

REPORT OF THE FLOODING SCRUTINY REVIEW PANEL

Introduction

1. This report sets out the conclusions and recommendations arising from the Scrutiny Review Panel on Flooding.

Scope of the Review

2. Following significant flooding in October and November 2019 the Environment and Transport Overview and Scrutiny Committee on 16th January 2020 agreed to set up a flooding scrutiny review panel to consider the role of the Council as Lead Local Flood Authority (LLFA) and its links with other flood risk management authorities (RMAs).
3. While the Council has a good relationship with partners involved in responding to flooding, there was an interest amongst Members regarding accountability, engagement and the effectiveness of existing structures and how the LLFA co-ordinates and effects action from those partners. The lack of influence the County Council has as LLFA over recommendations arising from its Section 19 Investigations and its influence with other RMAs was identified as a specific area of concern. *(Note: a section 19 flood investigation report is a public statement of the circumstances of a flood event and what parties have a role in managing the risks.)*

Membership of the Panel

4. The following members were appointed to serve on the Panel:



Mr. D. Bill
MBE CC,



Mr. D.
Harrison CC



Mr. T. Parton
CC



Mr. S.
Sheahan CC



Mrs. M. Wright
CC

5. Mrs. M. Wright CC was appointed Chairman for the duration of the Panel.

Conduct of the Review

6. The Panel met on five occasions between 18 August 2020 and 21 December 2020. The Panel, during the course of the Review:
 - (a) Clarified the statutory role of the Council as LLFA and Highways Authority in relation to flooding;
 - (b) Considered the effectiveness of existing processes and

procedures in relation to:

- Responses to planning applications as LLFA;
 - Highways drainage;
 - Flooding events;
 - Section 19 Investigations.
- (c) Examined the partnership arrangements currently in place with RMAs such as the Environment Agency and Local Planning Authorities;
- (d) Confirmed the role of Sustainable Urban Drainage Systems (SuDS);
- (e) Considered where lessons could be learned to help mitigate future impacts on communities;
- (f) Looked at how to manage expectations for preventing flooding events occurring from extreme weather events and the LLFA and Highways Authority response to these, as well as the role played by other RMAs and riparian owners;
- (g) Considered future demand and resources.

7. The Panel is grateful for the contributions of the following witnesses:

Name	Organisation
David Turnball	Environment Agency
Alice Johns and Paul Clarke	Severn Trent
Andrew Murr	Local Resilience Forum

8. The Panel was also grateful for written contributions received from the district and borough councils and residents:

Blaby District Council
 Charnwood Borough Council
 Melton Borough Council
 North West Leicestershire Borough Council
 Oadby and Wigston
 Harborough
 Hinckley and Bosworth Borough Council

Residents from Stoney Stanton and Moira.

9. The Panel was supported in its Review by the following persons and is thankful for their contributions:

<u>Name</u>	<u>Job Title</u>
Ian Vears	Assistant Director
Lee Quincey	Head of Service Network Management
Jamie Needham	Infrastructure Planning Manager
Victoria Coombes	Senior Engineer
Michael Warner	Consultant – Project engineer
Debbi Payne	Environmental and Preventative Manager
Cat Tuohy	Democratic Services Officer

Context of the Review

10. In the lead up to the review Leicestershire experienced significant flooding events during October and November 2019 and the beginning of 2020. On 1st October 2019, significant portions of Leicestershire sustained intense rainfall (Charnwood, Blaby and Melton). It was identified that the rainfall on that day was the culmination of three successive one in five-year events taking place over a short duration. This rainfall fell onto ground in those catchments that was already saturated from continuous rainfall that fell during the previous week. Furthermore, in 2020, North West and Charnwood districts in particular, were affected the most by these storms and accounted for the majority of cases of internal property flooding.
11. The flooding events experienced evidence that the nature of flood risk within Leicestershire is varied and widespread across the County. Leicestershire has an extensive network of rivers and canals, combined with a large number of towns and urbanised areas, which means it is at risk of flooding from a range of different sources. The Panel was not set up to look at individual flooding incidents but the wider response and what could be done to mitigate issues in the future.
12. In Leicestershire there are two main types of flooding:
 - Fluvial (river) flooding – caused by rivers overflowing or bursting their banks due to high or intense rainfall that flows into them.
 - Pluvial (rain) or surface water flooding where the amount of water falling onto impermeable surfaces or already saturated surfaces can generate surface water run-off beyond the capacity of the drainage network.
13. The predicted impact of climate change on future weather patterns across the UK make it likely that the County will experience flooding events with increasing frequency in years to come. This potentially leads to areas being at risk of flooding that were not previously susceptible to such events. This is therefore a topic of increasing importance for all communities and residents and an increasing demand on limited resources in the near future.

Findings of the Panel

14. The Panel's findings are broadly divided into the following sections with its recommendations included therein:
 - Leicestershire County Council as:
 - (i) Lead Local Flood Authority
 - (ii) Highways Authority
 - Partnership Arrangements
 - Communities

Leicestershire County Council

15. Leicestershire County Council has the following two separate statutory roles in relation to water and flooding:

(i) As Lead Local Flood Authority (LLFA) as set out in the Flood and Water Management Act 2010, it is the County Council's responsibility to lead in managing local flood risk.

(ii) As Highways Authority under the Highways Act 1980, the County Council is responsible for the provision and management of highway drainage, excluding motorways and trunk roads that are the responsibility of Highways England.

16. Details of the functions and duties arising from these two distinct statutory roles are detailed below.

(i) Lead Local Flood Authority (LLFA)

Extent of the County Council's powers as LLFA

17. LLFAs are stated in law to be either the county council or unitary authority of a particular area. They are required to lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring cooperation between Risk Management Authorities (RMAs) in their area. The County Council is the statutory appointed LLFA for Leicestershire and it has established a Flood Risk Management Team to undertake the work necessary to fulfil this function.

18. RMA's are organisations who have a responsibility for water management and therefore flooding. Such organisations include Severn Trent Water, Anglian Water, the Environment Agency, district councils, Internal Drainage Boards, Highways England and the Local Highway Authority.

19. The LLFA has a statutory responsibility to publish a Local Flood Risk Management Strategy. The current version of this Strategy was agreed by the Cabinet on 11 September 2015 and can be viewed on the Council's website [here](#). The Strategy provides a framework to enable the LLFA to lead and co-ordinate flood risk management across Leicestershire.

20. The Panel noted that the Strategy was due to be reviewed and updated September 2021, which would take into account feedback and comments provided throughout this review.

21. In practice, the County Council as the LLFA will:

- Investigate instances of flooding where one or more residential property has been flooded, and other instances that meet its threshold of investigation (Section 19 Investigation).

- Identify the RMAs who may have a role in a specific flooding incident.
- Co-ordinate and work with those RMAs to identify potential solutions.
- Encourage the responsible RMAs to implement that solution.

22. The LLFA have limited powers under the Land Drainage Act 1991 to regulate ordinary watercourses (outside of internal drainage districts) to maintain a proper flow by:

- issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
- enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse

23. Importantly, the LLFA does not have responsibility or powers to:

- a. implement a solution to a flooding incident; or
- b. make other RMAs implement a solution; or
- c. maintain ordinary watercourses.

24. Throughout the review the Panel highlighted that the title 'Lead Local Flood Authority' caused a common misconception that the Council had a statutory responsibility to resolve flooding for residents and therefore held powers to undertake work or require other parties to undertake work identified as being necessary following an investigation. The Panel were concerned that this created unrealistic expectations for what the Council could do following a flooding event. Whilst the authority held some powers under the Land Drainage Act as outlined above, ultimately any attempted resolution or mitigation for flooding relied heavily on strong and consistent partnership working. In the Council's experience engagement with landowners had proved more effective than serving notice, henceforth enforcement only being used as a last resort.

25. The Panel noted that the title of LLFA was set out in Government statute and could not be amended by the Council itself. It therefore suggested that as part of the planned review of the Flood Risk Management Strategy, communication be refreshed and improved to better explain what being the LLFA in an area meant and ensure this reflected and clarified the Council's co-ordinating role. It was hoped this would educate the public on the difficulties the Council faced and limitations placed on its ability to address flooding matters directly.

The Council's Flood Risk Management Team

26. The Panel noted that the Council's Flood Risk Management Team had been hampered over the past five years by a high turnover of staff. The Town and Country Planning Act 2015 put a higher demand on the skillset required by officers in relation to flooding and planning and this had made it harder for the Council to recruit and maintain staffing levels particularly as a number of authorities and other agencies sought to recruit to similar roles around the same time. During this period, this had hindered the Council's ability to keep action

plans updated and maintain strong working relationships with other agencies.

27. More recently, and throughout the duration of the review the Panel were pleased to note the Team had grown and stabilised following approval to pay a market premia (i.e. a temporary elevation of pay for a job to make it more competitive in the job market to help with the recruitment and retention of staff). However, there remained vacancies which were currently being filled by consultants and agency staff while the Council continued to try and recruit.
28. The Panel were pleased to note that despite resourcing pressures, the Flood Risk Management Team had continued to deliver in its duties and have, where appropriate, extended its reach. For example, by attending public meetings in the communities following flooding events to keep residents informed of next steps and provide advice on what could be done. While this is not a statutory duty it has been recognised that face to face meetings are often the most productive for all parties involved which was welcomed by the Panel.
29. The Panel recognised that due to the emotive nature of flooding events, when officers met with members of the public in this way they could often be put in a challenging position, in particular due to the problematic perception of their role as a representative of the LLFA and what it was able to do. The Panel suggested that a protocol be developed to help manage expectations from the outset and thus enable a more conducive environment for the meeting to take place in.

Section 19 Investigations

30. A Section 19 Investigation report is a public statement of the circumstances of a flood event and what parties have a role to play in managing the risks. Leicestershire County Council's Local Flood Risk Management Strategy states the Council should undertake a Section 19 investigation where at least one of the following thresholds have been met:
 - Loss of life or serious injury.
 - Critical infrastructure flooded or nearly flooded from unknown or multiple sources.
 - Internal property flooding from unknown or multiple sources.
 - Further circumstances may prompt the LLFA to carry out a full Section 19 investigation at its discretion.
31. Flooding events were often complex, caused and/or affected by a number of different factors. Sometimes these factors were easy to establish, e.g. where a river had burst its banks. Others were as a result of cumulative issues such as above normal rain levels, blocked gullies, road surface issues and riparian owner related problems and so needed to be investigated in detail to identify the key cause. Residents were invited to input into investigations as they could often provide far deeper insight into an issue which the Council found invaluable. Such input was also important when considering the potential implications future identified actions could have on residents, such as impact on insurance costs.

32. Investigations often took between 40 to 65 hours and cost between £2,000 to £3,000. The Council currently had a backlog of 14 outstanding Section 19 investigations. If it wanted to clear this backlog using consultants, the Panel noted this would cost around £10,000 per investigation which was not considered reasonable or a good use of resources.
33. Evidently it was important for the Council to maintain an appropriate threshold for Section 19 investigations due to the time consuming and resource intensive nature of such work. Investigations involved comprehensive research, multiple site meetings and in-depth data analysis to identify which RMAs were responsible and what actions could be taken as a result. The Panel accepted it was necessary and correct that the Council's resources were directed to those cases that reached one of the thresholds as set out in paragraph 29 above.
34. The Panel were informed that investigations often resulted in a number of recommendations requiring action by a variety of agencies such as the County Council as Highways Authority, Severn Trent, the Environment Agency and homeowners as riparian owners. However, while the Council was under a duty to investigate and publish a report with recommendations, as referenced above, the legislation did not give it any powers to require other parties to undertake the work identified as being necessary and it could not enforce action by other agencies or land owners.
35. This meant collaborative working with partners was essential which, whilst effective in many ways, resulted in multiple network meetings having to be held to follow up actions with RMAs to ensure works were being progressed and prioritised appropriately. (See section below where the report goes into further detail on partnership working.) Unfortunately, the Council had even less sway when it came to working with private land owners. Private land owners are responsible for any watercourses within the boundary of their land, and the County Council could only mediate with landowners to provide advice on various measures available to prevent flooding.
36. The Panel were concerned that the current set up and lack of enforcement powers for the County Council as the LLFA delayed resolution for communities. In light of this the Panel felt it was important for the County Council to communicate realistic timescales to residents and manage their expectations accordingly.
37. Actions to the County Council often related to the ongoing maintenance of assets (as the Highway Authority), a need to further understand flood risk in an area in more detail, or for it to look at the prioritisation of funding bids from relevant sources. Actions were handled using the Council's risk-based evidence approach and officers looked at how risks identified could be dealt with, mitigated, or protected against. While requests from the public may be made for large flood defence measures, these were rarely favoured solutions due to limited resources and the risk of increasing issues elsewhere downstream. The Council had to look at how to get the most out of its resource which it did by following Government guidance.

38. The Panel recognised that the number of completed investigations did not take into account all enquiries received and dealt with by the Flood Risk Management Team. It noted that often initial enquiries would be received following which some investigation work would be undertaken until, following that research, it became apparent the incident did not reach one of the thresholds set out in paragraph 29 above. This did not mean the Council dropped the issue, it just meant the Council often undertook additional work it was not necessarily required to do, stretching its limited resource even further. Whilst it was acknowledged that such work placed further pressure on the Team's already limited resources, the Panel welcomed this approach to support residents where possible.

Planning

39. The Town and County Planning Act 2015 (the 2015 Act) assigned to the County Council as LLFA the role of statutory consultee on flood risk issues requiring it to provide a substantive response to local planning authorities (LPA) on major planning applications.
40. The Panel recognised that ultimately the County Council could only comment and make recommendations to LPAs (i.e. district councils), and it was the LPAs responsibility to respond to any such recommendations it put forward or which were put forward by other statutory consultees, such as the Environment Agency. This was done by the LPA including conditions against any permission granted to ensure that developers undertook work or carried out the development in a way that alleviated flood risk. It was then the LPAs responsibility to ensure that those conditions were complied with to an adequate standard. The LLFA could not enforce planning conditions.
41. Since the implementation of the 2015 Act the County Council had commented on over 1000 applications each year.
42. The Panel noted that there was a misconception that the principle of new developments caused flooding, an assumption that was often challenged, as rarely were flooding issues what they appeared on the surface. Flooding events were impacted by various factors, predominantly the volume of rain, problems within the water system or just badly joined up assets in the drainage system, which the Council would look to identify.
43. The Panel further noted that the new housing developments that had experienced flooding for the first time in October and November 2019 had been approved prior to the 2015 changes to national policy which preceded the County Council's role as a statutory consultee, so it had been unable to comment directly through the planning process at that time.
44. Throughout the review it was explained that the Council was constantly learning and evolving its view of the drainage system following modelling and works undertaken with partners when issues arose. Often when planning applications were submitted the Council would improve its knowledge on assets within an area and where more information was known, more mitigation could be requested.

45. It was evident that there was a pervasive concern among residents that the County Council did not do enough to respond to planning applications in 'at risk' areas. The Panel were assured that where the County Council was aware of flooding issues in a particular area, this would be reported to the LPA as part of its consultation response. However, while LPAs were required to consult the County Council on developments of ten houses or more, smaller developments were the responsibility of LPAs to consider from a surface management perspective. The Panel were pleased to note that for such smaller applications, where resources would allow, the Council would still provide a response if requested to do so by the LPA. However, the pressure and resource that such applications required was acknowledged by the Panel. It was further noted that the development of local plans from the Strategic Growth Plan would continue to consider environmental issues such as flooding as part of their development.

Recommendations:

- a) **The Panel supports a refresh of the Flood Risk Management Strategy in September 2021 and asks that the comments and recommendations of the Panel are taken on board.**
- b) **That communication of the County Council's role and responsibilities as the LLFA be reviewed to clarify that whilst it does have limited powers under the Land Drainage Act 1991 it does not have powers to force other authorities to carry out works to help alleviate flooding issues. It is therefore limited in its ability to implement solutions to flood issues or enforce other agencies and riparian owners to undertake works, even when identified as being necessary following a Section 19 investigation. This is important to help residents understand the Council's position and manage expectations.**
- c) **That a protocol be created and set out on any agenda for public meetings created following flooding events that clarifies the role of all that attend and how it would be conducted.**
- d) **That refreshed information be provided to riparian owners on their responsibilities generally, following a Section 19 investigation, and where to seek further advice when they are required to undertake work.**
- e) **That the County Council continue to closely engage with communities and residents as part of Section 19 investigations in setting realistic timescales and expectations.**
- f) **The Panel supports ongoing work to continue to recruit to the Flood Risk Management Team to ensure the County Council meets its statutory duties and continues to respond to and provide support to residents affected by flooding without the need to rely on consultants which often prove more costly.**

- g) That the County Council continue to assist LPA's and respond to planning applications that present flooding concerns including for smaller applications where there was no statutory requirement, if resource allowed.**

(ii) Highways Authority

46. As the Highways Authority, Leicestershire County Council's Highways Drainage Team have a responsibility to manage and maintain drainage (excluding public sewers that belong to Severn Trent Water or Anglian Water) that runs beneath adopted highways i.e. the drainage system related to the road network. This can include but is not limited to managing and maintaining drainage related to the functioning of the highway, including roadside drains and gullies (136,000 over 2,575 miles of road), shallow channels (grips), ponds, lagoons, catchpits, manholes, underground culverts and piped watercourses and soakaways (referred to generally below as 'assets').
47. The County Council maintains a register of structures or features that are likely to have a significant effect on flood risk in Leicestershire. While there were detailed historical records of gullies and culverts, the Council did not have a complete picture of all assets due to the inheritance of 'hidden' assets from other agencies which were mostly underground. Prior to 2002 district councils had agency agreements with both the Highway Authority and water authorities for the maintenance of assets. Such assets had previously moved between organisations multiple times and when the respective agreements came to an end very few highway records were able to be transferred over to the County Council and whilst other asset data was held, there was no central record or maintenance information recorded. Mapping of the assets was therefore an ongoing piece of work.
48. To get the most out of the Council's resourcing it had introduced a new Gully Emptying Policy. This had been developed on a risk based evidence approach and had been agreed by the Cabinet in 2018. The Policy assigned a priority level to each gully (on a road by road basis) based on historical silt level data. The gully asset categorisation would be reviewed following 20 months of implementation of the scheme, when assets would be re-evaluated to consider reprioritisation. The review would take into account enquiries received from members of the public during this period. The Panel noted that there had been a total of 2287 gully defect reports in 2019 of which 1464 had been responded to. Others related to gullies that were 70-80% full, but which were due for emptying as per scheduled maintenance, which was the design of the Policy, and so did not require action. Some also related to gullies which, following heavy rainfall, could appear full but this was as a result of a full system, not a gully defect and so again, did not require action.
49. The Panel queried whether further resources could be allocated to get on top of the 200-300 outstanding gully enquiries at the end of each month to help minimise risks arising from unexpected heavy rainfall. It was noted that flooding was often caused by a number of factors which could not be easily be prepared for even with regular gully cleaning and maintenance and that gullies were estimated to work 99% of the time. While unresolved issues within the system

could impact flooding, as and when this occurred, this was not likely to be significant, though inevitably was a factor so would be considered alongside the review of asset prioritisation.

50. It was noted that sometimes residents reported blocked gullies to Elected Members, it was recognised that the most convenient method of reporting was via the [County Council's 'Report It'](#) system online which should continue to be promoted.
51. The Panel were pleased to see that the Policy was so far working well in resolving gully defects but were concerned that often issues deeper within the drainage system were highlighted as part of this process which related to assets which were not owned by the Council.
52. This posed an issue for partnership working as ownership of assets was often complex, and as detailed above, records and information held by the County Council and other agencies were not always complete. While the Council owned assets within the highway curtilage, other assets would be the responsibility of other agencies, such as the Environment Agency, a water authority or riparian owners. All assets linked together within the water system, making it difficult to pinpoint the cause of the problem, where specifically in the system this stemmed from and who therefore had responsibility for repairs.
53. Resolving such matters often therefore took time as multiple discussions had to be held with other agencies and land owners. This hindered the Council's ability to deal with matters quickly and the Panel again emphasised the need to communicate this to the public to help manage expectations.
54. The Panel were concerned that a lack of prioritisation by other organisations who owned such assets might also be an issue but acknowledged that just as the Council had to focus its resources and balance this work with other priorities within the Council and Department, so did its partners.
55. The Panel were further concerned that the consequence of these problems meant members of the public had to witness multiple agencies each passing responsibility to another and with no single organisation having the ability to take control or deliver a swift conclusion. These concerns are further addressed within the following section.

Recommendations

- h) That the Council continue to develop a comprehensive asset map to record assets and maintenance records.**
- i) That the use of the 'Report It' website continued to be promoted widely.**
- j) That as part of the upcoming review of the asset classification review of the Gully Emptying Contract in February 2021 include an examination of the backlog of gully and drainage defects and general customer enquiries and whether it was cost effective in reducing outstanding queries.**

Partnership Arrangements

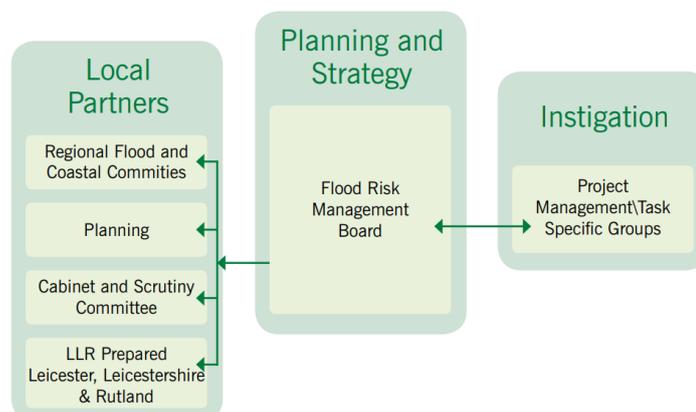
56. A key objective of the review was to consider how working in partnership could reduce the impact of flooding. The Panel considered that the County Council's work with partners had largely improved over recent years. However, it was clear the arrangements as outlined above, often caused confusion for members of the public. The Panel was pleased that the following partners had expressed a willingness to co-operate to aid the review and future plans that may arise from this:

- The Environment Agency
- Severn Trent Water
- The Local Resilience Forum

57. Under the Flood and Water Management Act 2010. RMAs have a duty to co-operate with each other in exercising their flood risk management functions and the Act provides for the establishment of Regional Flood and Coastal Committees that are comprised of elected representatives and officers from local authorities, the Environment Agency and Severn Trent Water. Such committees have three main purposes:

- i. to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- ii. to encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities;
- iii. to provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area.

58. The Flood and Water Management Act was further strengthened through the 2011 Localism Act and the 'Duty to Cooperate'. Both recognise the important roles played by partners. Neither Act stipulates the structure of local arrangements and partnerships. The County Council set out an organisational framework as part of its Flood Risk Management Strategy, the framework was intended to ensure that partnerships are managed in ways which enhance the co-ordination of policy and actions; and provide strong accountability and transparency. The model is set out below.



59. The Flood Risk Management Board's role is to take a strategic overview of the entirety of flood risk and drainage management across Leicestershire, Leicester City and Rutland from all inland flooding sources, and to ensure effective integration of flood risk planning and response at a strategic level. It meets quarterly and membership comprises officers from the three LLFA's, district council representatives and attendees from the water companies, the EA and Local Resilience Partnership. It was recognised that the Board needed to be reinvigorated and it was agreed a review of the Terms of Reference for the Board would provide a suitable starting point to help improve partnership working and take forward recommendations put forward by the Panel.
60. The Panel recognised that ultimately all partners had different priorities and funding limitations which made collaboration challenging in some instances. The Terms of Reference for the Flood Management Board will look to set out a process for disputed asset ownership to address such concerns.
61. The Panel noted that the Environment and Transport Overview and Scrutiny Committee as the County Councils 'Flood risk Management Committee' would monitor the performance and activities of the refreshed Flood Risk Management Board in accordance with the Localism Act 2011 as well as the recommendations that arose as part of the review..

The Environment Agency

62. The Environment Agency (EA) is a national body legally required to carry out strategic supervision over all matters relating to flood and coastal erosion risk management across the UK in accordance with the Flood and Water Management Act 2010. This role is distinct from the EA's operational role in that it allows the EA to act in a strategic capacity and to provide strategic leadership and facilitate a joined up and consistent approach for the management of flooding and coastal change from all sources. This includes sources where other risk management authorities have operational responsibilities such as the County Council as the LLFA. In its role it also provides flood risk advice and specifically preliminary advice to planning applicants and local planning authorities. The Panel were pleased to note that 98% of advice given by the EA had been shown to be taken on board by planning authorities across the County.
63. In July 2020 the EA launched the [National Flood and Coastal Erosion Risk Management Strategy For England](#), which set out the role of various authorities and the part they play in flood risk management. The Strategy seeks to better manage the risks and consequences of flooding from rivers, the sea, groundwater, reservoirs, ordinary watercourses, surface water and sewers and sets out three long-term ambitions:
- climate resilient places: working with partners to bolster resilience to flooding and coastal change across the nation, both now and in the face of climate change

- today's growth and infrastructure resilient in tomorrow's climate: making the right investment and planning decisions to secure sustainable growth and environmental improvements, as well as infrastructure resilient to flooding and coastal change
 - a nation ready to respond and adapt to flooding and coastal change: ensuring local people understand their risk to flooding and coastal change, and know their responsibilities and how to take action
64. The EA reported that out of c.260,000 properties in Leicestershire there were 10,486 properties at risk of flooding from flood zone 3, 7,543 from surface water and 4929 defended properties of 1 in 100-year events. Flood zones are defined following national scale modelling and are regularly updated, they set out the likelihood of an area flooding, with zone 1 areas least likely to flood and flood zone 3 areas more likely to flood. The EA was statutory consultee for developments within Flood zone 3 if within 20m of a main river, all developments other than minor and developments that would involve a change of use and change in flood risk vulnerability.
65. The Panel noted that EA had led on bidding for funding for flood works from the Regional Flood and Coastal Committee's relevant to Leicestershire. Schemes identified had to be shown to be viable and followed lengthy investigations into feasibility and the Panel were pleased to note that success had been seen in Lubbethorpe Brook, property level protection for Sharnford, and Cossington Sluices.
66. In the 2020 Budget, the government announced £200million for the Flood and Coastal Resilience Innovation programme, £150million of which would be allocated by the EA to encourage local authorities, business and communities to test and demonstrate innovative practical resilience actions in their areas, improve the resilience of 25 local areas and improve evidence on the costs and benefits of the actions. The Flood Risk Management Team was looking at areas where it could bid for funding to deliver improved resilience using new and innovative approaches to manage flood risk, such as nature based solutions it could submit to the EA for funding.
67. Unfortunately, some schemes that appeared viable and necessary did not secure the funding sought. Where this was the case the EA confirmed that it would work with partners to consider how they can best help communities to ensure they have the protection required, even if that was not part of a capital scheme. While the EA had been reaching national targets for partnership funding it recognised it could always improve, such as encouraging contributions from businesses and private partners emphasising that such schemes were for the benefit of whole communities.
68. The Panel noted that recently the EA had upgraded its incident hotline to 0800 80 70 60, which was a 24 hour service aimed at providing assistance or advice to residents during an incident. This was welcomed by the Panel but it was questioned whether local residents were aware of this and how much it had been promoted by the EA and/or the County Council
69. The Panel were also pleased to note the range of information made available by the EA to help homeowners find out if their property was in a flood risk area, and the

guidance it provided to residents on how to protect their home from flooding. The Panel noted that homeowners and businesses could enter their postcode to find out about the level of risk from flooding in a specific area and get advice about what to do in event of a flood. They could also sign up for flood warnings which warned of the risk of flooding from rivers, the sea and groundwater by providing an alert by phone, email or text.

Severn Trent Water

70. Severn Trent Water Ltd (STW) is a public limited company based in the midlands responsible for water supply management and waste water treatment and disposal. It also has an obligation to reduce flood risk associated with rainfall overloading the public sewerage network. The Panel noted that STW has a five year Asset Management Period agreed with Ofwat which includes investment and funding allocated to upgrade networks to alleviate current flood risk and help accommodate future growth, such as new housing developments within Leicestershire.
71. As set out throughout this report STW also work with its various partners to deliver solutions to reduce the risk of flooding for the benefit of wider society and in particular its customers. Unfortunately, expectations needed to be managed in that some areas will remain at risk of flooding from sewers and surface water, though the Panel were pleased to note that the Council would always work with STW to look at individual factors that may have contributed to a flooding incident and continue to seek to address these where appropriate.
72. In recent years the relationship between STW and the County Council had improved, and regular network meetings were now held providing an opportunity to coordinate investigations, develop work programmes and identify schemes for joint working. The Panel was pleased to note that STW was engaging on a 'Working Together' document to build a holistic process for the next 25 years with partners, including the County Council.
73. The Panel noted that STW held a Service Level Agreement with its partners, which meant it would repair defects when it became aware of a problem with its network, and would undertake its own investigations on the network where appropriate, reporting relevant findings to the County Council as the LLFA. It also shared its capital programme with the County Council and kept an open line of communication with regard to the prioritisation of works, with a view to looking at how partners could align funding streams to enable projects to happen.
74. Unfortunately, projects often took a long time to deliver as with the scheme in Newbold Verdon, where STW had been working with the County Council to mitigate the risk of surface water flooding, increasing the sewer network capacity and securing further capacity at treatment works to accommodate new developments.
75. The Panel welcomed the Severn Trent Community Fund which it had set up to give away over £10million over the next five years to support new projects by local charities and community groups. As well as a funding programme to be

used on mitigation measures regionally to protect properties by fitting preventative measures. Which would be signposted where appropriate.

Local Resilience Forum

76. The Local Resilience Forum (LRF) is a multi-agency partnership arising from the Civil Contingencies Act 2004 and is made up of representatives from local public services, including the emergency services, local authorities, the NHS and the Environment Agency who work together to prepare for, respond to and recover from different emergencies across Leicester, Leicestershire and Rutland.
77. The LRF delivers emergency planning by:
- Co-operating and sharing information to enhance co-ordination and efficiency between partners
 - Assessing the risk of emergencies occurring and using this to inform contingency planning
 - Putting in place:
 - emergency plans
 - business continuity management arrangements
 - arrangements to warn, inform and advise the public in the event of an emergency
 - Making information available to the public about civil protection matters
 - Providing advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)
78. From an early stage following an incident recovery plans would start to be considered given the considerable time it could sometimes take for homes and businesses to be restored following a flooding incident. Following an event partners would review the incident and look at lessons learnt, which would be shared across the LRF so that all partner organisations could benefit.
79. Preparing for such events is part of the day to day job and ensures the LRF is ready for emergencies and major events. This involves:
- Risk assessments – assessing the type of hazards that might affect our region
 - Preparing plans – together agreeing strategies and process, writing the plans (we have more than 20, each addressing a different type of event)
 - Training & exercising – a schedule of training, testing and exercising ensures partners and their staff are familiar with the plans
80. Knowing that not all authorities had the resource or numbers of staff to be able to manage resilience, Local Resilience Officers, employed by the County Council, would help at a district level providing support on coordination and planning and to manage roles such as community flood wardens.
81. While some district councils provided sandbags, it was acknowledged that they often arrived too late and were not that efficient. Whilst these still provided some degree of help for communities the LRF was keen that alternatives which were

more effective be promoted, such as door board gates or other property level protection and community and resident resilience.

82. The LRF also promoted the National Flood Forum, an independent charity that looks to aid with local resilience and worked with partners and the community to raise awareness and help prepare for flooding incidents, including the writing of a community flood plan to ensure communities are better educated and less reliant on support from flood response partners. The National Flood Forum also championed the cause of residents frustrated with insurance providers and had developed a scheme termed 'Flood Re' in conjunction with Government and the insurance industry to enable residents to take out affordable insurance to protect their homes and provide peace of mind.

Recommendations:

- k) That the good partnership work undertaken is noted and welcomed and that it is further explored how good practice can be evidenced and shared across organisations.**
- l) That the Terms of Reference of the Flood Risk Management Board be revised for the next Board Meeting (expected April 2021) taking into account the views and recommendations put forward by the Panel.**
- m) That lessons be learnt from the successful completion of the Lubbesthorpe Brook, property level protection for Sharnford, and Cossington Sluices schemes.**
- n) That the County Council work with the Environment Agency to encourage contributions to flood risk schemes from private landowners and local businesses.**
- o) That as part of the County Council's Flood Information it advertises the Environment Agency's Flood Incident Hotline and its Flood Warning Alert System**
- p) That the County Council work with the Local Resilience Forum to ensure that communities and residents be made aware of actions that they can take to mitigate the potential impact of flooding and increase their resilience.**

Communities

83. The County Council had produced standard flooding advice and guidance which was available on its website, to help raise awareness of those organisations with responsibilities in relation to flooding, what home owners could do themselves in respect of their property to prevent flooding, and what to do if there is a likelihood of flooding. The Panel noted that such advice was very much targeted to residents that lived in recognised flood risk areas.
84. It was highlighted, however, that often flooding events had the biggest impact on those communities that had not previously experienced flooding. They were the

least well informed and therefore the least prepared for such events. The Panel noted that residents in such areas were not always receptive of flooding advice provided, as they often considered it not applicable to them. However, the Panel agreed the County Council should, as the LLFA, be proactive and seek to actively engage with all communities to ensure they were aware of flood risks even in areas where it had not previously been a concern

85. The Panel felt that information should be targeted to their audience depending on whether they were in or outside a recognised flood risk area to ensure this was relevant to residents and more likely therefore to be seen as useful. The Panel were keen to emphasise the importance of climate change and how this would now likely result in more communities being affected by flooding and therefore needing to prepare for such events; encouraging residents to be aware of what help was available.
86. It was also felt that communication messages should be reviewed to assist residents to know who to call depending on the type and source of flooding, while taking into account other bodies existing communications.
87. Communities needed to recognise that even with significant long-term investment in flood risk management by the LLFA and other RMA's it would be unlikely to remove all risk especially considering the impact of climate change on all areas which was only increasing.
88. Whilst the County Council would continue to work with partners where viable to bid for key funding streams to mitigate the impact of flooding, it was important to highlight the role communities, riparian owners and members of the public should do to play their part in working with the Council and partners to mitigate flood risk, and build their own resilience plans.

Parish Councils

89. The Panel recognised the benefit of working in partnership with parish councils that hold important links with the local community and which could be better utilised to encourage and improve local responses. Often communities held a deeper knowledge of particular problem areas such as water run offs from local fields and the Panel felt the Council should seek to capitalise on and make good use of such local knowledge. The Panel also emphasised the importance of enabling parish councils to play a role in providing information and advice to residents and to better prepare for flooding incidents through the development of local flood plans as detailed below.
90. Successful partnership working was evident where communities worked with STW, landowners, parishes, the Department for Environment, Food and Rural Affairs, the district councils and the public. Such as in Appleby Magna where purchase had been made of telemetry equipment to provide a high-tech warning system for the community.

91. The Panel felt that such success stories could be influenced by Elected Members in their roles as community champions who could help encourage such engagement and the promotion of community and individual resilience.

Community Flood Plans

92. Community Flood Plans formed an important part of a community's emergency response. By creating such plans in advance, it better enabled communities to react and equip themselves for recovery in the long term. Preparation for emergencies reduced stress, panic and even avoided the loss of life. As part of the review the Panel noted that not all communities had flood plans in place.
93. The Panel suggested that working with local people and Flood Wardens to develop community flood response plans was something that should be explored particularly in any area considered to be at risk of flooding. Though areas that had never experienced events should also be encouraged consider the risk in their own areas.

Flood Wardens

94. The Community Flood Warden Scheme is a significant communication channel through which the public can be signposted to the appropriate agencies both generally and in an emergency. Wardens are members of the local community and help to bring people together at times of flood difficulty and help to prepare 'at risk' communities for flooding events. They are supported by district councils, the County Council (through the LRF) and the Environment Agency.
95. Specifically, their role is to:
- Ensure that members of the community have received direct flood warnings, understand what they mean and where they can receive further help;
 - Ensure that communities work closely to prepare for a flood and identify vulnerable people from within the community who may need help;
 - Report blocked drains and ditches to the appropriate agency;
 - Develop a community flood plan;
 - NOT be involved in any rescue attempts or put themselves at risk.
96. Much praise was put on the volunteer Flood Wardens, and the pressure to recruit was noted. It was hoped a fresh drive from the LRF and the County Council would set out the importance of the role within communities, as evidenced with the Flood Wardens in Sibley who dealt with the perennial flooding on Slash Lane. It was hoped this would encourage fresh take up and inspire others to take up the important community role. This would further be incorporated into the communications review and be a key task for the rejuvenated flood board.

Residents

97. The Panel agreed that it was important for residents themselves to take action to ensure they and their property are protected. There was a concern that the level of public interest in finding out more information about the level of flood risk to their property/wider area, and that even where properties were known to be high flood risk, interest was low. Where areas regularly flooded the County Council worked with residents regarding property flood protection, but this was reliant on residents playing an active part in that process.
98. The Panel also were informed of simple, cost-effective property level protection residents could easily install that could reduce the risk of water getting into homes or businesses and reduce the impact of a flood protection such as door boards and one way toilet flows.
99. It was recognised that the Council's list of numbers on the website of who to call for different types of flooding could be difficult for residents to follow when the cause of flooding was not immediately apparent. Where there was a risk to life the public should always call 999. However, if there was any doubt the Panel were pleased to note the Environment Agency's 24 hours 7 days a week Hotline could direct calls as necessary.
100. Furthermore, it was important that members of the public informed the County Council when there were instances of flooding or near misses so that a comprehensive picture of flood risk in Leicestershire could be maintained. It was understood that some homeowners may be reluctant to report such instances due to concern over increased insurance costs.
101. It was encouraged that residents continue to input in Section 19 investigations linked to their properties as often their contributions were invaluable and were assured that the County Council would keep them updated and help them understand how any resulting Section 19 recommendations may impact on them.

Recommendations

- q) That communication messages are refreshed to ensure:**
- **those 'at risk' are signposted to the appropriate agencies.**
 - **Residents understand what to do before, during and following a flood.**
 - **Advice is provided regarding dealing with insurance claims and signposts to Flood Re and other useful organisations.**
- r) That all residents are encouraged to sign up for the Environment Agency's flood alert system.**
- s) That new communication messages are created to address those who have never experienced a flooding event to highlight the risks in light of the increasing risk of climate change.**
- t) That appropriate methods of communication are considered and utilised to disseminate such messages such as, but not limited to leaflets, Leicestershire Matters, Twitter and Parish communications.**

- u) That alternatives to sandbags, such as door board gates, one-way toilet flows and other types of property level protection are promoted to residents to look at simple cost effective ways of reducing their own flood risk.
- v) That the LRF and the County Council communicate to parishes and local communities the need to create community flood plans and provide them with information to enable them to play a role in providing advice to residents to better help prepare for flooding incidents.
- w) That fresh publicity is given to the importance of the role of Flood Warden to promote uptake in areas without them, which the Flood Risk Management Board will oversee.
- x) That this report is circulated to all members of the County Council and that their role as Community Champions to promote such recommendations within their communities is highlighted.
- y) That the Environment and Transport Overview and Scrutiny Committee, as Flood Risk Management Committee, receive an annual report providing an update on progress made and work undertaken towards approved recommendations.

Conclusion

102. Throughout the course of the review the Panel felt that while there were many organisations that looked to help mitigate the causes of flooding, and that the Environment Agency's National Strategy set a good stage for the overarching role on day to day management. However ultimately it was recognised that even with significant sustained long-term investment in flood risk management by the LLFA and other RMA's all flooding could not be prevented or mitigated against. Thus, ultimately the theme of resilience needed to be accepted by the communities and residents as part of adapting to climate chance.
103. The review group accept that giving timely flood advice is a challenge as the fast-moving nature of storms will only give a short time for first responders and other agencies to give advice. Therefore, there is a need for LRF representatives to have discussions with the local community groups in high risk flood areas to plan how to develop a strategy to manage the risk.
104. To that end the Panel further recognise the need to provide clear information to the public and local partners in the event of severe weather both in advance of the flooding and during periods of heavy rain and considers that this is an area where real improvement could be made, especially in areas that were not used to such events. The review group recognise the importance of giving property owners timely information. However, evidence from other areas that have been flooded suggest more radical thinking is needed to encourage residents living in risk areas to plan how they can protect their property in the event of a flood.

Resources Implications

105. The level of demand and therefore the work generated within the Council's Flood Risk Management Team is increasing and this pattern is likely to continue for the foreseeable future. If not carefully managed this will continue to put pressure on existing resources within the Department. In light of this the Panel's recommendations may need to be prioritised if they cannot all be implemented within existing budgetary provisions. External growth bids will be made where possible to support these improvements and the Department will continue to bid with partners for funding for appropriate flood management schemes that will best support communities affected or likely to be affected by flooding.

Equality Implications

106. None.

Environmental Implications

107. Severe weather conditions may rise as a result of climate change and this will have significant impacts on economic, social and environmental assets. This report sets out the necessary steps to support the delivery of a flood risk management service to reduce the risks and impact of such weather conditions in future.

Circulation under the Local Issues Alert Procedure

108. This report will be circulated to all members of the County Council.

Background Papers

109. File containing the reports submitted to the Scrutiny Review Panel on Flooding.

Recommendations

110. That the Environment and Transport Overview and Scrutiny Committee is recommended to support the findings of the Panel and refer the recommended actions to the Cabinet for its consideration.

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