Appendix D: The Role of Lancashire's Risk Management Authorities in Supporting Personal and Household Flood Risk Response and Resilience

Introduction

In its National Flood and Coastal Erosion Risk Management Strategy (published May 2021), the government describes what needs to be done by all flood risk management authorities for the benefit of people and places. Very close to the start of the document, it identifies that the strategy will not be effectively delivered by the flood risk management authorities working on their own:

> "*We all need to take action now so that we are ready for what the future will bring. Everyone needs to contribute to planning and adapting to coastal change, including… individuals and communities*".

More locally, the Lancashire Flood Risk Management Strategy (published November 2021) makes our local commitment to this theme of engaging with all affected people:

> "*We will increase public awareness of the effects of climate change and the implications on flood risk by engaging with those specifically at risk of flooding to encourage them to take action to manage and/or mitigate the risks that they face and to make their property more resilient.*"

This report sets out the key activities underway to help address this need for local households and communities to know and understand their own flood risks, and to take appropriate action to manage them. It also identifies some of the challenges in progressing these activities.

1. Watercourse Management Responsibilities

A watercourse is any river, stream, ditch, drain, brook, beck, cut, dyke, sluice, or other feature in which water may flow, and it may be constantly flowing there or only from time-to-time subject to weather conditions.

Watercourses may be 'culverted' (in a pipe), 'canalised' (with vertical constructed walls), or 'open' (with more natural sloping banks).

The Land Drainage Act 1991 gives regulatory powers over watercourses which are classified as main rivers to the Environment Agency, and over ordinary watercourses (simply meaning those that are not main rivers) to the Lead Local Flood Authorities including Lancashire County Council.

The regulatory powers are focussed on:

a. Maintaining flows in the watercourses;
b. Managing and minimising flood risks that might arise from obstructions of the watercourses.

Other legislation and regulations bring requirements to maintain appropriate ecological habitats in the vicinity of the watercourses.

The statutory main river map can be accessed from the government website. Ordinary watercourses are too numerous to document in the same way and can simply be identified by them NOT being on the main river map. Any local enquiries that might be accidentally misdirected are easily managed between the local Environment Agency and county council teams.

There are differences between the way that the Environment Agency regulates main rivers and the way that the county council regulates ordinary watercourses in Lancashire. These differences arise through the natural differences in the potential scale, context, impact, and resource required to regulate main rivers compared to the impact arising from ordinary watercourses. The Environment Agency's permitting process for main river works and the county council's consenting process for ordinary watercourse works can be readily accessed from their respective websites.

More significantly for landowners: under the provisions of the Land Drainage Act 1991, the owners and occupiers of the land on which a watercourse flows are held directly responsible for maintaining the flow of water in a watercourse. This can mean that where two or more ownerships share the same watercourse, they will each be held responsible for what is understood to be 'their' length of watercourse, and/or to the middle of the watercourse if relevant. This is illustrated in Figure D.1.

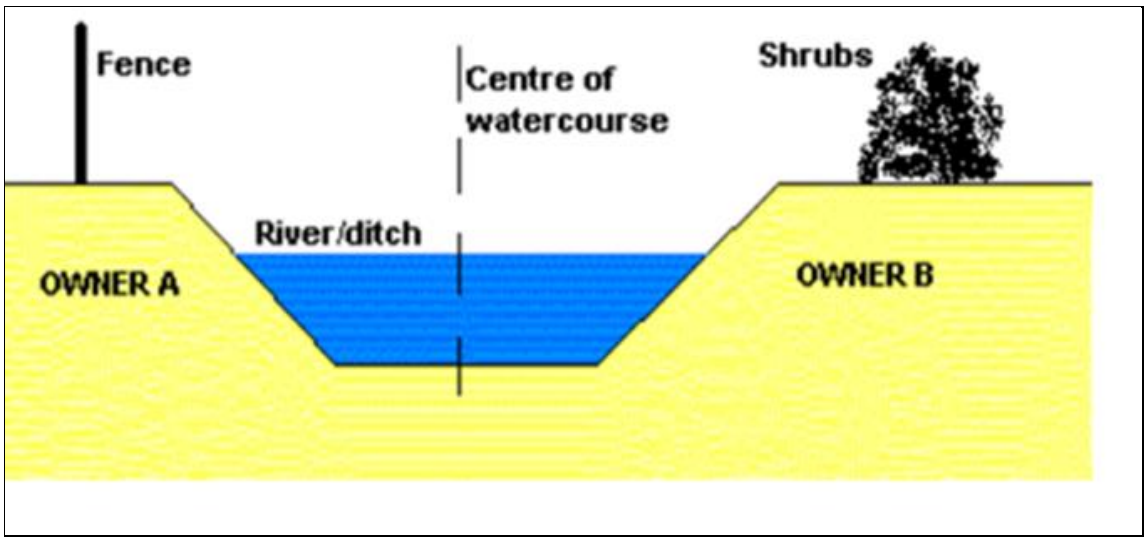

Figure D.1: The extent of riparian responsibilities

This responsibility is sometimes referred to as 'riparian' (word means 'relating to riverbanks'). The responsibility means that the landowner must:

- Keep any structures that they own such as culverts, trash screens, weirs, and mill gates clear of any obstruction; and
- Ensure water flows through the watercourse without obstruction, pollution or diversion which could affect the rights of others.

Should these obligations fail to the extent that the proper flow of the watercourse becomes impeded, then the landowner/s could face legal action and be held liable for any damages that occur through lack of maintenance, or changes to the watercourse.

These are significant responsibilities which, in the experience of county council officers, are relatively unknown or poorly understood by individual landowners and residential communities. This situation is compounded in locations where watercourses have been historically diverted and culverted resulting in little or no ground-level evidence of their location.

A further barrier to understanding is the situation that arises where a hedge or fence has been erected between a garden and a watercourse, and the landowner does not understand that they will be held responsible for defects up to the middle of the watercourse.

Because of the flood risk implications of a dysfunctional watercourse being on un-owned, un-claimed, or un-registered land, the county council refers to the Law of Property Act 1925 and does not accept the location of a boundary fence or hedge or copy plans from conveyances as sufficient evidence of the limit of land ownership where it is said to intend to exclude responsibility for the watercourse. We will accept supporting evidence in the text of the deeds if this makes it clear that it was the express intention of a previous landowner to exclude the watercourse from the sale of the land adjacent to the watercourse AND that previous landowner still retains ownership of the land between the boundary fence or hedge and the centre of the watercourse. We will look at the legal presumption known as "ad medium filum".

The Flood Hub website (see point 3 below) provides advice on these issues in accessible language and caries out periodic awareness-raising campaigns.

2. Flood Action Groups and Other Community Resilience Groups

A Flood Action Group is a voluntary group of local residents who meet on a regular basis to work on behalf of the wider community to help to try and reduce the impact of future flood events. The focus of the group can be based around emergency planning and local drainage management, whilst providing a unified voice for the community to communicate ideas and queries to others.

Each individual group can decide on its own roles, responsibilities, aims and objectives, and these could include:

- Spreading awareness of flood risk within the community;
- Monitoring local conditions e.g. community volunteers keeping an eye out for and reporting blocked drains;
- Developing and reviewing a community flood plan;
- Looking out for vulnerable members of the community;
- Preparing for and taking action during a flood event.
- Identifying key flooding issues within the community and who is responsible;
- Building relationships and lines of communication with key agencies;
- Lobbying of decision makers and commenting on government consultations;
- Influence the development of future flood scheme opportunities to better manage flood risk.

Many of the flood action groups in Lancashire have established themselves following severe local flooding, others have been sponsored or otherwise set up by local town or parish councils. The local flood risk management authorities highly respect the roles of the flood action groups. Representatives have commented on how much they value

the opportunity to engage at local level and to forge constructive relationships with the community without the confrontation that has readily arisen in some 'top-table-question-and-answer' events held directly in response to flooding incidents.

Advice and suggestions on how to form a Flood Action Group can be found on the Flood Hub website (see point 3 below). The National Flood Forum is a key national charity for the purposes of encouraging and supporting flood action groups.

Lancashire's flood action groups have been particularly engaged in organising 'drop-in' events and 'site walkovers':

- At a 'drop-in' event, the risk management authorities will bring knowledgeable staff and relevant material to a local hall or community centre for a few hours, enabling local people to 'drop in' to ask questions and to offer their local knowledge to assist in clearing long-running local drainage problems that impact on flooding.

- A 'site walkover' is a structured visit to a locality by representatives from the risk management authorities, led by the Flood Action Group. All parties visit points of interest or concern to enable discussions about options for managing flood risk and to reduce the risk of misunderstandings that can arise when conversations are managed through email or in more formal meeting settings.

Drop-in events have been particularly effective in enabling the Environment Agency's officers to engage with communities affected by the Environment Agency's major schemes (currently at Hambleton, Preston/South Ribble, and Padiham).

Wyre Council provides a dedicated resource to the Flood Action Groups located within Wyre district, enabling them to collaborate through the Wyre Flood Forum and to meet quarterly in Wyre's Civic Centre offices. This collaboration has been particularly valuable to the groups, as many of them share common flood risks and experiences associated with the River Wyre. It has also benefitted the flood risk management authorities, which all support the Wyre Flood Forum with prior information and officer attendance at meetings.

Without direct sponsorship and resources, the Lancaster Flood Forum has developed in a different direction. It provides shared learning opportunities, advice, and mutual support for the groups in Lancaster district, which are less geographically similar than is the case in Wyre.

The county council's Flood Risk Management team is in relatively frequent contact with the flood action groups via email (each time the Met Office releases severe weather warnings involving heavy rain and/or flood warnings) and less-frequent personal contact (relating to local needs and investigations).

To date there are 46 active flood groups and community emergency response groups on the county council's mailing list. 12 town or parish councils, and 3 individuals are also on the list. In the last two years we have lost contact with a further 14 groups due to changes in their personnel and/or leadership.

3. The Flood Hub

The Flood Hub is a public website resource, funded by Local Levy and governed by the North West Regional Flood and Coastal Committee. It is managed on behalf of all the region's flood risk management authorities by the third sector organisation Newground, with a steering group to provide direction and focus.

The website has been designed to be a one-stop-shop for flood information and resources to support householders, businesses, and communities across the North West in becoming more flood resilient. It holds multiple sources of guidance to produce a hub of information that gives an overview of flood resilience and its many related topics. By signposting a variety of other useful sources, visitors should easily be able to find all the information they need either within the website itself or by visiting one of the linked websites.

The Flood Hub's Knowledge Base includes a variety of downloadable resources that have been produced in collaboration with the flood team at Newground or sourced from external sites, to provide knowledgeable advice on flood-related topics. A recent addition that was proposed originally by the county council's officers is the 'Your Local Area' page of the website, which provides further information on community groups, flood schemes, natural flood management schemes, and events through an interactive map.

The Flood Hub engages with national flood risk management and awareness campaigns through social media, and periodically runs its own campaigns focussed on issues of regional interest and concern.

4. Flood Insurance / Flood Re

The Flood Re scheme is a joint industry/government initiative, designed to reduce insurance costs for thousands of households by passing on the flood risk element of home insurance premiums to Flood Re and charging a set premium for this based on council tax bands.

Since its launch in 2016, over 300,000 households have benefited from the initiative, with four out of five households with prior flood claims seeing reductions in their insurance premiums by more than half. It was anticipated at the time that the industry sector engagement would develop to become self-financing and allow the government support to cease around 2030.

In November 2019, over 760 households and businesses flooded in the Doncaster area. In the aftermath, it became clear that many affected people did not have sufficient insurance cover to restore their properties. In December 2019, the government commissioned an independent review of the reasons why this had occurred and what action might improve protection against future events.

The review found that a small but significant number of insurance policies for flooded property deliberately excluded flood cover, even though the location would naturally make this one of the most valuable covers to hold. This suggests that some people are missing out on the subsidised insurance made available through Flood Re and possibly

that many insurance companies, brokers and customers aren't fully aware of the opportunities offered by the scheme. The report acknowledges that:

> "*If this is replicated across the county, this could add up to tens of thousands of households going without flood protection unnecessarily. While there is no single point of blame, it is worrying that too many people are falling through the cracks and the system needs to be tightened up to ensure that no-one misses out on support to which they are entitled*."

The review 's findings and recommendations have been considered by ministers, and changes to the Flood Re system were proposed in February 2021. These aim to improve the efficiency and effectiveness of the scheme and to accelerate uptake of Property Flood Resilience (PFR) measures, including:

- The ability for Flood Re to offer discounted premiums to households that have fitted property flood resilience measures, such as airbrick covers or non-return valves;
- Permitting the payment of claims to include an additional amount to build back better, in a more flood resilient way;
- Exploring whether there's more that the Flood Re scheme could do to accelerate uptake of PFR, including whether the scheme's currently available funding could contribute;
- Exploring whether Flood Re premiums should be further reduced; and
- Technical changes to improve the scheme's efficiency.

5. Property-level Flood Resistance and Resilience

'Property-level flood resistance and resilience' refers to measures that reduce flood damage risk to people and property, enabling households and businesses to reduce the extent of damage and to speed up recovery and reoccupation after a flooding incident. Appropriate measures can reduce the amount of water entering buildings (known as resistance measures), or limit the damage caused if water does enter a building (known as resilience measures).

A flood resistance approach aims to prevent water entry or reduce the amount of floodwater that enters a property. It typically requires the purchase and installation of home flood defence products. These products can be permanent or temporary:

- Permanent products are fitted, left in place, and remain 'always ready' to work 24/7, with no action needed to activate them in the event of a flood.
- Temporary measures are usually stored away and then put in place when flooding is expected.

A successful resistance strategy ensures that every water entry point on the property is protected. If a single point is missed or a flood defence product fails, the property will begin to take in floodwater which compromises all other protection measures and results in a failed package of works. Government guidelines suggest 600mm (2ft) as a safe height to resist water entry, although many buildings in flood risk areas are protected to around 900mm (3ft).

A flood resilience approach aims to reduce the impact and damage caused by floodwater once it enters a property, resulting in quick and easy cleaning, drying, recovery, and reoccupation of the property. This could potentially eliminate the need for an insurance claim.

Resilient measures usually involve changes to the fabric of the building so no action is needed to activate them in the event of a flood. Undertaking a resilience approach directly after your home has flooded presents an opportunity to reinstate the property with water resilient materials and design.

> The BRE Group is an international UK-based organisation that includes scientists, engineers, and technicians who carry out independent research into products, standards, and qualifications relating to the building industry.
>
> One of BRE's recent projects has been to design a Flood Resilient Repair Home to show alternative replacement products in building repairs that will not be affected by subsequent flooding.
>
> Standard practice for builders following a flood currently includes stripping off damaged plasterboard, flooring, and saturated kitchen units. Then once the house has dried out, it would be normal to put plasterboard back in, install a new chipboard kitchen, and use non-water-resistant flooring and insulation materials, which would be similarly damaged if the home were to flood again in the future.
>
> The BRE Flood Resilient Repair Home also shows how simple measures such as placing electrical outlets higher up walls and using doors and windows with flood resisting seals can help minimise future damage. And, if water were to get in, an automatic ‘sump pump’ connected to drains in the floor quickly gets water out of the house again.

It is important to acknowledge that any specialist materials and products will be more expensive to buy, fit, and maintain than standard materials and products. The additional costs can be minimised if works are carried out as part of planned refurbishment.

In certain tightly controlled circumstances, public funding from the Department for Environment, Food and Rural Affairs flood and coastal erosion risk management Grant in Aid can be made available to install property-level flood resistance and resilience measures. This may happen in situations where there is no prospect of a flood risk management scheme at community level (for example raised river defences as in the current Preston/South Ribble project, or attenuation as in the 2016 Croston dam project). In line with all Grant in Aid project requirements, evidence would be needed of both the required cost-benefit analysis (to demonstrate value for money from the investment), and a financial contribution from other interested parties (called the 'partnership contribution').

Apart from these two significant requirements in order to access Grant in Aid generally, a third requirement specific to this type of scheme is the understanding by property owners that the new features once installed will be theirs to maintain and to

replace when they come to the end of their useful life. The flood risk management authorities will not take on responsibility in perpetuity for domestic assets.

To date there is very little experience in the country of completing successful public sector property-level resilience projects, and few householders seem to have the appetite for making the required investments using their own sources of funding.

Also, the UK insurance industry is not yet sufficiently mature to always 'build back better' after a flooding incident.

Another delaying factor is that country does not yet have a sufficiently widespread resource of appropriately informed and skilled tradespeople who could offer the services required to manufacture, supply, fit, and maintain complex property-level flood resilient/resistant measures as a matter of course and on the scale that may be required in coming years.

However, as climate change brings increased flood risks to places where conventional schemes are difficult to fund and/or build, or the impacts of building them sufficiently protective become unpalatable (such as higher walls along coasts and riverbanks), our communities may decide that property-level flood management solutions are the preferred way forward. As with the national move to adopting electric cars, a combination of leadership, governance, and normalising will all contribute to a change in market and acceptance.