

Lead Local Flood Authority

Meeting with Burscough Town Council

17 January 2022

Welcome and Introductions

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Principal Flood Risk Officer

Laura Makeating

Principal Flood Risk Officer

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Senior Flood Risk Officer



Housekeeping



Microphone on mute whilst others are talking



Mobile phones on silent



Time for questions and discussion at the end



Hands up function to speak



Lancashire

County
Council



Overview



- Roles and Responsibilities of Risk Management Authorities

- Types of Flood Risk

- LLFA Powers and Duties

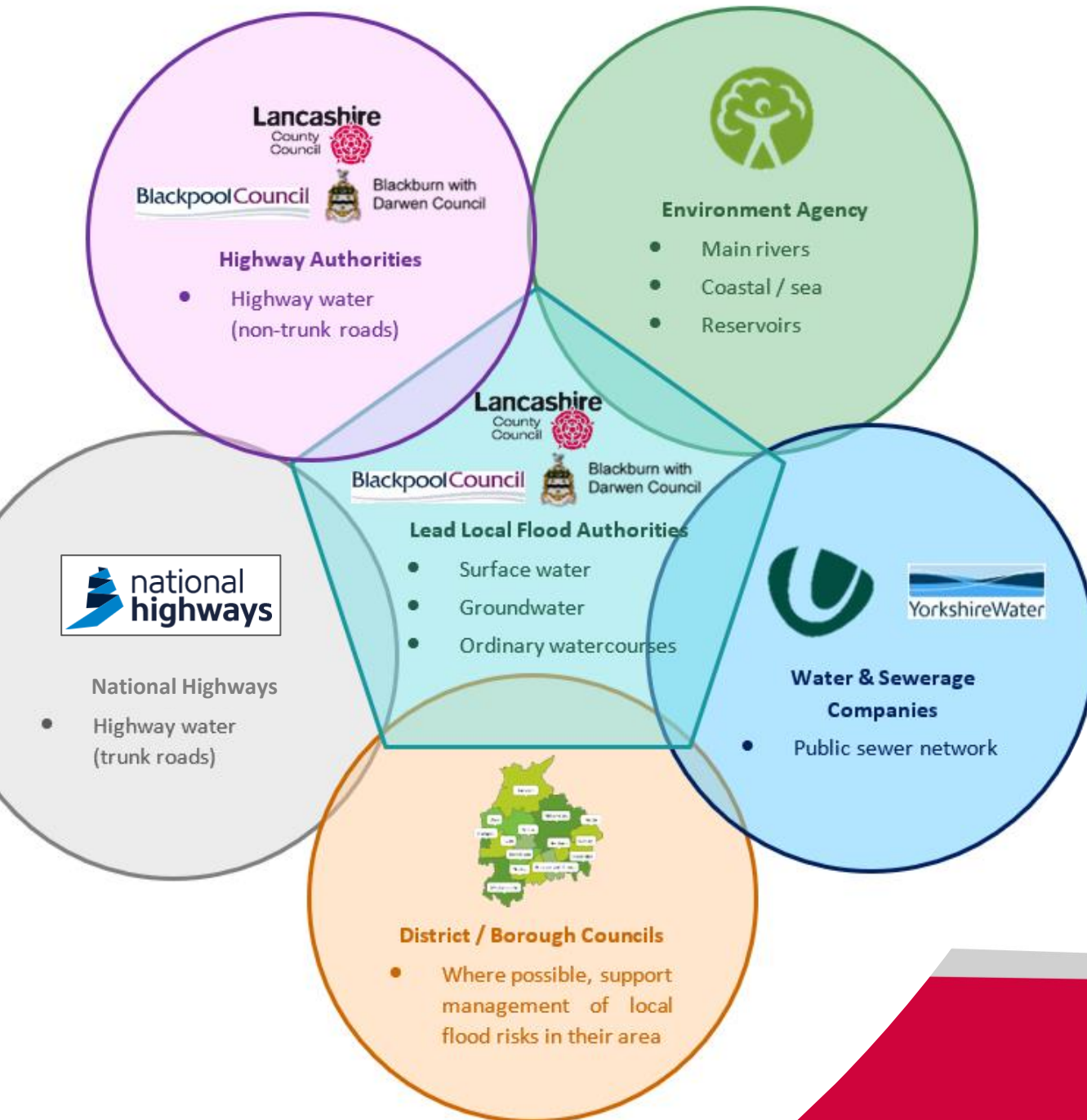
- Other work the LLFA also carries out

- Discussion and questions

Who we are

- Flood Risk Management Team carries out the role of the Lead Local Flood Authority – ‘the LLFA’
- LLFA is one of the ‘risk management authorities’ for managing flood risk in Lancashire
- **We are NOT an emergency responder**
 - We DO have an investigation role
- **We are NOT an asset owner**
 - We DO have some powers to regulate ordinary watercourses

Roles and Responsibilities of Flood Risk Management Authorities



Who's responsible for managing flood risk?

Property owner

The property owner is responsible for private drainage and surface water up to the boundary of the property. They may also want to consider property flood resilience (PFR) measures to protect their property from flood damage.

Watercourse (riparian) ownership

You own a watercourse if it runs adjacent to, through, or under your property. This includes both main rivers, and ordinary watercourses such as streams, culverts and ditches. You are responsible for maintaining the natural flow of water and reporting incidents such as blockages and flooding.

Main river and coastal flooding

The Environment Agency (EA) is responsible for managing the risk of main river and coastal flooding. Main rivers are those which are designated as such on the EA's Main River Map. To report incidents and flood risk issues, call the Incident hotline on 0800 80 70 60. To sign up for flood warnings, call Floodline on 0345 988 1188.

Groundwater flooding

The Lead Local Flood Authority (LLFA) are responsible for managing the risk of groundwater flooding. This can occur when periods of prolonged rainfall cause the water table to rise and emerge in basements or above ground.

Public sewers and utility pipes

Water companies (e.g. United Utilities) are responsible for managing the risk of flooding from public sewers and utility pipes. This includes shared sewer pipes where they meet between properties before joining the public sewer.

Highway gullies and drains

Highway roads, footpaths, drains and gullies are the responsibility of the local highway authority which will be either the County Council or the Unitary Authority.
Major roads and motorway drainage
Responsibility of Highways England.

Surface water flooding

The Lead Local Flood Authority (LLFA) are responsible for managing the risk of surface water flooding. This can occur when the capacity of drainage systems on land or roads is exceeded by heavy rainfall.

What we do: FWMA 2010



Section 9: Local Flood Risk Management Strategy



Section 13: Duty to Cooperate with RMAs



Section 19: Investigate reports of flooding



Section 21: Flood Risk Asset Register and Record



Section 27: Contribute towards sustainable development



Preliminary Flood Risk Assessment

Flood Risk Regulations 2009



Ordinary Watercourse Regulation

Land Drainage Act 1991



Statutory consultee on major development with surface water drainage

Development Management Procedure Order 2015

What we also do



- Planning policy consultation (Local Plan, SPDs, Neighbourhood Plans)
- Engagement with other RMA assessments, plans and strategies
- LLFA Pre-application service for developers
- LLFA Standing Advice for planners to apply to minor planning applications



- Deliver schemes and projects to reduce flood risk to property
- Support partners schemes and projects where we can
- Provide internal support to other LCC services e.g. Highways, Estates, Planning



- Support communications from the County Council
- Production of useful information for our communities e.g. The Flood Hub

Planning & Development

Our role: Statutory consultee for major development with surface water implications, looking at:

- *Surface water flood risk to/from developments*
- *Surface water sustainable drainage proposals, including:*
 - *Surface water discharge rates and volumes*
 - *Surface water runoff destinations (hierarchy of drainage options)*
 - *On-site surface water storage requirements*
 - *Allowances for climate change and urban creep*



Process ~800
consultations per year



21 day timescale
for responding

Planning & Development



- **DO** assess applications against national and local planning policy, guidance and standards
- **DO** support the adoption of the NW SuDS pro-forma through the LPA validation checklist
- **DO** provide written substantive responses to all LPAs; copies can be found on the LPA planning websites
- **DO** assist with the discharge of surface water planning conditions which we have recommended or which previously recommended by the Environment Agency (pre-LLFA)



- **DON'T** determine planning applications or discharge/enforce planning conditions. This is for the role of the LPA
- **DON'T** approve surface water drainage strategies or flood risk assessments. Our comments are only advisory
- **DON'T** comment on fluvial, coastal, sewer, groundwater or highway flooding/assets
- **DON'T** assist with the discharge of planning conditions which we have not recommended, including surface water drainage conditions recommended by other consultees

Ordinary Watercourse Regulation - Consent

Our role: Process consent applications for works to ordinary watercourses, including:

- *Works to erect, raise or alter mill dams, weirs and other like obstructions to the flow of an ordinary watercourse*
- *Works to erect new culverts or alter existing culverts in a manner that would be likely to affect the flow of an ordinary watercourse*

Works to main rivers are regulated by the Environment Agency



Process ~185
applications per year



2 month timescale
for a decision

Ordinary Watercourse Regulation - Enforcement

Our role: Permissive powers to take enforcement action on ordinary watercourses, where:

- *Works are needed to repair a damaged or defective ordinary watercourses (e.g. a collapsed culvert, missing trash screen etc)*
- *Works have been carried out on an ordinary watercourse without our prior consent (contrary to Section 23 of the Land Drainage Act)*
- *Works are needed to maintain the flow of an ordinary watercourse (e.g. blocked watercourse or culvert)*

Ordinary Watercourse Regulation - Enforcement



- **DO** work with riparian owners (landowners) to resolve issues on an informal basis
- **DO** give priority to the most urgent and extensive matters (prioritised on a flood risk basis)
- **DO** have powers to enter private land to investigate where necessary
- **DO** have permissive powers to carry out works in default (after all other options have been exhausted)



- **DON'T** carry out routine maintenance of ordinary watercourses. This is the responsibility of the riparian owner
- **DON'T** go in heavy handed. Formal enforcement action is only considered as a last resort
- **DON'T** respond to every blockage or unconsented work, e.g. Natural Flood Management
- **DON'T** mediate between neighbouring landowners where it is a civil matter (Agricultural Land Tribunal).
- **DON'T** have powers to take enforcement action on main rivers, sewers, highway drains or private drainage

Section 19 Investigation

Our role: On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate:

- *which risk management authorities have relevant flood risk management functions*
- *whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood*

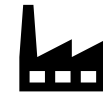
Triggers:



Internal flooding to **5 or more** residential properties in close proximity during **1** flood event



Internal flooding to **1 or more** properties on **2 or more** occasions in the previous **5 years**



Internal flooding to **2 or more** business/commercial premises during **1** flood event



Flooding of **critical infrastructure** for a period in excess of **3 hours** from the onset of flooding



Where there are specific health & safety concerns (e.g. risk to life and environmental health)



Where there is ambiguity surrounding the **source** or **responsibility** related to a flood incident **in addition to the above**

Section 19 Investigation

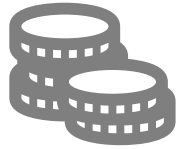


- **DO** have power to request information
- **DO** collaborate and share information on flood incidents with other risk management authorities
- **DO** provide advice and signpost communities to where they can access support where they will benefit from Property Level Protection (PLP)
- **DO** retain discretion to investigate flood incidents that do not meet the criteria for a Section 19 investigation, if considered appropriate, and subject to the availability of resources.



- **DON'T** investigate every report of flooding, for example
 - incidents that affect external property buildings or grounds such as sheds, garages or gardens
 - Incidents that affect agricultural land or open space
- **DON'T** investigate every critical infrastructure flood
- **DON'T** publish the results of every investigation

FCERM Investment Programme



£5.2 billion Flood Defence
Grant-in-Aid (FDGiA)



Better protect 336,000
properties nationally



15% Partnership Funding
10% Efficiencies



Avoid £32 billion of wider
economic damages

- **NEW** FCERM Investment Programme which County and District Councils and the Environment Agency can bid into to better protect properties in their area from flooding
- Follows the 2015 – 2021 FCERM Investment Programme which better protected 300,000 homes at the cost of £2.6 billion
- Return on investment must be evidenced (cost-benefit) and conditions of grant funding met
- Formal/lengthy process over which we have little control - the programme is fluid
- Supporting partners schemes, including coastal defence schemes, main river flood risk projects and Natural Flood Management (NFM) projects

Lancashire County Council LLFA & Highways bid for Flood Defence Grant-in-Aid and Local Levy funding to better protect properties around Lancashire

NOTE: This is subject to programme approval and successful business case submission by RMAs

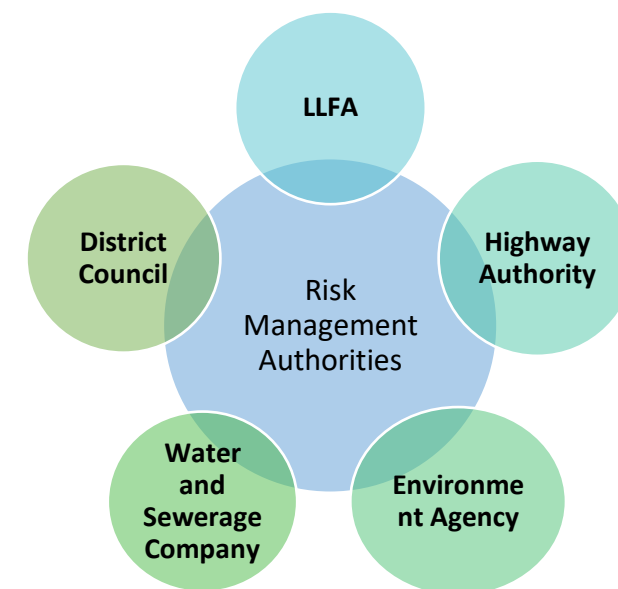
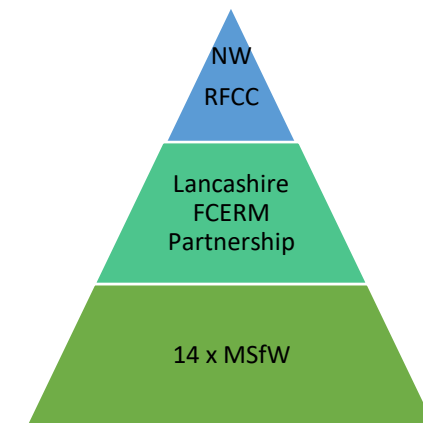
Making Space for Water

What it is:

- Multi-agency meeting of risk management authorities
- Routine part of flood risk management in the North West
- Discuss operational flooding issues
- Work together to address or alleviate local issues
- Share information and best practice
- Identify opportunities for funding and joint working
- Report and/or escalate operational matters to the Partnership
- Consistency across meetings across Lancashire

What it isn't:

- It isn't a public meeting
- It isn't a place where developments are discussed
- It is not a Lancashire County Council meeting. It is a multi-agency meeting so any changes are agreed by all risk management authorities.
- It isn't a statutory function





FLOOD ACTION GROUPS

Flood action groups consist of local residents working on behalf of the wider community alongside agencies and authorities, who meet on a regular basis with the aim of reducing the community's flood risk and improving its resilience to flooding. A flood action group may be based around general emergency planning, and can tackle the issue of flooding in the area by creating a community flood plan and developing a community flood resilience scheme if suitable. To be effective, the group can try to increase the awareness of flood risk within the community to get residents actively involved in reducing their flood risk. The first step for residents should always be to ensure that their own properties and businesses are protected and prepared for possible future flood events.

What does a Flood Action Group Do?

A flood action group can identify and discuss issues which contribute towards flood risk in the area such as problems with nearby drains and watercourses, and responsibility issues. They can also carry out other tasks such as instating flood wardens, and identifying who may be vulnerable in your community and might need a helping hand.

Some matters that arise from your flood action group meetings may require you to arrange further meetings with local authorities and environmental agencies for added help and support on more specialised subjects. Some flood action groups may even go as far as discussing policy changes and having talks with parliament.

'Flood wardens' can also be appointed to monitor water levels, take the lead on community flood plans and take action with community resilience when flooding occurs.

Community Flood Planning

Putting a community flood plan together can be done in a few simple steps, and it should be tailored to suit the specific needs of your community as each community varies. Some steps you can take are:

- Decide on group members responsible for taking action, and find the best way to communicate messages to residents.
- Identify key skills and resources available in your community.
- Identify vulnerable people who need help, and people who can help them.
- Provide contact details for key community members, emergency services, local authorities and agencies.
- Create an action plan for when flooding does occur, including actions such as installing flood resilience equipment.

Can Flood Action Groups Access Funding?

Once a flood action group becomes a constituted group, it may be possible to access further funding from local organisations to assist with community resilience.

A constitution is the 'governing document' of your group, clearly setting out how it will be run. The document will show funders that the group is well organised if you are going to apply for grant funding.

Your local Council for Voluntary Service (CVS) can assist the flood action group in becoming constituted and provide access to resources and information around running successful community groups.



Newground are working with the Environment Agency to support communities with flood resilience across the North West, including developing community groups, flood plans and flood schemes.

Flood Action Group

There are over 50 Flood Action Groups across Lancashire, with new Groups being formed by communities

- Each has a different approach that works for their specific local circumstances

We support Flood Action Groups with their preparedness for and resilience to weather events where our limited resources allow

- E.g. Met Office Briefings and Weather Warnings

This is not a statutory duty for a Lead Local Flood Authority

We are looking to continually improve our support to Flood Action Groups in a consistent and sustainable way

You can find more information on The Flood Hub:

- <https://thefloodhub.co.uk/community/>
- <https://thefloodhub.co.uk/household/>
- <https://thefloodhub.co.uk/pfr/>

Working Together: Opportunities

- Welcome constructive feedback on how we communicate with Flood Action Groups across Lancashire
- Welcome any support you can offer with raising awareness of riparian ownership of watercourses
- Welcome your support to encourage those affected by flooding and blocked watercourses to report it as soon as they can
- Welcome your support with raising awareness and reassure property owners affected by flooding about flood insurance
- Welcome your support with raising awareness of property flood resilience measures within the community