

## Flood Investigation Protocol – March 2015

### 1. Introduction

In his review of the 2007 summer floods, Sir Michael Pitt recommended that local authorities should be given a duty to investigate flooding. His recommendation came in response to complaints from flood victims that they had struggled to get satisfactory responses to their questions. This related to the causes of and responsibility for flooding affecting their properties and communities.

This recommendation was incorporated into [Section 19 of the Flood and Water Management Act 2010 \(FWMA\)](#) which sets out a statutory duty for the Isle of Wight Council as Lead Local Flood Authority (LLFA) to investigate flooding in their authority area; it states:

- (1) 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:
  - 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,
  - b. Notify any relevant risk management authorities.

### 2. Awareness of Flooding

Flood Risk Management authorities involved on the Isle of Wight will provide information on flooding incidents that occur within the Isle of Wight to the LLFA. This information will form the basis of the IW Council's LLFA Flood incident log.

Furthermore, the IW Council will work with flood risk agencies and share the result of any investigations of any of the flood risk management authorities with the LLFA. This in turn will inform any flood investigations undertaken by the LLFA.

The LLFA will utilise the information provided by all flood risk agencies to inform the flood investigation process.

### 3. Initial Work in Response to Flood Reports

In determining the LLFAs response to a flood report, work will be undertaken to understand the cause, nature and frequency of the event and risk management agency involvement. The

information gathered through this initial work will be used in making a decision as to whether undertaking a formal flood investigation is necessary or appropriate (see section 4).

It should be noted that where the flood event does not trigger a formal investigation information gathered as part of this initial work would not be subject to any duty to publish or any other associated requirement. Information gathered during this initial work may be used to inform other plans, studies or future investigations.

#### **4. Decision to Undertake Formal Flood Investigation**

The LLFA will undertake a formal flood investigation where it is determined that;

there is cause to investigate the flood incident following an initial assessment of its impact criteria, due to either its:

- a. Impact, taking into account the area, number of properties and/or people affected;  
or
- b. Consequence, taking into account people displaced/stranded or danger to health etc.

#### **5. Evidence**

To enable a formal flood investigation to be undertaken, information must relate to an incident/event that occurred after April 2011 when Section 19 of the FWMA was commenced and this duty was conferred on the Isle of Wight Council. Where appropriate the provision of information relating to an incident/event prior to April 2011 will be considered as part of the evidence base for the Local Flood Risk Management Strategy and/or local studies.

In taking forward a flood investigation the LLFA requires evidence of flooding. The provision of evidence should be provided in one or more of the following:

- a) An insurance claim
- b) Records of emergency services and utility companies attending to pump out a property
- c) Dated photos of the event.

The LLFA may close an investigation case file where it is not possible to validate the impact of a flood event as there is a lack of physical evidence.

#### **6. Notification to undertake a formal flood investigation**

When a decision is taken to investigate the LLFA will notify the relevant risk management authorities and affected parties, who include:

- Risk Management Authorities who are responsible for managing the risk or drainage features associated with the flood incident.
- Property owners/tenants/occupiers/Management Companies of buildings or other property subject to draft Flood Investigation Reports (when known).
- Relevant political representatives within whose electoral area the flood incident is located.

## 7. Prioritisation of flood investigations

During widespread flooding the LLFA will prioritise flood investigations initially based on the flood characteristics (e.g. risk to life, internal property flooding – as detailed in the Lead Local Flood Authority impact criteria). However further information may be taken into account where available, such as:

- a) The current status of the flood incident
- b) The level of disruption to key services caused by the cumulative impact of flooding.
- c) Frequency – the number of times it has previously occurred.

If after considering the flood characteristics set out above there remains no clear priority, then characteristics such as flood source, flood depth and velocity, rate of onset and duration will be taken into account (if known).

## 8. Circumstances where the council will NOT undertake an investigation

The LLFA will not instigate an investigation where none of the impact criteria have been met. Specifically the LLFA will not instigate an investigation in incidents of minor, isolated flooding, such as in garden areas.

The LLFA is aware that there are the vestigial remains of watercourses that no longer perform the function for which they were originally intended. Where these occur their maintenance is the responsibility of the riparian owner.

## 9. Publication

Flood Investigation Reports should be published on the IW Council's website within 4 months of the completion of an incident being investigated by the LLFA. However there are cases where this timeframe will be extended (e.g. widespread flooding).

The LLFA would share a pre-publication draft for comments with the appropriate Risk Management Authorities. However the LLFA reserve the right to include or disregard any comments received thereafter. It should be noted that formal investigation reports will only present the best available information at the time of publishing.

## 10. Data Protection and Information

Information supplied may be recorded electronically and/or manually in accordance with the Data Protection Act 1998 and any subsequent legislation.

To protect the personal position of residents in defining the flood area for the purpose of flood investigation reports the IW Council will:

- Exclude all personal details of members of the public and officers
- Seek consent to mention the flood location from the affected property owners. Where consent is not given the flood investigation report will refer to the locality of the flooding at street level, without reference to the individual properties affected,

It should be noted that the process of gaining insurance for a property and/or purchasing/selling a property and any flooding issues thereby identified is considered a separate and legally binding process placed upon property owners. This is independent of and does not relate to the LLFA's role

in highlighting flooding to properties at a street level or at an individual property level where consent is given.