

## Appendix E: Formal flood investigations thresholds rationale

The Flooding Scrutiny Review Panel submitted their final report to the Environment and Transport Scrutiny Committee in January 2021. The significant complexity (paragraph 31), time and cost (both paragraph 32) associated with formal flood investigations were noted.

The panel recommended that “the County Council continues to closely engage with communities and residents as part of Section 19 investigations in setting realistic timescales” (recommendation e).

Some communities have also expressed concerns with regards to the time taken to publish formal flood investigation reports. This has often been due to multiple communities flooding over short timescales, creating pressure on report writing resources.

The thresholds have been reviewed as part of the Strategy update. The current and proposed thresholds are shown on the next page.

Two national reviews have commented that a five residential property threshold is common<sup>1,2</sup> (Jenkins, 2020: 36; Defra, 2017: 42), and British Standard BS85600:2017<sup>3</sup> also suggests this. The Council believes it is reasonable to increase the threshold from one to five residential properties internally flooded, for the following reasons:

1. **Less risk of properties being individually identifiable:** where possible, the aim is to ensure that flooded residential properties are not individually identifiable, to reduce property blight and impacts upon communities affected. Where there are less than five residential properties flooded, there is a much greater risk of properties being identified.
2. **More timely formal flood report publication:** the change would allow the Council to focus upon report writing and publication for the most severe events. Other flood events would still be investigated, and a short report could be made available upon request of the persons affected, but not published.
3. **Limited communication benefits:** a key benefit of formal flood investigation reports is establishing a consistent message. There is less need for this when less than five residential properties are affected.

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<sup>1</sup> Report of a review of the arrangements for determining responsibility for surface water and drainage assets (David Jenkins, 2022) <https://www.gov.uk/government/publications/surface-water-and-drainage-review-of-responsibilities>

<sup>2</sup> Evaluation of the arrangements for managing local flood risk in England (Defra, 2017) <https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/evaluation-of-the-arrangements-for-managing-local-flood-risk>

<sup>3</sup> BS 85600:2017 Post-event flood assessments. Guidance on investigating flooding incidents

### **Current formal flood investigation criteria**

*A formal flood investigation will generally be carried out if one or more of the following occurs:*

- *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*

*In the following circumstances, discretion may be used to investigate a flooding incident:*

- *A number of properties have been flooded or nearly flooded.*
- *Other infrastructure flooded*
- *Repeated instances*
- *Investigation requested*
- *Risk to health (foul water)*
- *Environmental or ecologically important site affected*
- *Depth/area/velocity of flooding a cause for concern*

The above discretionary criteria are covered by the discretionary decision which rests with the Director of Environment and Transport.

### **Proposed formal flood investigation criteria**

LCC would ordinarily expect to exercise its statutory discretion to investigate a flooding incident occurring in its local area, in the following circumstances:

- 1) *If the causes of flooding are unknown prior to the investigation, and*
- 2) *One or more of the following criteria apply:*
  - a) *there is loss of human life as a direct result of the flood event*
  - b) *critical infrastructure is flooded in a way which impacts delivery of essential services*
  - c) *there is internal flooding confirmed to five or more residential properties*
  - d) *there is internal flooding confirmed to two or more commercial properties.*

These thresholds are not absolute and the decision to conduct a formal flood investigation is at the discretion of the Director for Environment and Transport.