

Flood Investigation Protocol

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 Norfolk County 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, and
 - (b) notify any relevant risk management authorities.

2 Awareness of flooding

Member organisations of the Norfolk Water Management Partnership (NWMP) will, in accordance with the partnership's Terms of Reference and Section 13 of the FWMA (Co-operation and Arrangements), provide information on flooding incidents that occur within Norfolk to the LLFA. This information will form the basis of Norfolk County Councils (NCC's) LLFA Flood Incident Log.

Furthermore, details of any Risk Management Authority (RMA) investigations carried out in response to flooding incidents that occur within Norfolk must be forwarded to the LLFA. This information will form the basis of NCC's RMA Flood Investigation Log.

The Lead Local Flood Authority will utilise the Flood Incident and RMA Flood Investigation Logs to inform the decision about conducting a study outside the formal investigation process.

The Lead Local Flood Authority will share information with the appropriate RMA's where they have been notified of a flooding incident in accordance with agreed timescales.



3 Initial work in response to flood reports

In determining the Lead Local Flood Authority's response to a flood report, work will be undertaken to understand the cause, nature and frequency of the event and RMA 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 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 a formal flood investigation

The Lead Local Flood Authority will undertake a formal flood investigation where it is determined that::

- (a) There is ambiguity surrounding the source or responsibility of a flood incident, and/or;
- (b) There is cause to investigate the flood incident (following an initial assessment of its [impact criteria](#)), due to either its;
 - Impact (area, number of properties and/or people affected), or
 - Consequence (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 [Flood and Water Management Act 2010](#) was commenced and this duty was conferred upon Norfolk County 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 (LFRMS) and/or local studies.

In taking forward a flood investigation the Lead Local Flood Authority 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 i.e. fire brigade attending to pump out a property
- c) Dated photos of the event

The Lead Local Flood Authority 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 formal flood investigation

When a decision is taken to investigate, the Lead Local Flood Authority 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.
- Relevant political representatives within whose electoral area the flood incident is located.

7 Prioritisation of flood investigations

During widespread flooding the Lead Local Flood Authority 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).

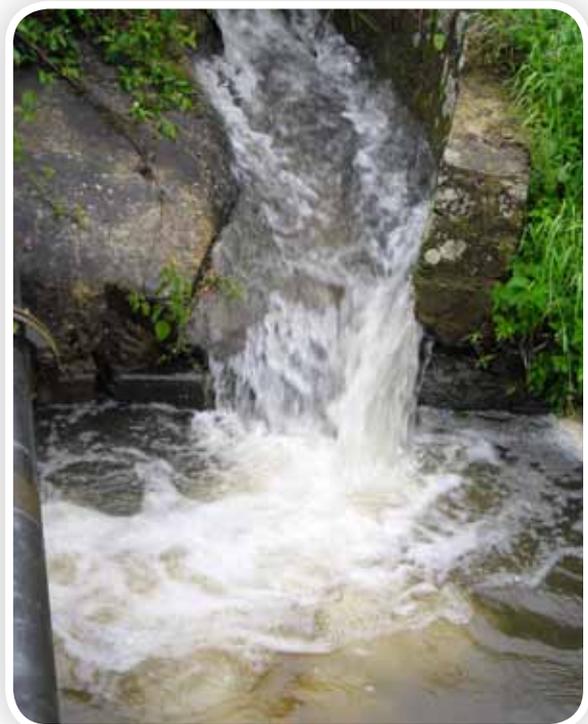
8 Publication

Flood Investigation Reports (FIR's) should be published on [Norfolk County Council's website](#) within 4 months of an incident being investigated by the Lead Local Flood Authority. However, there are cases where this timeframe will be extended (e.g. widespread flooding across the County).

The Lead Local Flood Authority would share a pre-publication draft for comments with the appropriate Risk Management Authorities and affected parties. However the Lead Local Flood Authority 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.

9 Scrutiny

The Lead Local Flood Authority's flood investigation duty is scrutinised through the submission of an annual summary submitted to NCC's Environment Transport and Development Overview and Scrutiny Panel to NCC's Environment Transport and Development Overview and Scrutiny Panel.



10 Data Protection & 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 Norfolk County 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 County Council's role in highlighting flooding to properties at a street level or at an individual property level, where consent is given.



If you need this document in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.