

Warwickshire County Council – Flood Investigation Policy

The Flood Risk and Water Management Team (FRM Team) at Warwickshire County Council (WCC) hold the role of Lead Local Flood Authority (LLFA) to oversee flooding within Warwickshire. This role was created in response to the 2007 floods and was one of a number of recommendations of The Pitt Review.

The Flood and Water Management Act 2010 (FWMA) is the key piece of legislation for local flood risk management in England and Wales. The Act updated existing legislation, implemented the recommendations presented in the Pitt Review, and outlined the role that Local Authorities have in managing flood risk in their respective regions. The County Council, as the LLFA for its area, has a duty to investigate flooding incidents that it becomes aware of, to the extent that it considers necessary or appropriate as stated in the FWMA.

Section 19 of the Flood and Water Management Act 2010 outlines that:

(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 need to investigate a particular flood is determined on a case-by-case basis considering a number of factors. Due to the size of Warwickshire and the limited resources that local authorities must work within, there is a need for prioritisation across the county to ensure that the best use is made of our available time and resources. Our approach to prioritisation is outlined in Box 1. A similar approach to this has been taken by our neighbouring authorities and others nationally.

Box 1 – Warwickshire County Council Flood Investigation Prioritisation

Through careful consideration and consultation with fellow LLFAs, WCC have developed the following thresholds for prioritisation of flooding events and as such, the order in which we will investigate. These thresholds follow closely the areas of locally significant flood risk outlined in the WCC Preliminary Flood Risk Assessment (PFRA) of 2011, and these thresholds determine what will be termed flooding 'hotspots' in the SWMP (see Appendix C).

1. Flooding that poses a threat to the safety of the public or may directly result in serious injury or death.
2. Five or more residential properties internally flooded.
3. Two or more commercial properties internally flooded.
4. One or more piece of critical infrastructure affected that impact on the wider area.
5. Flooding that places vulnerable individuals or vulnerable communities at risk e.g. hospitals, care and nursing homes, schools, secure units, etc.
6. Additionally, where one or more residential property has flooded internally from the same source on five or more occasions within the last five years.

The LLFA team may investigate flooding outside these categories, but only when all outstanding issues with a higher priority have been considered. These investigations will be prioritised based on the same six criteria listed above. Flooding on public land outside of the above categories will be addressed before flooding to residential gardens and on private land. Although inconvenient and possibly distressing to the individual, flooding to private land that does not affect any buildings is a lower priority that will be dealt with by the LLFA team on an advice basis only. Where flooding is caused by the actions of neighbouring landowners, the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage can be used to settle disputes over, amongst other matters, land drainage. Smaller scale flooding affecting the highway or coming from the highway will continue to be investigated primarily by WCC Highways, with support from the LLFA team and Districts and Boroughs where land drainage issues exist.

These guidelines set numerical thresholds. However, in recognition of the fact that all floods will be different, a certain amount of discretion will be required in order to implement this policy effectively.

It is not our intention that no support will be provided to residents whose flooding does not meet these levels of prioritisation. Where time permits it, we may be able to attend the site, but the expectation is that this advice will be provided either on the telephone or via guidance notes placed on the WCC flooding website. This advice may include the possibility of fitting some form of flood resilience device or contacting the relevant landowners directly if maintenance is an issue. In the County Council's experience of flood risk management, better results are usually achieved when adjoining landowners work together, rather than against one another, to resolve a flooding issue. Beyond this, there is the option to pursue civil proceedings. First-tier Tribunal (Property Chamber) Agricultural Land and Drainage have an important role in settling disputes referred to them under the Land Drainage Act (LDA) 1991 (see Sections 28-31 of the LDA), such as flooding caused by blocked drainage channels or inadequately drained land. In spite of its name, this tribunal can deal with drainage on all types of land, not just agricultural land. The tribunal has powers to order a landowner to carry out work to maintain or reinstate drainage ditches. Enforcement of Land Tribunal Orders is undertaken by the Environment Agency; however, few reach the point of requiring enforcement action. It is currently free to make an application to the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage. However you will need to cover the costs of providing maps and other information, and may also wish to hire legal representation. Further information is available from the Defra website¹.

We would advise that residents continue to monitor the situation and if possible keep photographs and detailed records of any future flooding incidents that may occur. If the frequency or severity of the flooding increases to the point where it then falls under one of the high priority categories, the FRM team will then already have detailed evidence related to the flooding when an investigation commences.

An example of our standard questionnaire for collecting information from property owners following a flood event is included in Annex 1. This sets out what information it will be useful to record to allow us to fully investigate a flooding incident.

Annex 2 sets out the standard structure of a WCC FRM Section 19 flood investigation report in Warwickshire. This outlines what we expect would be included in a typical report produced by the FRM team following the conclusion of an investigation into flooding in a particular location.

¹ <http://archive.defra.gov.uk/foodfarm/farmmanage/alt/>

Annex 1 – Flood Investigation Questionnaire



Investigations under the Flood and Water Management Act (2010)

Warwickshire County Council's Flood Risk Management Team has been informed of flooding in your area, and as part of our duties under the Flood and Water Management Act (2010), we are carrying out further investigation into the events.

This questionnaire will inform our understanding of how flooding has affected residents and businesses in the area, and where possible, actions that can be taken by all parties to reduce the future chance and / or impact of flooding. We would appreciate it if you would take some time to complete this questionnaire as fully as possible so that our decisions are informed by as much data as possible. If you have photographs, please provide copies and the team will endeavour to return these. If necessary, please use additional sheets.

Results may be shared as appropriate with other professional partners such as the Environment Agency or Severn Trent Water so that the Council can work in partnership to address flooding issues. Information will not be published following the investigation at a level that will allow individual properties or persons to be identified.

Thank you for your time.

Date:

Name:

Property address and contact details:

Type of property: (residential / business / both / other - please state)

Number of years that you have lived in or worked at the property:

Do any elderly / disabled / vulnerable residents live in the property? (please provide details)

Has your property been affected by flooding in the last 20 years?

Did the flood water enter your home?

What was affected and how often? (Note dates of flooding)

Internal			External		
Rooms affected	Maximum depth of water	Frequency / dates	Areas affected	Maximum depth of water	Frequency / dates
Main living area			Back garden		
Kitchen			Front garden / driveway		
Porch / internal garage			Outbuilding / external garage		
Under floor only			Road		
Other			Other		

What impact did the flooding have?

Internal		External	
No visible damage		Minimal effect	
Damage that is repairable		Significant damage	
Loss of carpets, fixtures and fittings		Infrastructure	
Property uninhabitable		Damage to crops	
Damage to stock		Loss of access in and out	
Loss of business		Disruption to services	

What was the cost of damage and loss?

How often does flooding occur?

What do you think is the source of the flooding?

Watercourse	
Land drainage (ditches etc)	
Overland runoff	
Overflowing drains	
Overflowing sewers and / or septic tanks	
Groundwater	
Not sure	
Other (please specify)	

Are you aware of any other flooding in your area?

Were you at home when the flooding took place?

What action have you taken in response to flooding or the potential for flooding?

Signed up for flood warnings	
Monitored forecasts (how?)	
Contacted someone (who and what action was taken?)	
Sandbagging	
Other flood protection products (what?)	
Moved possessions	
Moved car	
Warned others	
Evacuated	
Other actions (what?)	

If you received a warning or information from someone else, who gave you this and how did you receive it?

What do you think would be helpful in future?

**Do you have any further comments?
(Please continue on additional pages if required)**

Signed:

Date:

Please return to Flood Risk Management, PO Box 43, Shire Hall, Warwick CV34 4AS. If you have any queries about completing this form, please phone 01926 412982.

Annex 2 – Flood Investigation Report Structure

1 Introduction

1.1 Lead Local Flood Authority Duty to Investigate

1.2 Site Location

1.3 Flooding Incident and Emergency Response

1.4 Watercourses and Drainage Systems

2 Flooding History

2.1 Previous Flooding Events

3 Data Collection and Analysis

3.1 Data Collection

3.2 Professional Partner Investigations

3.3 Flooding Mechanisms

3.4 Flooding Impacts

4 Rights and Responsibilities

5 Conclusions and Recommendations