

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

24 APRIL 2014

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Environment – Lead Cabinet Member – Councillor David Rose

FLOOD INVESTIGATION REPORT

1. Summary

On Thursday 5th December 2013, the Borough of Stockton on Tees was again subject to severe flooding. A high spring tide was forecast; the tide at Teesport was due to peak at 1704hrs, at a height of 2.85m AOD (Above Ordnance Datum). The forecast metrological conditions on that day were a strong off shore wind, with a deep area of low pressure forming in the North Sea; it was this low pressure system that caused the positive surge, on top of the already high tide. The positive surge measured 1.24m above the spring tide, giving a total tide height of 4.09m AOD (Above Ordnance Datum), which exceeded previous historical events.

Flooding can occur from various sources which are outlined in the report. The main source of flooding from this particular weather event was tidal flooding as described above, seeing defences overtopped and a major breach of the flood defence at Greatham Creek.

The incident caused damage and disruption, with up to 32 residential properties recorded as being internally flooded in Port Clarence, along with 20 businesses both large and small, in Port Clarence, Billingham Reach Industrial Estate and Seal Sands. There was also the additional issue of severe transport disruption due to three major highways being flooded.

At the peak of the event approximately 250 residents were evacuated from Port Clarence and taken by bus to Billingham Forum, which had been set up as a rest centre, where they were given food and other essential items. The majority of the residents returned to their properties when it was safe to do so, although up to 20 residents chose to stay for the night at the rest centre.

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.

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 with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then 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 (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

AGENDA ITEM

REPORT TO CABINET

24 APRIL 2014

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

FLOOD INVESTIGATION REPORT

SUMMARY

On Thursday 5th December 2013, the Borough of Stockton on Tees was again subject to severe flooding. A high spring tide was forecast; the tide at Teesport was due to peak at 1704hrs, at a height of 2.85m AOD (Above Ordnance Datum). The forecast metrological conditions on that day were a strong off shore wind, with a deep area of low pressure forming in the North Sea; it was this low pressure system that caused the positive surge, on top of the already high tide. The positive surge measured 1.24m above the spring tide, giving a total tide height of 4.09m AOD (Above Ordnance Datum), which exceeded previous historical events.

Flooding can occur from various sources which are outlined in the report. The main source of flooding from this particular weather event was tidal flooding as described above, seeing defences overtopped and a major breach of the flood defence at Greatham Creek.

The incident caused damage and disruption, with up to 32 residential properties recorded as being internally flooded in Port Clarence, along with 20 businesses both large and small, in Port Clarence, Billingham Reach Industrial Estate and Seal Sands. There was also the additional issue of severe transport disruption due to three major highways being flooded.

At the peak of the event approximately 250 residents were evacuated from Port Clarence and taken by bus to Billingham Forum, which had been set up as a rest centre, where they were given food and other essential items. The majority of the residents returned to their properties when it was safe to do so, although up to 20 residents chose to stay for the night at the rest centre.

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.

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.

DETAIL

Background

1. The Flood and Water Management Act 2010 (FWMA) gained royal ascent 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

2. 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).
3. On Thursday 5th December 2013, the Borough of Stockton on Tees was again subject to severe flooding. A high spring tide was forecast; the tide at Teesport was due to peak at 1704hrs, at a height of 2.85m AOD (Above Ordnance Datum). The forecast metrological conditions on that day were a strong off shore wind, with a deep area of low pressure forming in the North Sea; it was this low pressure system that caused the positive surge, on top of the already high tide. The positive surge measured 1.24m above the spring tide, giving a total tide height of 4.09m AOD (Above Ordnance Datum), which exceeded previous historical events
4. The incident caused damage and disruption, with up to 32 residential properties recorded as being internally flooded in Port Clarence, along with 20 businesses both large and small, in Port Clarence, Billingham Reach Industrial Estate and Seal Sands. There was also the additional issue of severe transport disruption due to three major highways being flooded, including the closure of the A19 Portrack interchange; this is one of the busiest interchanges in the area, which sees the secondary road network connect to the A19 Trunk Road (North and South). The A178 was completely closed for approximately 2 months, due to the breach of defences at Greatham Creek and the A66 trunk road was also partially closed at Teesside Park.
5. At the peak of the event approximately 250 residents were evacuated from Port Clarence and taken by bus to Billingham Forum, which had been set up as a rest centre, where they

were given food and other essential items. The majority of the residents returned to their properties when it was safe to do so, although up to 20 residents chose to stay for the night at the rest centre.

6. A flood bank on the Southern side of Greatham Creek, downstream of the A178 failed during the tidal event, leading to a very significant breach in the defences. The Environment Agency mobilised immediately and engaged the military, as there was no access to the breach due to the wide spread flooding. A large area of land was flooded due to the breach which had a significant impact on the local industry and infrastructure but also the wider chemical industry, due to businesses having to shut down and breaking the supply chain.
7. Under Section 19 of the Flood and Water Management Act 2010, Stockton on Tees Borough Council as the Lead Local Flood Authority (LLFA) is required to investigate flooding incidents within its area, and this report examines five specific locations which satisfy locally agreed criteria. The locations investigated are Port Clarence, Greatham Creek, Billingham Reach Industrial Estate, Portrack Interchange and the A66 at Teesside Park.

The Next Steps

8. The Environment Agency has been allocated accelerated funding to build a flood defence scheme at Port Clarence and Greatham South. The scheme is currently being designed and is due to start on site in March 2015.
9. The Flood Investigation Report contains 6 recommendations for review of processes and advises residents to sign up to the Environment Agency FloodLine to receive future flood warnings.

FINANCIAL IMPLICATIONS

10. The Environment Agency has been allocated £9m 'accelerated delivery' funding, from Flood Defence Grant in Aid (FDGiA), to deliver a flood alleviation scheme for Port Clarence and Greatham South.
11. This is additional funding from central government to bring flood defence schemes forward in the medium term programme. An appraisal is currently underway to look at different options. Including improvements to the flood defence assets at Greatham South and providing a flood defence for the Port Clarence residential area.

LEGAL IMPLICATIONS

12. 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.

RISK ASSESSMENT

13. 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.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

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

ECONOMIC REGENERATION AND TRANSPORT

15. 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

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

CHILDREN AND YOUNG PEOPLE

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

HEALTH AND WELLBEING

18. Flooding from river and 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

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

EQUALITIES IMPACT ASSESSMENT

20. Not required.

CONSULTATION INCLUDING WARD/COUNCILLORS

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

Corporate Director of Development & Neighbourhood Services

Contact Officer: Head of Technical Services

Tel: (01642) 527028

e-mail: richard.mcguckin@stockton.gov.uk

Background Papers

Flood and Water Management Act 2010

Ward(s) & Ward Councillors

All

Property

Not at this stage.