

Wokingham Borough Council

Flood and Water Management Act 2010 - Section 19 “Duty to Investigate” Flooding Incidents Policy

1. Background

1.1. The Flood and Water Management Act (FWMA) 2010 places a duty on the Council, as the Lead Local Flood Authority (LLFA) for its area, to investigate flooding incidents that it becomes aware of, to the extent that it considers necessary or appropriate.

1.2. Section 19 of the Act 2010 states:

“Local authorities: investigations

(1)On becoming aware of a flood in its area, a Lead Local Flood Authority (LLFA) must, to the extent that it considers it necessary or appropriate, investigate—

(a) which risk management authorities have relevant flood risk management functions, and

(b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

(2)Where an authority carries out an investigation under subsection (1) it must—

(a) publish the results of its investigation, and

(b) notify any relevant Risk Management Authorities (RMA).”

1.3. As a result, LLFA’s have scope to define a threshold or criteria that will determine whether or not a formal investigation of a flood is required.

1.4. This policy has been developed to enable Wokingham Borough Council (WBC) to plan resources effectively and to ensure members of the public are aware of the support they can expect when they are affected by a flood incident.

2. Threshold for Investigation

2.1. WBC will investigate all flooding incidents reported by residents, or that otherwise come to its attention, that involve

- Internal flooding of habitable property (excluding garages and out buildings)
- Flooding of any road that requires formal closure of that road and diversion of traffic
- Flooding of critical infrastructure (such as electricity sub stations, sewage pumping stations or schools) that results in loss of service to customers or potential loss of service

- 2.2. Whilst accepting that a flood event must be seen as “significant” both by the Authority and the community affected, to set the threshold too high would simply be seen as a method of avoiding the responsibility of carrying out investigations. Setting the threshold too low could well lead to a burden that the Authority and other Risk Management Authorities could not meet.
- 2.3. WBC may also investigate smaller “near miss” flooding incidents.
- 2.4. WBC, as Highway Authority, will also continue to investigate smaller scale flooding and “ponding” on the highway.

3. Purpose and Scale of Investigations

- 3.1. Any investigations undertaken will seek to establish the likely causes of the flooding incident, the relevant risk management authorities, and any actions undertaken or proposed by the relevant Risk Management Authorities.
- 3.2. Investigations will be undertaken during, or as soon as possible after, the flooding incident, and will be appropriate to the scale and nature of the flooding incident.
- 3.3. Small scale flooding incidents, and incidents where the relevant risk management authorities are immediately apparent or are undertaking actions to alleviate the cause of the flooding incident, are likely to require limited investigations.
- 3.4. Large scale flooding incidents, incidents where the relevant flood risk management authorities are unclear, and incidents where a number of risk management authorities are involved, are likely to require more detailed investigations. In such circumstances the Council will work closely with the risk management authorities involved and may, where appropriate, prepare a detailed report.

4. Flood Investigation Procedure

- 4.1. Flood reported to the LLFA;
- 4.2. Flooding log started;
- 4.3. Flood investigator appointed;
- 4.4. Initial LLFA assessment undertaken as to whether this constitutes a section 19 report;
- 4.5. If yes, formal notification issued to partner risk management authorities notifying of the investigation and requesting any relevant information;
- 4.6. Flood investigation undertaken and report drafted in consultation with partner Risk Management Authorities;

- 4.7. Draft report issued for comment;
- 4.8. Report and associated recommendations approved by the Councillor for Environment;
- 4.9. Finalised report to be published on the Council's internet page as below;
- 4.10. Where a number of flood investigations are needed simultaneously, investigations will be prioritised by the Flooding and Drainage team in consultation with the Executive Councillor.

5. Publication of Findings of Investigations

- 5.1. Following a Section 19 investigation WBC is required (under the FWMA) to produce a report, notify any relevant risk management authorities, and publish the results of the investigation. Wokingham Borough Council will use the Flooding webpage on the WBC webpage to publish Section 19 reports.

6. Risk management authorities

- 6.1. The principal risk management authorities are:

The Environment Agency

The Environment Agency has a strategic overview for all forms of flooding at national level and is responsible for managing the risk of flooding from main rivers and regulating reservoirs. The Agency has a duty to contribute to sustainable development when delivering its statutory functions.

Thames Water/South East Water

Water and Sewerage Companies manage the supply and quality of drinking water, as well as the disposal and treatment of sewage and, in urban areas, the disposal of surface water runoff from properties.

The Council (as Lead Local Flood Authority)

Wokingham Borough Council as Lead local flood authority is responsible for local sources of flood risk, in particular surface runoff, groundwater and ordinary watercourses.

The Council (as Highway Authority)

Wokingham Borough Council as Highway Authority is responsible for drainage on adopted roads.

7. Timescales

- 7.1. The length of time a flood investigation takes will relate directly to the complexity and scale of the flood. It is not possible to set out a generic

timeframe in which the flood investigation will be complete. However, it should be commenced as soon as possible after WBC becomes aware of the flood and updates should be provided as to which floods have been reported and the estimated timeframe for the initiation, and where possible, expected completion date of the flood investigation.