

## Section 19 Flood Investigation Reporting Policy consultation report

October 2019

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### 1. Introduction

The Section 19 Flood Investigation Reporting Policy sets out the criteria for Kent County Council (KCC) to prepare and publish a report of an investigation into flooding in the county, in accordance with our duty under the Flood and Water Management Act 2010.

KCC have prepared a revision of the policy based upon our experience of preparing reports of flood events since we became Lead Local Flood Authority in 2010.

## 2. Consultation process

The Section 19 Flood Investigation Reporting Policy was presented to KCC's Flood Risk Management Committee on 22 July 2019 (the papers for the committee can be found here:

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=584&MId=8141&Ver=4>).

The committee includes representatives of the districts and boroughs of Kent as well as parish councils.

Public consultation on the revised Policy started on 19 August and ran until 30 September 2019.

The Flood and Water Management (FWM) team consulted on three policies at the same time, this one, the Drainage and Planning Policy Statement and the Land Drainage Policy. The consultations on these policies were linked, so that they could all be accessed from each consultation page.

The FWM team works closely with community groups and parish councils. The consultation was sent to Kent Association of Local Councils (KALC) and directly to stakeholders such as communities and parishes, the districts and boroughs of Kent, statutory undertakers, the Environment Agency and the Internal Drainage Boards.

The consultation asked two questions about the revision of the Section 19 Flood Investigation Reporting Policy, each with an option to provide more details about the response. There were also questions about whether the Equality Impact Assessment (EqIA) was appropriate, as well as 'about you' questions that gathered the respondent's equalities information.

All consultation documents were available online at [www.kent.gov.uk/section19floodinvestigation](http://www.kent.gov.uk/section19floodinvestigation) and alternative formats including hard copies were available upon request.

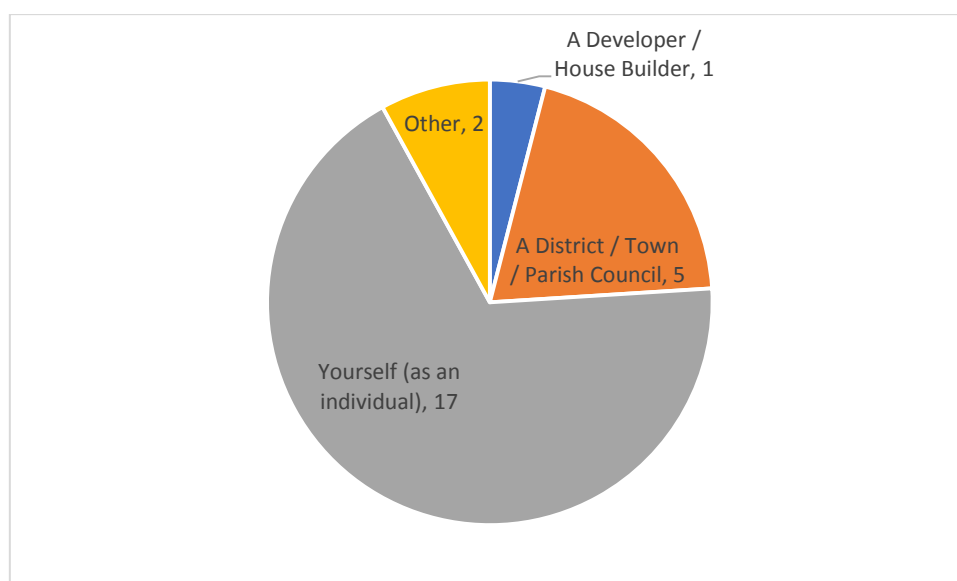
The following table summarises the frequency that documents were downloaded from the consultation page. Please note that as the Section 19 Reporting Policy is short it is stated on the consultation webpage, and was not available as a document to download.

Documents	Downloads
Consultation Questionnaire - Word Version	25 downloads
Equalities Impact Assessment - PDF version	8 downloads
Equalities Impact Assessment - Word version	5 downloads

## 3. Respondents

We received 25 responses to the consultation questionnaire. Of these respondents, 17 were from individuals, five were on behalf of district, town or parish councils, one was from a housebuilder or developer and two were from other organisations.

A breakdown of the responders is shown in Figure 1.



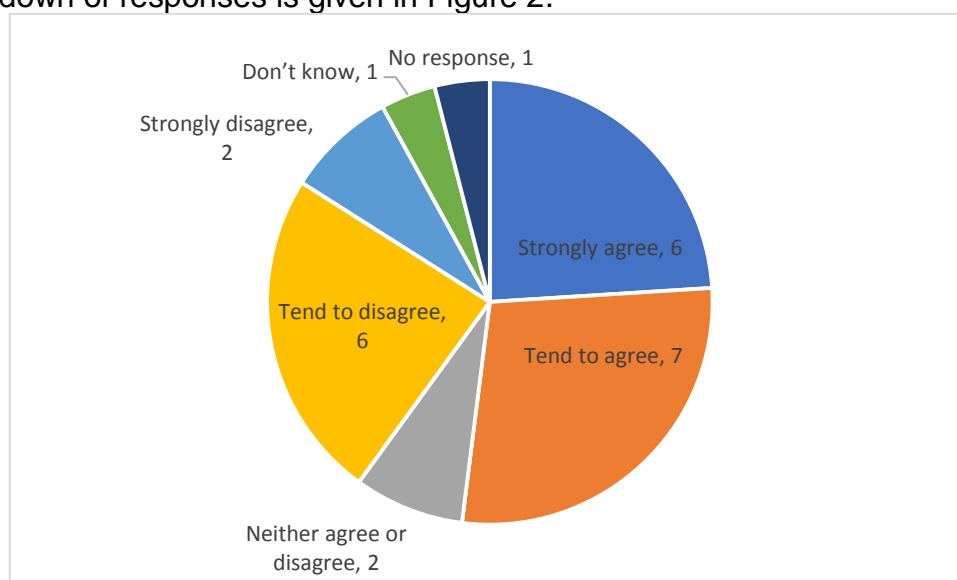
**Figure 1 Breakdown of responders**

#### 4. Consultation responses

This section is an analysis of the responses to questions on the Section 19 Flood Investigation Policy, including a summary of the free text responses we received.

**Question 2.** *To what extent do you agree or disagree with KCC's Section 19 flood investigation reporting policy?*

A breakdown of responses is given in Figure 2.



**Figure 1 Breakdown of Question 2 responses**

Respondents were broadly supportive of the proposed Policy. Of the 25 responses 13 agreed or strongly agreed, however eight disagreed or strongly disagreed, with six neither agreeing or disagreeing, not knowing or giving no response.

Whilst there is broad support for the policy, there is clearly a significant level of disagreement with it. All the respondents that disagreed or strongly disagreed left comments, either for this question or in general for question three. All of these comments related to the number of flooded residential properties that would trigger the policy. Most expressed the feeling that all flooding should be investigated and that a threshold of five properties was too high. Some felt that five properties was arbitrary and one response recommended a formula that accounted for the geographic location of the properties (though it didn't actually suggest a formula).

KCC agrees that all internal flooding should be investigated, however this policy regards the trigger for writing and publishing a report of an investigation. Clearly, there is a need to for KCC to clarify that this policy refers to the report of an investigation not an investigation itself.

KCC proposes to ensure that the [Section 19 report](#) page on the Kent website contains the Section 19 report policy and links to our report a flood page with a clear statement that all floods we are made aware of are recorded and that we will investigate internal flooding events.

Some comments also noted the difference between flooding in a rural setting and in an urban area and that a flood in a rural area might be quite large, but still not meet the properties flooded threshold for an investigation. KCC understands this concern, however there are other criteria that would trigger an investigation, including disruption to local infrastructure and the option to trigger an investigation if KCC considers it to be merited. KCC considers that a large flood in a rural area that did not flood five or more properties would be investigated and a report would be prepared under these criteria.

One comment noted that KCC should shorten the time to undertake the investigations to improve the delivery of this service. KCC has recognised this and we have already taken steps to reduce the time that we take to compile and publish the reports. However, there are factors that are out of our control, as we often rely on partners and data from surveys etc that we are not always in control of.

Additionally, the issue with the length of time a report takes to compile and publish is that it can delay providing a narrative about the flood to those affected by it. With many floods the delay this causes is unnecessary as the public report does not add value to the outcome of the flood event.

**Question 3.** *Do you have any other comments about the Policy Statement?*

Six responders gave a substantive response to this question. Many of these reflected the same issues raised in the response to Question 2.

One responder commented that a public authority should have powers to “demand explanations and, if necessary, action from private bodies”. Unfortunately, KCC is not in a position to choose to have such a power.

Another responder asked “How will KCC be informed of flooding events at domestic or business premises? Do landowners have to inform?” Which raises an important issue: KCC can only record and investigate flood events that it is made aware of.

KCC will publicise the reporting tool and encourage people who have experienced flooding to report it.

## **5. Equality analysis**

Respondents were given the opportunity to comment on the initial Equality Impact Assessment (EqIA).

There were six responses to this question, which did not identify any issues with the EqIA.

We asked standard 'about you' questions and out of the 25 respondents, 16 were willing to answer these questions. The results have highlighted nothing new for our equality analysis.

## **6. Next steps**

The revised Section 19 Flood Investigation Reporting Policy, this consultation report and the EqIA will be presented to the Environment and Transportation Cabinet Committee on 29 November. Following this, the Policy Statement will be adopted by the Cabinet Member for Planning, Highways, Transport and Waste.

This consultation report will be made available on the consultation webpage and an email alert sent to those who registered with the consultation.

Once the Section 19 Flood Investigation Reporting Policy has been adopted it will be included on the [Section 19 Report page](#) on the KCC website.