

Annex J

Hampshire County Council Flood Investigation
Guidance

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J1. Overview

This document contains a copy of the guidance produced by Hampshire County Council outlining how and when flood investigations should be undertaken.

Hampshire County Council Flood Investigation Guidance

1 Introduction

Hampshire County Council, within their role as Lead Local Flood Authority, have a responsibility to record and investigate flood incidents, as detailed in Section 19 of Part 3 of the Flood and Water Management Act 2010. This section states:

**PART 1
FLOOD AND COASTAL EROSION RISK MANAGEMENT
3. Supplemental powers and duties**

Section 19: Local authorities: investigations

- 1) On becoming aware of a flood in its area, a lead local flood authority must, to the
- 2) 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 flood.
- 3) Where an authority carries out an investigation under subsection 1) it must –
 - (a) publish the results of its investigations; and
 - (b) notify any relevant risk management authorities.

As a result, this document has been produced to provide guidance as to when and how a flood investigation should be carried out, how the various stakeholders and relevant parties will be contacted and involved in the investigation process and also how this information will be used and communicated to all relevant parties. This document is designed for use by professional partners who are likely to be 'first on the scene' when a flood occurs.

For the purposes of this document, the Determining Officer will be the Head of Highways and the Investigating Officer will be the Highway Manager or other equivalent nominated person.

2 Guidance and Considerations

Upon learning of a flood event, the County Council will consider whether an investigation should be carried out under Section 19 of the Flood and Water Management Act in order to determine which risk management authorities have relevant flood risk management functions and whether each of those risk management authorities has exercised or is proposing to exercise those functions in response to the flood. The County can choose to commission others to carry out an investigation on their behalf, although there are likely to be cost implications for this, and if an initial investigation shows that the cause of flooding falls solely under another organisations responsibility (i.e. main river flooding), they can request that the relevant authority carry out the required investigation and report on their findings.

Officers will use the following guidance and considerations to determine whether an investigation should be carried out. Severe consequences or implications in any one of these areas will be sufficient to trigger an investigation. Equally, minor negative impacts in a wide variety of areas could likewise prompt action.

Investigation under the provisions of the Flood and Water Management Act does not always include scrutiny of the emergency response to a flooding event. Investigations of this kind may take place under different provisions e.g. the Civil Contingencies Act or local authority scrutiny processes.

2.1 Number of Residential Properties Affected

This is perhaps the most common concern for Hampshire residents following a flooding incident. However, the Council will not need to carry out an expensive, formal investigation every time a property is flooded. The determining factors here should be whether there have been unusually severe consequences in terms of: number of properties flooded, period for which they are flooded, depth of flooding.

2.2 Accident, Injury, and Health Implications

The investigating officer(s) should consider whether there have been any reported cases of personal injury, the nature of the injury, and the number of people injured. These injuries could have been sustained inside or outside a building, on the highway, inside or outside a vehicle, on the site of key infrastructure, on private property, or in a public space. A single fatality that is proven to have been caused by the flooding event will probably be sufficient to trigger an investigation.

Another important consideration is the effect of foul water flooding or other water borne pollution and the threat posed to public health. If this is thought to be serious, then an investigation should be initiated. This is equally true if oil or chemicals from a flooded commercial area contaminate the drinking supply via rivers or chalk aquifers. Here, as elsewhere in this guidance, "serious" is a matter for the discretion of the investigating officer(s).

2.3 Frequency of Flooding

Even a minor flooding event may be worthy of consideration if it recurs frequently, causing damage or posing a public nuisance. Equally, a more intense event, the causes of which are clear, may be unworthy of investigation if it is a rare or very infrequent occurrence.

2.4 Critical Infrastructure

The investigating officer should consider whether critical infrastructure sites been affected or seriously threatened by the event. Such sites include: motorways, A roads, railways and railway stations, port facilities, electricity sub-stations and switching centres, power generating facilities, oil refineries, bridges, flood defences, water treatment works, etc. These are all sites where flood risk should already be sufficiently managed, and an event that floods such sites in spite of this should probably be investigated.

2.5 Vulnerable Individuals

This category includes younger people, older people, and people with disabilities or health problems. The key indicator is the effect of the flooding event upon such amenities as hospitals, care and nursing homes, schools, etc. The investigating officer(s) should obviously take into consideration the severity of the flooding effects. Clearly a substantial puddle in a garden area is not necessarily going to trigger an investigation. Internal flooding at such places, on the other hand, will usually be considered for investigation. If any vulnerable individuals are placed at risk, or if the services provided to them are disrupted, then this should warrant action.

2.6 Economic Disruption

This is difficult to quantify and is probably the area where the investigating officer(s) judgement will most come into play. Officers should consider the relative impacts of flooding of commercial property. In some cases, flooding of a single commercial property could no more warrant investigation than flooding of a single residential property; but in other cases, the serious flooding of a large, single property could be extremely disruptive to the economic functioning of a community or have significant impact on a local or regional economy, and would therefore certainly trigger an investigation. Other causes of economic disruption should hopefully be covered by consideration of impacts upon infrastructure.

2.7 Environmental / Bio-diversity Considerations

This relates to the threat posed by flooding to ecosystems and nationally and internationally protected habitats and species. Particular priority may be given where flooding could impact upon either principle habitats or species identified by Local Authorities' Local Biodiversity Action Plans (BAPs). Common causes for concern are coastal erosion and coastal flooding of protected or important wetland habitats, or the threat posed to biodiversity by polluted water flooding inland areas.

2.8 No Clear Responsibility

The overall purpose of the statutory duty to investigate is to enable lead local flood authorities to establish which authorities had relevant flood risk management responsibilities for the flood event, and whether they have or will exercise their powers accordingly. If the cause of a flood is unknown, or the responsible authorities are otherwise difficult to identify, then an investigation should follow. It should be noted that flooding incidents will often have multiple causes and therefore responsibility may be attributable to more than one flood risk management authority.

2.9 Investigation Request

The weight of public interest in an investigation might be taken into consideration. If the Council is inundated by requests from the public for an investigation, or if there is widespread interest among parish councils, district and county councillors, and local MPs then, as a democratic institution, the Council may give additional consideration to carrying out an investigation.

In all cases, officers should remember that the key purpose of an investigation is to establish which risk management authorities hold relevant functions and whether they have or are intending to exercise them in response to the flood. These guidelines should enable a consistent approach to be taken to deciding whether or not an investigation should be carried out. Taken together they comprise a framework within which a decision should be taken. The guidelines deliberately do not set numerical thresholds and/or precise triggers in recognition of the fact that all floods will be different and a certain amount of officer discretion will be required in order to implement this duty effectively.

2.10 Data Confidentiality

The Investigating officer must be aware of data sensitivities not only with regard to the data protection act but also commercial sensitivities. Investigating officers should familiarise themselves with the data protection act and be mindful that flood investigation reports will be published.

3 Reporting Flooding

In order to collate the required level of detail on flooding incidents, a template has been created so that all floods are recorded in the same manner and with the same level of information. This allows these floods to be assessed using the same criteria and allows for an appropriate level of quality management.

This template should be used to record all flooding regardless as to whether it is considered to require a formal investigation. Even if a flood does not meet the criteria at this stage, if it becomes a recurring issue, it may require investigation in the future and the historic data is invaluable.

Once a template is completed, it must be forwarded to FWM@hants.gov.uk where it will undergo an initial 'severity check' before being forwarded to the relevant area in which the flood occurs either for consideration for a formal investigation or to be dealt with under the normal Highway function.

This template is appended to this report.

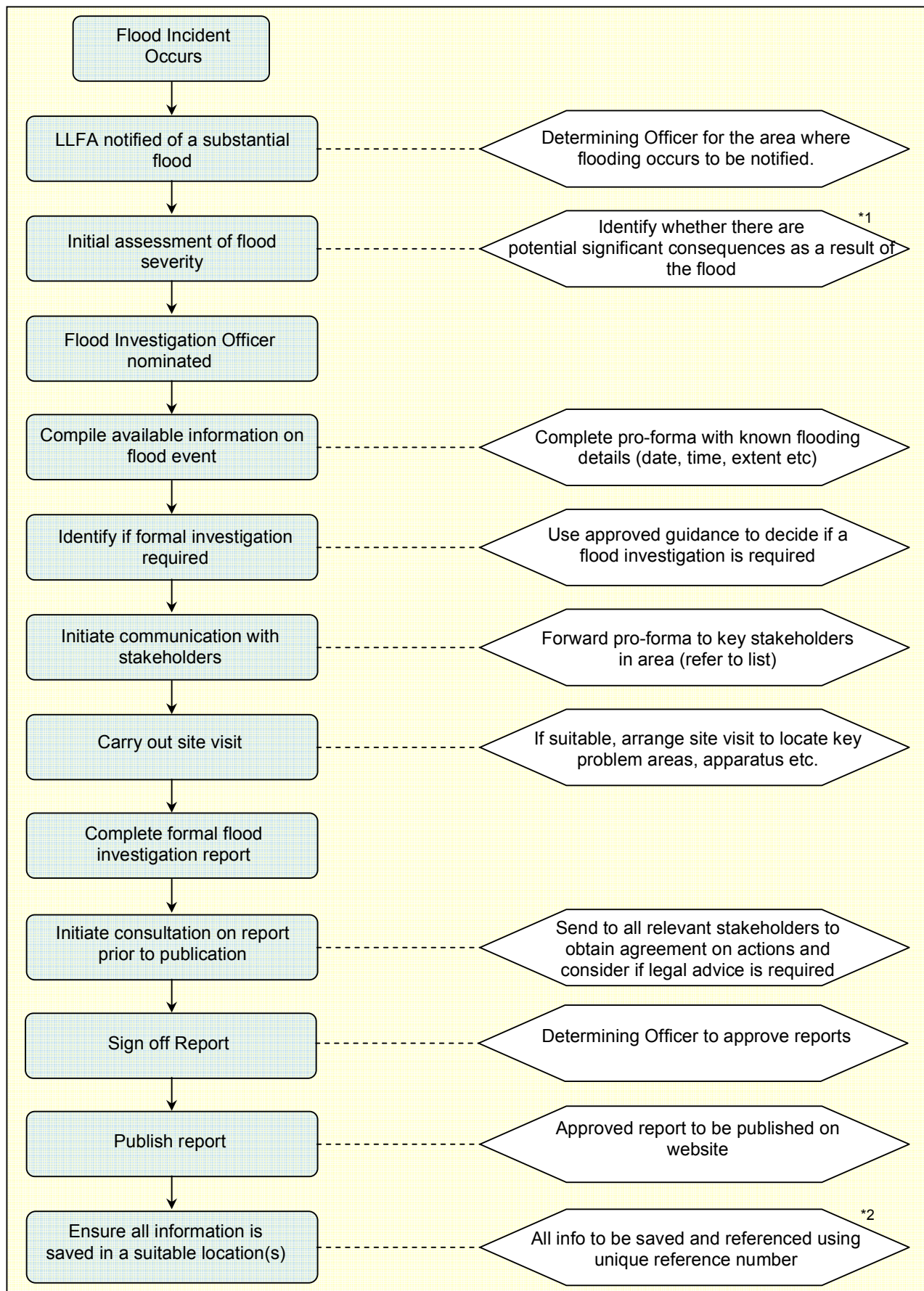
4 Investigation Protocol

The following flow chart and associated notes set out the procedure that will be undertaken by the LLFA in response to notification of a flooding incident.

Notes:

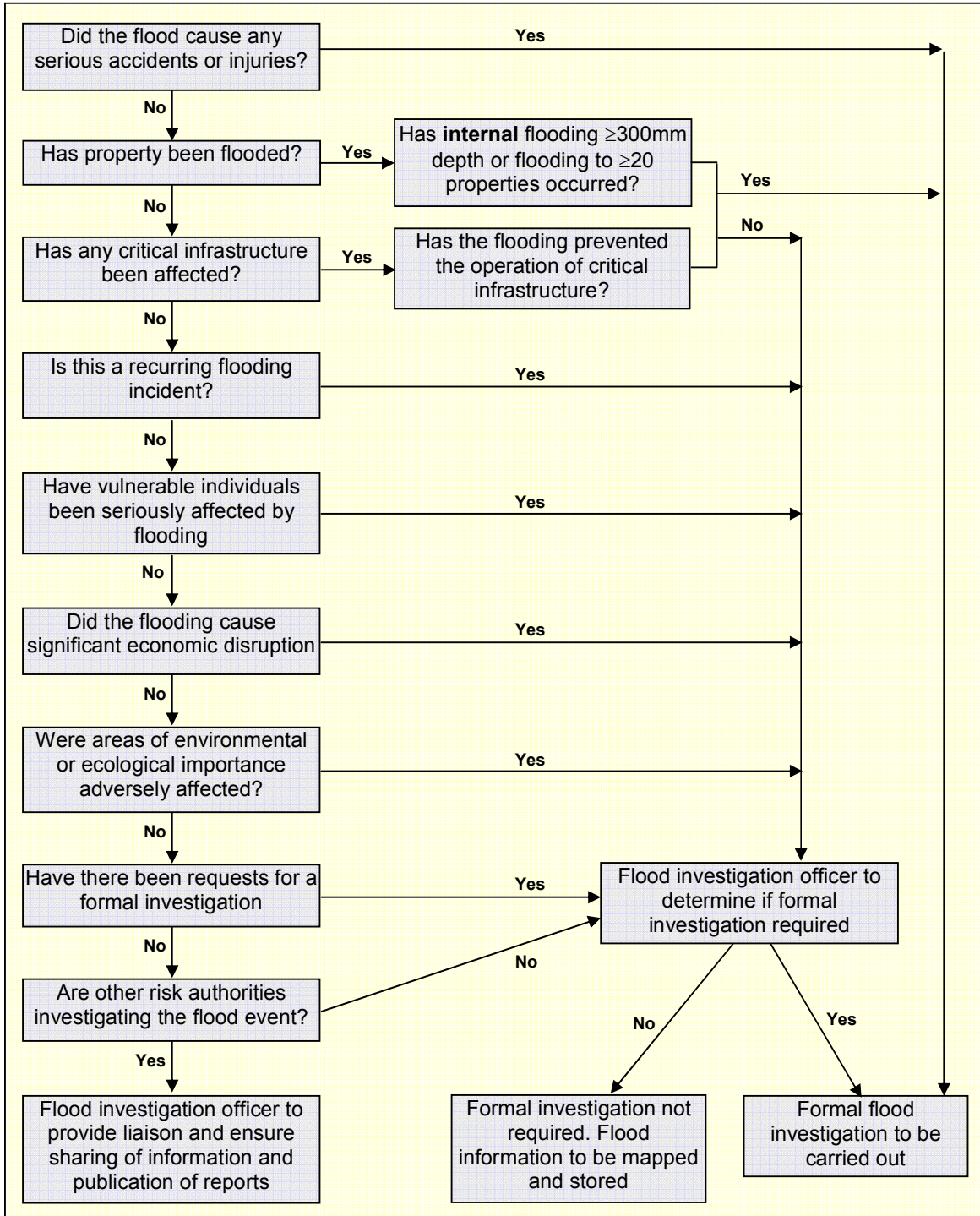
*1 – This should be an initial 'first glance' assessment to determine the likelihood that the flood could be considered as significant in accordance with the criteria in section 2 of this document. If the incident is unlikely to meet these criteria, it must be recorded on the relevant template and forwarded onto the relevant department / organisation for investigation or action in relation to specific infrastructure. All flood incidents with adverse consequences must be recorded on the flooding database regardless of severity.

*2 – It is essential that all information is stored appropriately using a unique flood reference number which is generated by the date, borough or district initials and flood number i.e. yymmdd/wcc/01. All information will be added to the flooding database and associated mapping. If works are required, this can be identified on the pro-forma and will be put forwards for consideration on local, regional or national programmes dependant on the type of works required. For schemes to be included on future programmes, certain cost benefit assessments will be required and there is no guarantee of works obtaining the required funding. Each flood investigation report will form part of surface water management plans for each district and will form the basis of justification for future works programmes.



5 Investigation Requirements

For each individual flood, the following flow chart has been developed to provide additional guidance for Investigating Officers and this shall be used in conjunction with the guidelines set out in section 2 of this document.



6 Communication

On becoming aware of a flood that requires a formal flood investigation, the Investigating Officer will contact each of the relevant flood risk authorities to identify what apparatus they have in the flooded area, whether any structures or features are included on the register and record and to determine if there are any known issues relating to that infrastructure.

In addition, information will be requested on

- When the flood risk authority were aware of the incident;
- What response was made;
- What maintenance / works has been carried out in that area; and
- If any further action is anticipated.

For all authorities with a level of responsibility for a particular flood incident, they will be asked to provide information on the flood from each individual viewpoint and following completion of the investigation, there will be opportunity for comment and agree the recommendations prior to publication of the report.

For complex flood investigations where the cause is difficult to determine, meetings will be called by the Investigating Officer to discuss the progress and findings of the flood investigation. This is also to ensure all parties are satisfied that an appropriate level of investigation is being undertaken.

7 Flood Risk Authorities and other Stakeholders

The following is a list of the key authorities who have a formal responsibility for flood risk management as well as a list of other authorities / organisations who may have flood related infrastructure in different areas of Hampshire. It is important to be aware that within each organisation, there may be a number of different departments who could contribute to a flood investigation. This list is not exhaustive and the Investigating Officer should determine if there are other organisations that should be included on a site specific basis. Consideration should be given as to whether the County legal team should be consulted to fully assess the impact of the final report and to ensure compliance with the relevant legislation.

Key Flood Risk Authorities:

- Hampshire County Council
- District, Borough and City Councils
- Environment Agency
- Water Companies (sewerage)
- Network Rail
- Highways Agency

Other authorities and organisations:

- Adjoining Upper Tier Authorities
- Parish Councils and Town Councils
- Water companies (Supply)
- Farnborough Airport – TAG Aviation
- Ministry of Defence
- Southampton Airport - BAA Southampton
- National Park Authority (New Forest and South Downs)
- Forestry Commission
- Associated British Ports
- Esso Refinery
- Basingstoke Canal Authority
- Local Resilience Forums (to access emergency services called out)
- Major land owners
- Major property owners
- Riparian owners

If a surface water management plan has been completed for the area in which the flood occurs, the relevant authorities and major organisations will already have been identified and this document should be reviewed prior to confirming the relevant organisations to be contacted.

8 Timescales

The length of time a flood investigation will take will relate directly to the complexity and scale of the flood. It is not possible to set out a generic timeframe in which the flood investigation will be complete. However, it should be commenced within 14 days of becoming aware of the flood and updates should be provided as to which floods have been reported and the estimated timeframe for the initiation, and where possible, expected completion date of the flood investigation.

9 Investigation Report Template

For those floods that require a formal flood investigation, they should follow a standard format. A template has been developed setting out the information that is required for a report to ensure consistency and to allow for the information to be located quickly in the future.

The report template has been written to allow a varying level of detail. If a flood is complex or had a number of significant consequences, more work will be required to complete the document. Conversely, if a flood has relatively minor consequences or the cause of flooding is obvious, less detail is required.

The report template is appended to this document.

The completed report will be signed off by the Head of Highways or equivalent and will then be published on the County Council's Flood Risk Management website.