigate all occurrences of flooding within the borough based on the priority listing detailed in table 1, but always as resources allow. This is to support and develop the understanding of flood risk.

Where foul flooding is occurring an initial desktop or site visit will be undertaken but it is likely that the responsibility will rest with either an individual or group of properties and/or businesses: or the appropriate Water Company (United Utilities).

This policy has been developed to enable Sefton Council to focus resources effectively and to ensure flood incidents which have a significant impact take priority and are investigated appropriately. Sefton Council reserves the right to undertake these investigations at its discretion and as resources allow.

**Table 1.** Priority listing for investigating flood events

Priority	Type of Flooding Incident
1	<i>Internal flooding to the habitable space of a dwelling that affects the occupants' ability to live in that space or business property that affects the ability to run the business from the flooded property.</i>
2	<i>Flooding as a result of a structural failure of a flood or coastal defence asset.</i>
3	<i>Flooding to highways defined as part of the Sefton's Key Route Network (Appendix A) or critical infrastructure*.</i>
4	<i>Flooding to highways defined as classified roads, local distributor roads, that renders it totally impassable for a significant period (4 hours or more)</i>
5	<i>Flooding to outbuildings, gardens, open space and farmland that is not on part of the functional floodplain</i>

**Policy Definitions**

*\*We will seek to work with the critical infrastructure owner or operator on their investigation. Critical infrastructure refers to:*

- *Railway lines and stations;*
- *Police, ambulance and fire stations and command centres;*
- *Hospitals;*
- *Universities, colleges and schools;*
- *Local authority main offices and;*
- *Residential institutions supporting vulnerable people*

Under these circumstances Sefton council will not be producing a publically available report on the flood event

### 3.1 Section 19 Reporting Criteria

A report under Section 19 of the FMWA into the source, mechanism and cause of the flood event will only be considered 'necessary or appropriate' where there is ambiguity for responsibility and when one or more of the criteria set out in Table 2 is satisfied:

**Table 2.** Criteria to establish need for a Section 19 report.

- |  |
|--|
| <p>a) Internal flooding* to five or more residential and/or commercial properties in close proximity** during one flood event, or</p> <p>b) Internal flooding* to one or more properties on two or more occasions in the previous 5 years, or</p> <p>c) Flooding has affected critical infrastructure*** that has a significant effect on the community for a period in excess of 3 hours from the onset of flooding</p> |
|--|

#### **Policy Definitions**

*\*Internal flooding, refers to any habitable space inside a dwelling or internal space used for business/commercial purposes that is affected by flooding.*

*\*\*Close proximity is where it is reasonable to assume that the affected properties were flooded from the same source or interaction of sources.*

*\*\*\*We will seek to work with the critical infrastructure owner in the reporting under Section 19. Critical Infrastructure refers to:*

- *Railway lines and stations;*
- *Police, ambulance and fire stations and command centres;*
- *Hospitals;*
- *Universities, colleges and schools;*
- *Local authority main offices;*
- *Residential institutions supporting vulnerable people*

## 4. Undertaking a Flood Investigation

Whilst Sefton Council can administer the requirement for a flood investigation to be undertaken, it may be undertaken by a third party as instructed by Sefton Council. In determining the source, mechanism and cause of the flood event, the following actions may be taken as part of the investigation:

A Flood Investigation aims to determine a number of key facts about the flood event, including:

- The extent of the flooding;
- The sources and mechanisms of flooding;
- The response of other Risk Management Authorities (RMA) during the event and the operation of their assets; and.
- What actions the RMAs have taken or intend to take in response to the flood.

### Stage 1: Flood Incident Data Capture

Once Sefton Council becomes aware of a flood in its area, a Flood Incident Data Capture will take place.

One of the key tasks in investigating a flood incident is the ability to collect data about the incident in order to examine the situation and identify the cause(s) of the flood. Appendix B contains a template which acts as a summary sheet for the information which should be collected during a flood event.

This data collection will provide invaluable information to Sefton Council and relevant responsible risk management authorities to enable them to quickly and effectively respond to the flood cause wherever possible. These data will also form the basis of any Section 19 report if triggered.

In determining these facts, Sefton Council may:

- Undertake a site visit to the property / area affected by the flooding;
- Meet with local residents / people affected by the flood incident; and
- Undertake a Land Registry search to determine property / land ownership details.

### Stage 2: Flood Incident Review

The aim of this review is to provide a rapid analysis of the flooding incident, based on information that is readily available, in order to determine the response of Sefton Council.

The purpose of the Flood Incident Review is to establish:

- the likely cause of the flooding;

- what was flooded; and
- whether the flood event has met the criteria for a Section 19 Flood Report.

The Flood Incident Review will be undertaken by Sefton Council officers, and where appropriate, in conjunction with Emergency Duty Coordinator, Head of Service, Civil Contingencies, and Elected Members either Ward Councillors or Portfolio Holder.

Depending upon the outcome of the flood incident review the investigation may end at this point. This may be as a result of, but not limited to:

- the cause being identified and relevant organisation/asset owner is taking action; or
- another Risk Management Authority (RMA) is undertaking its own investigation; or
- the asset owner is undertaking its own investigation.

If further information is required or it has met the requirement for a Section 19 report then the investigation will proceed to stage 3.

### **Stage 3: Detailed Investigation**

Where further information is required to support the investigation Sefton Council, or instructed agent, may undertake further data and information gathering exercises and reviews as required. This could include:

- Meet with RMAs to share data, discuss responsibility and identify potential solutions;
- Carry out on-site investigation works such as CCTV surveys, dye testing, topographic surveys and excavations; and.
- Obtain agreement from RMAs on timescales to resolve the incident.

### **Stage 4: Publish Section 19 Report**

When a Section 19 report is triggered, Sefton Council is required, under the FWMA, to:

- Inform relevant RMAs of the results of the investigation
- Publish results of the investigation on council website.

The Cabinet Member with the portfolio for Flood and Coastal Erosion Risk Management will approve the report prior to publication. They will ensure that the process has been followed correctly and Section 19 of the FWMA, 2010 will be satisfied once the report is published.

Sefton Council will publish Section 19 Flood Investigation Reports on their Flood Risk Management webpage.



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## 5. Cross-Boundary Flood Investigations

Where a cross-boundary flood event takes place, Sefton Council will work with the neighbouring LLFA(s) and local authorities to determine whether an investigation is necessary or appropriate and support the production of the report when required.

## 6. Links to the development management process

There will some instances where sites for which planning permission, other permissions and pre-application advice has been sought include or are adjacent to ordinary watercourses or 8 metre buffers around them, or may initially involve culverting of the ordinary watercourses. In such cases the Lead Local Flood Authority (LLFA) would usually be consulted. This would allow the LLFA to make comments on the planning applications and/or recommend that an “Informative” is added to the planning or other application Decision Notice to state that:

“Any changes to an ordinary watercourse must seek separate consent from the Council as Lead Local Flood Authority prior to works being undertaken, as set out in the Flood and Water Management Act 2010. Sefton Council’s position on consenting and enforcement is set out in its Ordinary Watercourse Culverting, Diverting, Enforcement and Flood Investigation Policies”.

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## Appendices

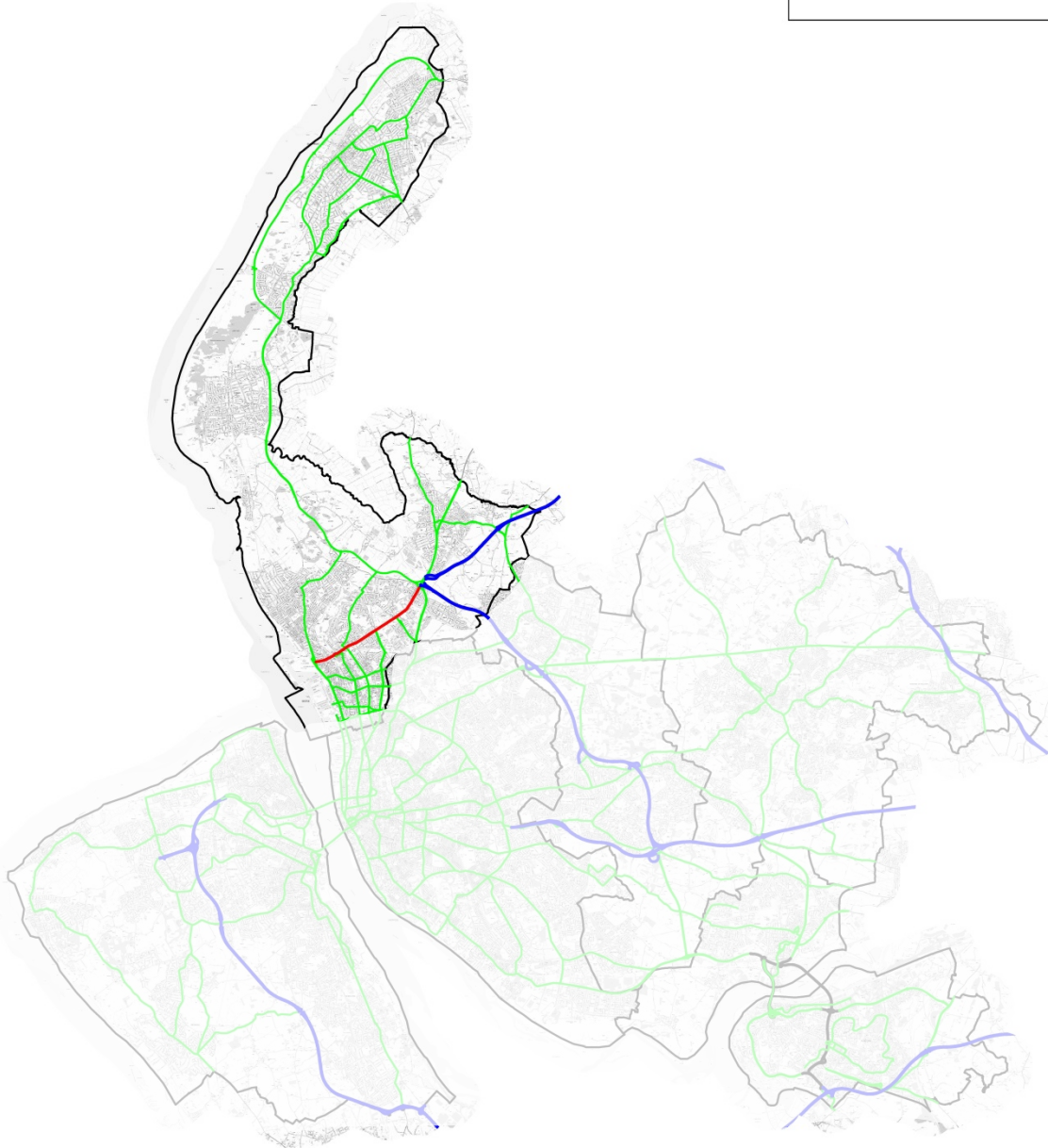
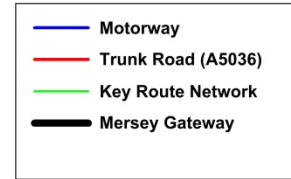
Appendix A – Key Route Network

Appendix B – Flood Event Data Collection Sheet

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## Appendix A – Key Route Network (Draft)

Liverpool City Region Key Route Network



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## Appendix B – Flood Event Data Collection Sheet (example)

LOCATION				CUSTOMER CONTACT REFERENCE NUMBER					
Coordinates	Area / Street Name								
Start date:		End date:		Data collection date:					
Start time:		End time:		Observer:					
Responsible Risk Management Authority (RMA)				Have RMA responded appropriately?	Y / N				
Maximum depth (m)				History of flooding? <i>Give dates if known</i>	Y / N				
SOURCE OF FLOODING		✓	CAUSE OF FLOODING				✓		
Main River			Drainage capacity exceeded						
Coast/Sea			Mechanical failure						
Public Sewer System			Operational failure/ breach of defence						
Ordinary Watercourse			System 'tide locked' (i.e. drain cannot discharge due to high river level)						
Highway Drainage			Blockage of bridge		Blockage in culvert/pipe				
Surface Water			Blockage in channel		Blockage of screen				
Groundwater			Notes						
Other/unknown (give details)									
<b>Additional comments on the cause of flooding:</b> <i>(Give details of source (from), pathway(route) to receptor(end) description)</i>									
Is level survey required? <i>(Mark high water level)</i>				Y / N	Survey Date:				
EFFECT									
Properties flooded (residential)	Y / N	No. Internal:		No. External:		Max depth (m)			
Properties flooded (commercial)	Y / N	No. Internal:		No. External:					
Critical Infrastructure Affected (list)			Y / N						
Transport Links Affected (list) <i>(Railway lines and stations, highways and motorways)</i>	Y / N								
Affected by Sewerage?	Y / N								
Other (list)	Y / N								
<b>ACTION TAKEN:</b> <i>What and who by</i>				<b>MAP/SKETCH OF FLOOD</b> <i>Continue overleaf if necessary</i>					
<b>ACTION REQUIRED / FURTHER INVESTIGATION:</b> <i>What (improve, maintain, enforce, inform...) and who by</i>									
<b>OTHER INFORMATION / COMMENTS:</b>									

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