

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 JANUARY 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Environment – Lead Cabinet Member – Councillor David Rose

FLOOD INVESTIGATION REPORT

1. Summary

The summer of 2012 was the wettest ever recorded leading to saturated ground and high river levels. On the 25th and 26th September 2012 after more than 24 hours of persistent heavy rain, the Borough of Stockton on Tees experienced the worst flooding in decades.

The most severely affected were the communities along Lustrum Beck and the residents living in Norton near to Billingham Beck. The strategic highway network was also severely affected leading to wide spread traffic disruption.

Records now indicate that 112 properties were flooded but it is estimated that in the region of 150 properties and businesses were affected but the exact number may never be known, as not all residents report flooding to their properties.

Flooding occurs from various sources which are outlined in the flood investigation report. The main sources of flooding from this particular weather event were fluvial and surface water flooding, with the addition of run off from water logged fields in certain areas.

Section 19 of the Flood and Water Management Act 2010, requires Stockton on Tees Borough Council as the Lead Local Flood Authority (LLFA), to investigate flooding incidents within its area.

2. Recommendations

It is recommended:

1. Cabinet note the duty and responsibilities on Stockton Borough Council under the Flood and Water Management Act 2010 – Section 19, Flood Investigation.
2. Cabinet approve the report for publication, as required by statute under Section 19 of the Flood and Water Management Act 2010 and any final amendments are delegated to the Head of Technical Services in consultation with the Cabinet Member for Environment.

3. Cabinet endorse the next steps in further developing flood mitigation measures as detailed in **Appendices 1 and 2** and note that the financial implications will be considered as part of the Medium Term Financial Plan report to Cabinet in February 2013.

3. Reasons for the Recommendations/Decision(s)

Stockton Borough Council is required to discharge the statutory duties of Section 19 of the Flood and Water Management Act 2010.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code).

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SUMMARY

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RECOMMENDATIONS

It is recommended that:

1. Cabinet note the duty and responsibilities on Stockton Borough Council under the Flood and Water Management Act 2010 – Section 19, Flood Investigation.
2. Cabinet approve the report for publication, as required by statute under Section 19 of the Flood and Water Management Act 2010 and any final amendments are delegated to the Head of Technical Services in consultation with the Cabinet Member for Environment.
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DETAIL

Background

1. Heavy rainfall over the weekend of 22/23 September continued throughout Monday 24 September and Tuesday 25 September. On Tuesday 25th September morning at 2am CFYA responded to a call direct from a resident whose home is next to Browns Bridge. At 09.45 on 25 September the Head of Community Protection was contacted in his capacity as first Borough Co-ordination Officer and advised that a Tactical Co-ordination Group ('Silver') was being convened at Cleveland Police HQ at Ladgate Lane, with the main presenting issue at this stage being evacuation of people at Burnside Grove.
2. The Head of Community Protection attended at Police HQ from 11.00 hours until midnight supported by staff from Cleveland Emergency Planning Unit (CEPU). The Corporate Director of Development & Neighbourhood Services convened two meetings of Council service representatives in the morning and afternoon of 25 September, and the Head of Community Protection convened meetings of a Recovery Working Group on 26 September (twice), 27 September and 28 September.
3. During the course of 25 September 112 dwellings suffered from ingress of flood water, and many more were less directly affected by flooding of gardens and roads. The worst affected areas were mainly along the course of Lustrum Beck. A Rest Centre was opened for a brief period at the Elmwood Centre, but quickly re-located to Splash, and remained open until midnight. It is noteworthy that although about 250 residents had water entering their homes, only 11 people attended the Rest Centre, and most of these only for brief periods.
4. The 'low point' of the incident was experienced at approximately 19.00 hours on 25 September when electricity supply was temporarily lost to approximately 1,200 properties, due to pre-emptive closure of the electricity sub-station at Browns Bridge, in conjunction with extensive road closures. Mains power was quickly restored to about 700 properties by 'Northern Power Grid', by switching suppliers, and generators were rapidly deployed to Browns Bridge and to The Beeches, an independent care home. By 09.30 on 27 September mains power had been restored to all except six properties, and some of these were unoccupied prior to the flooding.
5. Council Services involved in the response included:

Direct Services – sandbags, pumping, removal of flood damaged household items etc
Technical Services – advice on structures, management of road closures etc
Community Protection – assistance with management of traffic, security of generators,
Trading Standards advice on loss adjuster activities etc
Housing – provision of temporary accommodation, community outreach etc
CESC – Rest Centre advice to schools etc
Communications – media management, assistance with customer liaison
Customer Services – dealing with queries from residents
In addition, Councillor Rose was actively involved in engaging with news media throughout the period.
6. A key point is that there were no casualties attributed to the flooding.
7. On 27 September a 'secondary outbreak' of flooding occurred at Mill Meadow Court at Billingham Bottoms. The reasons are complex and are part of an on-going investigation.
8. One aspect of the Council's response which proved contentious with a small number of residents was the policy (agreed by all four Teesside local authorities via the Local Resilience Forum) of not guaranteeing to issue sandbags to individual properties. This is

based on the fact that we cannot undertake to meet all the potential demands, in the event of widespread flooding, and that our priority is to use the limited stocks available to best strategic effect.

9. Structured debrief exercises were carried out in relation to both the acute/response phase (i.e. 25 September) – this took place on 22 October – and the recovery phase (i.e. 26-28 September) – this took place on 1 November. These sessions were facilitated by Local Authority and Police Emergency Planning Officers who were not directly involved in the events. The written reports from the two sessions will be used by the Local Resilience Forum and its sub-groups to inform planning for incident management.
10. On 25 November there was further flooding. On this occasion very few dwellings were affected, with the exception of two at Cowpen Bewley. This reflects the fact that there was a larger amount of rainfall over a three to four day period, but more evenly spread over time than the very intense rainfall in the September problem along the course of Lustrum Beck. In November the problems were more geographically widespread, with even more extensive road closures than September, but the multi-agency Command structure was not formally established, and the Council's responses were managed by the key Heads of Service (for Direct Services and Technical Services) with some communications support from the Head of Community Protection and attendance of staff from Cleveland Emergency Planning Unit (CEPU) at Ladgate Lane. It is not intended to undertake a structured debrief in relation to this event.
11. The frequency of flooding events seems to be increasing and this may be a direct result of climate change. This indicates the need for increased effort in relation to flood prevention, to the extent that resources allow.
12. One aspect of this is an increased emphasis on supporting residents to prepare for and cope with flooding more effectively. A pilot scheme in relation to 'community resilience' is taking place in Hartlepool, led by staff from CEPU as part of Cleveland's flood project, and will be rolled out to Stockton during 2013.

Statutory Flood Risk Responsibilities

13. The Flood and Water Management Act 2010 (FWMA) gained royal assent in April 2010 and established unitary local authorities as Lead Local Flood Authorities (LLFAs). Stockton Borough Council as LLFA has the duty to investigate a flood event when considered necessary or appropriate under Section 19 of the FWMA.

Section 19 Local Authorities: investigations

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

Where an Authority carries out investigation under subsection (1) it must –

- *publish the results of its investigation, and*
- *notify any relevant risk management authorities.*

Flood and Water Management Act (2010), S.19, c.29, London: HMSO

14. The Tees Valley Authorities agreed that an investigation for a flood event, is deemed locally significant and considered appropriate, if one or more of the following is affected by flooding:
 - (1) 5 or more residential properties;
 - (2) 2 or more businesses;
 - (3) 1 or more critical services;
 - (4) 1 or more transport links (Impassable for 10 Hours or more).
15. The summer of 2012 was the wettest ever recorded leading to saturated ground and high river levels. On the 25th and 26th September 2012 after more than 24 hours of persistent heavy rain, the Borough of Stockton on Tees experienced the worst flooding in decades.
16. The most severely affected were the communities along Lustrum Beck and the residents living in Norton near to Billingham Beck. The strategic highway network was also severely affected leading to wide spread traffic disruption.
17. The flooding was widespread on 25th and 26th September 2012 and this report examines six specific locations which satisfy locally agreed criteria. The locations investigated are Browns Bridge area of Newtown, Hartburn, Norton and Billingham Bottoms, Orde Wingate Way businesses, Portrack Retail Park and the A66 at Long Newton.

The Next Steps

18. Each of the six locations where flooding was severe has been examined and we have asked questions of our risk management partners (the Environment Agency, Northumbrian Water, the Highways Agency and other parties as necessary) to help us understand the issues in these particular locations. The results from the investigations will form an action plan and we will look to work with our risk management partners, in reducing the risk from future events.
19. Since the events of the 25th/26th September 2012, we have worked continuously to investigate the flooding issues and this work is on going. There are many complex technical issues to be overcome on some sites and many possible measures to consider.
20. Some recommendations and an action list are contained in the Flood Investigation Report (**Appendix 1**) and it is suggested that a further short report on progress of these actions be submitted to Cabinet in the coming months.
21. In order to better understand the options available outside of the Environment Agency scheme for Lustrum Beck Arups were commissioned to assess low cost measures to reduce the risk of flooding to those areas affected. They have also indicated a number of temporary or permanent individual property protection measures. A copy of their report is attached at **Appendix 2**. Further work will be done to assess costs and impacts of the measures within that report. As part of this process it is the intention to develop a range of rapid response measures so that the Council can do all in its power to protect properties at risk. Such measures may include the purchase of additional equipment to pump water and portable barriers that may be installed in certain areas where a risk of flooding is known. A full range of rapid response measures will be developed as the solutions at each location are better understood.

FINANCIAL IMPLICATIONS

22. Any proposed schemes or measures will require funding. The scale of funding required will not be known until measures for each of the sites are drawn up and deemed to be suitable (i.e. not causing an increase in flooding further downstream or to an adjacent site) and also proportionate to future risk. Any shorter term measures that are required to support the

Council's rapid response will be identified and considered as part of the 2013-14 Medium Term Financial Plan.

23. Any available grant funding will be pursued but schemes are unlikely to achieve 100% funding through the Environment Agency's funding mechanisms.

LEGAL IMPLICATIONS

24. The Authority must adhere to the statutory duties and responsibilities in respect of the Flood and Water Management Act 2010, as contained in the report.
25. Members should note that in some flood incidents, officers may face decisions about pumping water away from certain properties which could lead to raised water levels affecting other properties, and that such operational decisions will be made on a pragmatic basis, taking into account the relative numbers of properties affected and the vulnerability of the occupants (if any).

RISK ASSESSMENT

26. The Authority must publish a flood investigation report or risk defaulting in its statutory duty, should the Authority fail to exercise this flood risk management function or not in accordance with the national strategy for flood and coastal erosion risk management then The Minister may direct another risk management authority to exercise the flood risk management function on behalf of the defaulting authority. There are also financial penalties in terms of fines for failure to adhere to some sections of the Act.
27. Flooding risks of different kinds, as outlined below, are set out in the Community Risk Register monitored on a multi-agency basis by Cleveland Local Resilience Forum with associated risk scores, which is the best way to reflect the multi-agency responses required to reduce risk and to respond to and recover from incidents.
SWF 08 Very heavy localised rainfall in urban areas – 16
SWF 11 Localised, extremely hazardous flash flooding in steep valley catchments – 16
SWF 14 Localised coastal/tidal including defence failure flooding – 12
SWF 15 Local coastal/tidal flooding sea surge, high tide and/or gale force winds affecting the coastline – 12
SWF 20 Local fluvial flooding involving a prolonged period of heavy rainfall - 8

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

28. Contributes to the adaptation element of the climate change objectives within the strategy.

ECONOMIC REGENERATION AND TRANSPORT

29. Contributes to the reduction in risk of flooding which can impact upon the economic stability of the area, it will also safeguard the transport infrastructure.

SAFER COMMUNITIES

30. Reduces the risk of flooding thereby creating a safer environment in which to live and work.

CHILDREN AND YOUNG PEOPLE

31. Reducing flood risk can safeguard access to, and risk of damage to our education facilities.

HEALTH AND WELLBEING

32. Flooding from surface water has potentially significant health risks as it is usually contaminated water from the sewerage system that is involved. Therefore to reduce the risk of flooding is to reduce the health impacts as well.

ENVIRONMENT AND HOUSING

33. Contributes to the adaptation element of the climate change objectives within the strategy.

EQUALITIES IMPACT ASSESSMENT

Not required.

CONSULTATION INCLUDING WARD/COUNCILLORS

Flood risk management has been the subject of regular briefings with the Cabinet Member for Environment.

Corporate Director of Development & Neighbourhood Services

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Background Papers

Investigation report.

Ward(s) & Ward Councillors

All

Property

Not at this stage.