

Hampshire County Council Statutory Flood Investigations: 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 2010 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.

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.

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. Accident, Injury, and Health Implications

The determining 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. Here, as elsewhere in this guidance, “serious” is a matter for the discretion of the determining officer(s).

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.

4. Critical Infrastructure

This is relatively simple. Have critical infrastructure sites been affected or seriously threatened by the event? Such sites include motorways, A roads, railways and railway stations, 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.

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 determining 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.

6. Economic Disruption

This is difficult to quantify and is probably the area where the judgement of the determining officer(s) 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.

7. Environmental/Bio-diversity Considerations

This relates to the threat posed by flooding to ecosystems and nationally and internationally protected habitats and species. 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.

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.

9. Investigation Request

The weight of public or political 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.