

**Agenda Item No. 4(c)**

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**16 March 2020**

Report of the Executive Director – Economy, Transport and Environment

**REPORT ON THE DELIVERY OF THE SECTION 19 FLOODING  
INVESTIGATION**

- (1) **Purpose of Report** To update the Cabinet Member on the progress and delivery timescale for the Section 19 Flooding Investigation following the November 2019 flooding events which affected the County.
- (2) **Information and Analysis** The flooding event between 7 and 16 November 2019, which affected large parts of the County, has triggered the requirement for the County Council, as the “Lead Local Flood Authority”, to undertake a Section 19 Flooding Investigation. This is a legal requirement under Section 19 of the Flood and Water Management Act 2010.

Although there is no legal requirement to complete the investigation within a particular timescale, given the scale and impact of the event, and the significant amount of public interest, there is an expectation and desire to complete it in a timely fashion.

The draft report is expected to be completed by the end of March 2020. Officers from the Flood Risk Management Team is currently carrying out a full investigation, which comprises of distributing a questionnaire to approximately 2,000 properties and businesses to obtain more detailed information from those affected by the flooding, site visits to the flood affected communities and liaising with all of the relevant authorities (Environment Agency, water authorities, district/borough councils, etc), all of which will inform this Section 19 Flooding Investigation.

The statutory requirement of the output of a formal Flooding Investigation is relatively simple, namely;

- To identify which risk management authorities have relevant flood risk management functions.
- To establish if those functions have been exercised or are intended to be.
- To publish the results and notify relevant risk management authorities.

The Flooding Investigation provides the opportunity to identify and engage with communities which have been affected, to ascertain if further support and advice can be offered in the immediate aftermath of the flooding event, and also to identify opportunities to develop flood mitigation projects to reduce the risk of these properties flooding during future events.

The format of the report will be formal, and structured with an introduction, background information of the areas affected, details of the flooding event itself and a conclusion.

(3) **Financial Considerations** The Section 19 Flooding Investigation will be undertaken by the County Council's Flood Risk Management Team so, therefore, no additional resource or funding has been required to undertake this work.

However, the Flood Risk Team has secured additional resource (Flood Engineer) on a temporary basis to assist with the significant increase in workload, following the November 2019 flooding event. This can be contained within existing budgets.

(4) **Legal Considerations** The County Council has a duty under the Flood and Water Management Act 2010 to conduct a Section 19 Flooding Investigation where there is a locally significant flood event.

(5) **Equality and Diversity Considerations** An Equality Impact Assessment (EIA) was undertaken in support of the Local Flood Risk Management Strategy (LFRMS). The LFRMS does refer to the requirement of the Section 19 Flooding Investigation, and is therefore intrinsically linked to every Section 19 Flooding Investigation undertaken. The main concerns in the EIA related to Public Health and the impacts of recurrent flooding on mental health and the effects of flooding on the elderly, infirm, pregnant and disabled, who may not be so able to adapt to/or be capable of making themselves resilient to the effects of flooding or deal with flooding should it enter or confine them to their property. The LFRMS takes on board these issues and seeks to address them through strong emphasis on preparation and development of personal resilience.

(6) **Environmental Considerations** The flooding event would have had a significant environmental impact in terms of pollution and damage to flora and fauna. Through the development of the Section 19 Flooding Investigation, there will be opportunities to identify areas where the environmental impact can be mitigated for future flooding events.

(7) **Social Value Considerations** The principal aim of the Flooding Investigation is to identify the risk management authorities involved and determine whether they have exercised their required functions. This will also

include engaging with the flood affected communities to ascertain who was affected, and if further support and advice can be offered in the immediate aftermath of the flooding event. All of these actions produce an intangible social value to health and well-being, simply by reducing fear of flooding, of loss of property and of the long term misery caused by the invasion of the home or business.

### **Other Considerations**

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

- (4) **Key Decision** No.
- (5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.
- (6) **Background Papers** Guidance document on Section 19 Flood Investigations, held on file within the Economy Transport and Environment Department.
- (7) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes and welcomes the progress being made on delivering the Section 19 Flooding Investigation following the November 2019 flooding events.

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