

**Agenda Item No. 6(i)**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**16 March 2020**

Report of the Executive Director – Economy, Transport and Environment

**FLOOD RESPONSE POLICY (HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval for the publication of the Flood Response Policy, attached as Appendix A, on the Council's website.

(2) **Information and Analysis** In 2015, the Local Flood Risk Management Strategy was adopted by Derbyshire County Council. A key action from the Strategy was to 'Publish a Flood Response Policy' and link in with other service delivery stakeholder plans.

This Policy is intended to outline the operational framework within which the Council can make the best use of its resources for flood conditions, so as to offer targeted, timely and prioritised help to Derbyshire residents.

This Policy links with other Council plans, namely the Highways Adverse Weather Implementation Plan, Emergency Planning Severe Weather Plan and Flood Contingency Plan.

This new approach also supports the delivery of empowered and self-sufficient communities, as set out in the [Council Plan \(2019-2021\)](#). It also supports Departmental priorities in the [ETE Service Plan \(2017-2021\)](#), which is to *"Continue to develop and increase our understanding of flood risk to Derbyshire, the impacts of climate change and to work collaboratively with all agencies and councils to ensure a co-ordinated response to flood risk"*.

(3) **Financial Considerations** Allocation of resources for flood response will be prioritised in accordance with the Policy and also be dependent on the scale, location and nature of the flooding event.

Given that every flooding event is different, it is difficult to quantify the amount of resources required and therefore need to be dynamically assessed on a case by case basis.

(4) **Legal Considerations** The Council has a legal duty, under the Highways Act 1980, to maintain the public highway, which will include managing flooding on the highway. It must also ensure that there is a Multi-Agency Flood Plan in place (Civil Contingencies Act 2004) to ensure that the Council can continue to fulfil its functions of flooding occurrences. As part of the Local Flood Risk Management Strategy (Floods and Water Management Act 2010), the Council is required to have a Flood Response Policy in place.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That Cabinet approves the publication of the Flood Response Policy, attached in Appendix A, on the Council's website.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

# FLOOD RESPONSE POLICY

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Document Information

Title            Flood Response Policy  
 Author:        Richard Ward  
 Reviewed:     Claire Brailsford/Geoff Pickford

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## INTRODUCTION

In 2015 the Local Flood Risk Management Strategy was adopted by Derbyshire County Council. A key action from the Strategy was to ‘Publish a Flood Response Policy’ and link in with other service delivery stakeholder plans.

This Policy is intended to outline the operational framework within which the Council can make the best use of our resources for flood conditions, so as to offer targeted, timely and prioritised help to Derbyshire residents.

The proposed approach is intended to put a greater emphasis on creating more resilient communities and individual households, improving awareness of flood risk, encouraging and helping people to protect their own properties before flooding occurs. This more pro-active approach is also intended to reduce demand on Council resources whilst flooding is occurring (mainly requests for sandbags) to enable a greater focus on managing critical drainage assets such as highway culverts and roadside gullies which in itself helps to reduce the flood risk to properties. It also looks to enhance the overall response during flood events by improved co-ordination with District and Borough Councils.

The Council aims to put the residents and businesses of Derbyshire at the centre of everything we do. However, the challenge of diminishing resources coupled with the potential for flooding to occur more often due to climate change, adverse weather events, and in unpredictable places, means we must look for newer and more innovative ways of doing things.

Furthermore, experience over many years, shows that trying to get help to residents when flooding is occurring is in a high proportion of cases ineffective. This is particularly the case with requests for sandbags to protect property, rarely arriving in time to be useful. It is also the case that filling, loading (onto vehicles) delivering, depositing and the positioning of traditional sandbags is labour intensive, time consuming and costly.

This new approach supports the delivery of empowered and self-sufficient communities, as set out in the [Council Plan \(2019-2021\)](#). It also supports Departmental priorities in the [ETE Service Plan \(2017-2021\)](#) which is to *“Continue to develop and increase our understanding of flood risk to Derbyshire, the impacts of climate change and to work collaboratively with all agencies and councils to ensure a co-ordinated response to flood risk”*

## COUNTY COUNCIL RESPONSIBILITIES

Flood risk management is complex and requires a number of stakeholders and organisations to work together to achieve successful outcomes. The County Council has three core roles to play in managing flood risk at a local level as described below:

### 1. Lead Local Flood Authority (LLFA)

Since 2010, the County Council has been designated a Lead Local Flood Authority (LLFA) under the Flood and Water Management Act. This statutory responsibility for the County Council, relates to local flood risk management (surface water, groundwater and ordinary watercourses).

Along with a range of duties and powers, it is the role of the LLFA to co-ordinate flood risk management with other agencies such as the Environment Agency, District/Borough Councils and Water Companies who are designated as Risk Management Authorities. It is also the County Council's role as LLFA to lead the implementation of our Local Flood Risk Management Strategy (RMA). **Main rivers remain under the jurisdiction of the Environment Agency and public sewers the responsibility for Water Companies.**

### 2. Highways Authority (Network Planning)

The [Highways Act 1980 – Section 41](#) places a duty on Highways Authorities to maintain roads which are “maintainable at public expense”. [Section 100](#) of the same legislation empowers Highways Authorities to maintain or cleanse drainage systems in the highway. As a Highways Authority, the County Council is also expected by the Department for Transport (DfT) to identify a 'resilient network' to which they will give priority, in order to maintain economic activity and access to key services during extreme weather (including flooding).

### 3. Category 1 Responder Agency

The [Civil Contingencies Act 2004](#) designates the County Council as a Category 1 Responder. The County Council is required to risk assess a range of hazards to determine where risk is highest, and then to prepare emergency plans according to those priorities. Flooding, from all sources, including main rivers is considered one of our highest risks due to both its high level of likelihood to occur and the serious impacts it causes. The County Council's Emergency Planning Team has a [Multi-Agency Flood Plan](#) in line with [Department for the Environment, Food and Rural Affairs \(DEFRA\) guidelines](#) and approved by the Derbyshire Local Resilience Forum (LRF). The LRF, a body comprising all relevant stakeholders (The Council and other Category 1 Responders) whose joint responsibility it is to ensure that Derbyshire is well prepared and resilient to major incidents and emergencies. The County Council's representative on the LRF is the Executive Director for Economy, Transport and Environment.

## THE COUNTY COUNCIL'S CURRENT LEVEL OF SERVICE

Our current level of service is largely driven by the statutory roles described above, and falls within the Economy Transport and Environment Department. This means that efforts to improve outcomes for residents and businesses at risk from flooding are well co-ordinated.

The proposals outlined below are intended to build on current service levels and deliver improvements where possible. The County Council has looked carefully at what it does when flooding is happening in the County and how our response is prioritised, including reactive maintenance, emergency sandbag provision and joint working with other Risk Management Authorities. However, more importantly, is the actions the Council takes before flooding occurs, to foster better preparedness and reduce the flood risk where the County Council's own assets may be a critical factor. Action taken after flooding, such as investigations and engagement with impacted communities and elected members, will also be a key element of our response.

It is important to note that much of what is proposed already happens within the County Council, however, the development of a Policy formalises our approach and meets the requirements of the [Local Flood Risk Management Strategy](#).

## COUNCIL'S ROLE WHEN FLOODING IS PREDICTED OR HAPPENING

Derbyshire County Council has a "[Highways Adverse Weather Implementation Plan](#)" which covers Highways response when notification of adverse weather (e.g.; Flooding) is received.

The plan forms part of the wider emergency planning process and details how decisions are made when "Weather Warnings" are received, to ensure that the appropriate response is implemented, and where possible resources are mobilised in readiness to ensure an efficient response by the Highways Department.

In addition to the "[Highways Adverse Weather Implementation Plan](#)", the following plans will be considered when "Weather Warnings" are received, and the appropriate action taken in line with each plan:

- [Emergency Planning Severe Weather Plan](#)
- [Flood Contingency Plan](#)

Table 1 – List of actions when flooding is predicted or happening

<b>Response Action</b>	<b>Who by</b>
The County Council's priority as a Highway's Authority will be to maintain, as far as reasonably practicable, the ongoing safe use of the highway network. This will be achieved by closing flooded roads, organising diversions, responding to road traffic collisions, liaising with the Highways England and Emergency Services regarding access to key services such as hospitals, and where possible to maintain economic activity.	<b>Network Planning</b>
In parallel with its Highways responsibilities, as LLFA, the County Council also needs to monitor known Critical Drainage Assets (a list of these assets are available), particularly those that are owned/maintained by the County Council. In some cases these will be highway culverts and screens with a history of exacerbating flood conditions in a known locality.	<b>Network Planning/Flood Risk Management</b>
As both an LLFA and Category One Responder, the County Council takes the lead in co-ordinating an emergency response to flooding in the County. This is usually undertaken from the Council's Emergency Command Centre at County Hall, Matlock and involves representation from the Environment Agency, Emergency Services, District/Borough Councils, Water Companies etc. This co-ordinating function can be triggered by a diverse set of circumstances, and is instigated by the Emergency Planning Team or Duty Emergency Planning Officer, if out of normal working hours.	<b>Emergency Planning Team/Flood Risk Management/ Network Planning</b>
Regardless of the establishment of a Multi-Agency Co-ordinating Group, the County Council itself must be responsive to the needs of residents requiring information, advice and help if their property becomes vulnerable to flood water, from not just highway water but other sources. This often involves requests for the County Council to provide sandbags or other alternative solutions. Guidelines on Sandbag provision are contained in <a href="#">Appendix A</a> . Based on the current resources allocated to this function, particularly outside normal working hours, this is likely to require more staff on standby in a similar arrangement to that used for winter gritting.	<b>Emergency Planning Team/Flood Risk Management/ Network Planning</b>
The County Council's service can be enhanced further by dedicated Call Derbyshire staff being deployed to the Emergency Centre to take flood enquiry calls, and by regular and timely issue of public information via the media and other outlets e.g. the County Council's own website and Derbyshire Prepared.	<b>Emergency Planning Team/ Communications Team</b>

## How can flood calls be prioritised?

It is essential that each call for assistance is assessed and prioritised and in some cases disseminated or signposted to an alternative Agency. It is important to say from the outset that in some circumstances the level of demand for immediate response will exceed our capability and resources. Responding to requests for assistance during flooding should never be on a “first call – first served” basis or geared to those that shout the loudest. It must be based on need, priority and best return from available resources.

NB - This could mean that a resident/householder calling the Council will not receive the help or service they have asked for in the time frame they expect or need. In such phases of high demand it will be important that key prioritising factors are recognised and taken into account, examples being:

- Vulnerable residents, not reasonably being able to take their own protective measures.
- Multiple properties being affected in a locality as opposed to a single property.
- Involvement of a critical asset where reactive maintenance or clearance will alleviate the problem.
- Is a critical utility at risk which may affect a whole area or community?
- Has the property/householder access to a local community based resource?\*
- Is it already too late to help - can anything be achieved?
- Has the homeowner received our help before or are they located in one of our Flood Warden Scheme communities?
- Is the relevant District/Borough Council better able to assist?

\*The County Council are promoting and aiming to utilise more local community based resources in the future, given the anticipated increase in flooding events due to climate change and also taking into account the council’s limited resources.

## COUNCIL'S ROLE BEFORE FLOODING OCCURS

As indicated previously, a key element of the County Council's overall response policy on flooding is to support the delivery of empowered and self-sufficient communities, as indicated in the Council Plan. Many communities and residents have some level of awareness of their flood risk, either through experience or previous flood awareness campaigns. The County Council should offer assistance to those communities and residents willing and able to take measures to prepare for flooding. This, over time should reduce the number of calls for assistance when flooding is occurring.

Table 2 – List of actions before flooding occurs

<b>Response Action</b>	<b>Who by</b>
The County Council will actively engage with Flood Risk Management partners, communities, businesses and individual householders to achieve a better understanding of flood risk (where we know of it), particularly to property.	<b>Flood Risk Management/ Emergency Planning Team</b>
The County Council will work closely with the Environment Agency and District/Borough Councils to promote joint flood warden schemes and community resilience stores for sandbags and/or other equipment.	<b>Flood Risk Management/ Emergency Planning Team</b>
On becoming aware of potential flood risk management problems, the County Council will advise riparian landowners in respect of ordinary watercourses and their responsibility to maintain flow of watercourses, and to remove debris and obstructions.	<b>Flood Risk Management</b>
The County Council will provide flood packs containing approximately 10 empty sand bags and numerous helpful information leaflets to encourage and help people to protect their own homes. These are also available from most local libraries and District/Borough Council Offices. This should continue and be enhanced further by providing a supply of lightweight synthetic sandbags (which inflate on contact with water) particularly to high risk property and/or vulnerable older residents who would find traditional sandbags too heavy. This part of the service should be viewed as continuous and proactive but targeted at known risk and/or previous victims of flooding. It would benefit from supporting PR campaigns.	<b>Flood Risk Management/ Emergency Planning Team/ Communications Team/ Libraries and Heritage</b>
Regular and active promotion of flood risk information and measures to help limit the impact, such as the Flood Risk Teams Guidance Notes which support the <a href="#">Local Flood Risk Management Strategy</a> .	<b>Flood Risk Management/ Emergency Planning Team/</b>

## COUNCIL'S ROLE AFTER FLOODING

Flooding to property can cause damage costing tens of thousands of pounds and in most cases is subject to insurance claims. However, in many instances property owners and communities feel their case should be reported to an appropriate Authority or a public body should take responsibility to ascertain the cause and/or take action to prevent future similar events.

Table 3 – List of actions after flooding

<b>Response Action</b>	<b>Who by</b>
As LLFA, the County Council has a duty to investigate flooding <b>(from non-main river sources)</b> to the extent it considers necessary. Criteria for instigating such investigations have been established and approved as part of the Local Flood Risk Management Strategy. It is important that the County Council advises residents and communities as to what action it can take or where appropriate to direct to other agencies.	<b>Flood Risk Management</b>
Blocked roadside gullies and culverts are often perceived as being a cause of local “flash flooding”. However, flood conditions and extreme rainfall often cause these drainage systems to be full to capacity and therefore flooding in these situations is difficult to prevent. However, where a County Council asset, whether a roadside gulley or screened culvert has potentially contributed to or exacerbated flood conditions, it is essential that the County Council, as soon as practicable, checks, maintains and/or repairs the asset involved.	<b>Network Planning</b>
Where possible, follow up contact should be made to individuals who have experienced a level of flooding to their property or a near miss. The purpose of this would be to advise and help with future property protection measures. The service the County Council will offer ranges from advice, providing empty sandbags/synthetic sandbag packs or a combination of the two.	<b>Flood Risk Management/ Emergency Planning Team</b>
Where formal investigation (as outlined above) is underway, it is important to keep those affected informed of progress. This should be undertaken with the Parish Council (as primary contact for the community) and offers the opportunity to encourage and develop community resilience measures for the future.	<b>Flood Risk Management</b>
Where it becomes apparent that flooding to property is occurring repetitively and that simple property protection measures (such as sandbags) are proving ineffective, then the Flood Risk Management Team should assess and where potentially viable, initiate processes to explore other solutions (this may include applications for external funding through the Regional Flood and Coastal Committee). Keeping communities and residents informed on progress is essential.	<b>Flood Risk Management</b>

<p>Where an asset is found to have a significant effect on local flood risk, this should be added to the County Council's Asset Register. The County Council should also liaise with the District/Borough Council to ensure that the asset is monitored if it is not a Highway asset.</p>	<p><b>Flood Risk Management</b></p>
<p>It is also important that the County Council continues to build up knowledge of the condition of drainage assets within Derbyshire (within the Highway and private land) including structures and smaller culverts etc and make this available to all teams.</p>	<p><b>Flood Risk Management/ Network Planning</b></p>

## APPENDIX A

### SANDBAG POLICY

#### STATUTORY FRAMEWORK

The County Council is a Lead Local Flood Authority (LLFA) under the [Flood and Water Management Act](#) and a “Category One” responder under the [Civil Contingencies Act](#). However, there is no obligation under legislation that requires the County Council to provide sandbags to the public as a means of flood protection.

#### Effectiveness of Sandbags

Sandbags, if laid correctly, offer some protection against flood water entering a property or can divert water away from more vulnerable parts of a home. They are however, heavy and time consuming to put in place. Sandbags can be used most effectively if you already have them filled and stored at or close to your property in readiness for worsening conditions. Experience shows that no Local Authority, particularly a large rural Authority such as Derbyshire can guarantee to deliver sandbags “on demand”, in time to protect a property when flooding is actually occurring.

#### Policy Objectives

- To make the most effective use of the County Council’s stock of sandbags, including synthetic absorbent sacks (designed for flood protection).
- To help and advise residents at known flood risk to take proactive measures to protect their own property.
- To work in partnership with any Parish/Community at known flood risk to develop a local sandbag repository. (This may also be in conjunction with the Environment Agency).
- By taking the measures outlined above, to minimise the demand for sandbags during flood conditions, to enable resources to be focussed on Highway Safety and Flood Critical Asset Maintenance.

#### Policy

- The County Council’s main priority on sandbag provision will be to contribute to self-help resources in advance of floods occurring.
- Householders known to be at risk of flooding from any source will be provided with a free of charge, “Self-Help Starter Pack” containing a minimum of 10 empty sandbags, on request or directed to a local stock at a Library or District/Borough Council.
- Synthetic water absorbent sacks will be supplied in addition to or as an alternative for higher risk property or to more vulnerable residents who would not be able to

deploy traditional sandbags. This type of contribution to property protection would be seen as a one-off and recorded.

- Any community who feels like they could be at risk of flooding, will be provided with a maximum of 500 **empty** sandbags to develop a local sandbag store. Collaboration and support from District/Borough Councils (and in some cases the Environment Agency) will also be sought in these cases.
- All calls made to the County Council to report flooding will be assessed to ascertain the potential/likely cause, the involvement or otherwise of a drainage asset and the most effective response with the resources available at the time.
- Calls requesting sandbags will be advised of the County Council's Highway Safety and Critical Drainage Asset priorities, and that no commitment can be given on timescales for sandbag delivery.
- All calls requesting sandbags will be prioritised and screened as far as reasonably practicable to ensure the most vulnerable are given the highest priority.
- The County Council will try to provide filled and/or synthetic sandbags to properties reporting imminent flood risk.
- The County Council will liaise with partners, particularly District/Borough Council's to ensure their resources are deployed effectively and to avoid duplication.
- The County Council will try to make post flooding follow-up calls to those who requested sandbags to offer starter packs and advice for future self-protection measures.
- Sandbags will not be collected after a flood, disposal is the responsibility of individual householders.