

July 2021 Flooding in Lancashire

Clitheroe Road, Chatburn, Ribble Valley

Flood & Water Management Act 2010

Section 19 Investigation

December 2023

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Executive Summary

In July 2021, a flooding event internal to Shackleton's Garden Centre was reported to the county council. This was the most recent in a series of similar reports over a number of years, where flooding had affected the premises both inside and around the car park and outdoor spaces, as well as impacting in the public highway of Clitheroe Road and Worston Road adjacent to the Garden Centre.

A report under Section 19 of the Flood & Water Management Act 2010 is required to document the investigations made into the repeated flooding of these premises. This report is also required to identify where further studies or works are needed, and by which risk management authority.

In regard to this event, the risk management authorities that have had a role are:

- a) The local highway authority (Lancashire County Council);
- b) The lead local flood authority (also Lancashire County Council), and
- c) The Ribble Valley Borough Council.

In regard to this situation, the local highway authority and Ribble Valley Borough Council's planning team still need to work with the proprietors of the Garden Centre to achieve an improvement to the current surface water drainage arrangements off the Garden Centre premises, so as to reduce flood risk to the property and to the nearby public highway network.

SECTION 1 – INTRODUCTION AND PURPOSE OF THE REPORT

Flood & Water Management Act 2010 Duty

Lancashire County Council as a Lead Local Flood Authority has a duty to investigate flooding in accordance with Section 19 of the Flood and Water Management Act 2010 as follows:

Section 19 states:

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.

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.

This report documents our understanding of the events resulting in flooding of business premises in Chatburn in July 2021, and on various previous dates.

SECTION 2 – THE WEATHER EVENT

2.1 During the early hours of Wednesday 28 July 2021, a weather front progressed eastwards over western areas, bringing cloud and outbreaks of rain from north Wales northwards and across Scotland. Showery conditions dominated across the UK through Wednesday. Showers readily developed through the morning across most of England and Wales, becoming heavy and thundery in places.

2.2 These weather conditions were not particularly remarkable. However they were sufficient at Clitheroe Road, Chatburn to overwhelm the local drainage networks and cause a new flooding event at Shackleton's Garden Centre.

SECTION 3 – RESPONSE TO THE FLOODING

3.1 The county council's Flood Risk Management team on behalf of the lead local flood authority has records of investigations dating from 2008 of flooding at Shackleton's Garden Centre and the adjacent roads.

3.2 A recent review of the records (summer 2023) has identified that these repeated incidents have triggered an investigation in accordance with the county council's responsibilities under the Flood and Water Management Act 2010.

3.3 The flooding in this location has been investigated previously by various engineers working for the county council's Highways Service, who have identified that the speed of drainage off the public highways (Clitheroe Road and Worston Road) and off the

private land at Shackleton's Garden Centre has been severely compromised by constraints in the local watercourse network. This has resulted on many occasions in surface water accumulating in the Garden Centre car park and entering the business premises through the main doors.

3.4 The watercourse network here has been excessively engineered in previous centuries to accommodate multiple railway tracks. The following images are Ordnance Survey records from successive periods in time illustrating these changes, with Shackleton's Garden centre premises indicated in orange:

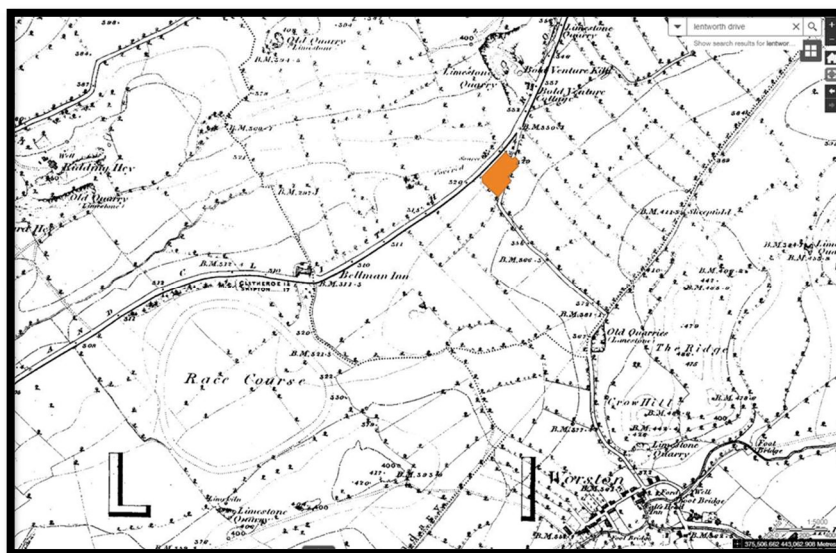


Figure 1: 1840's OS map

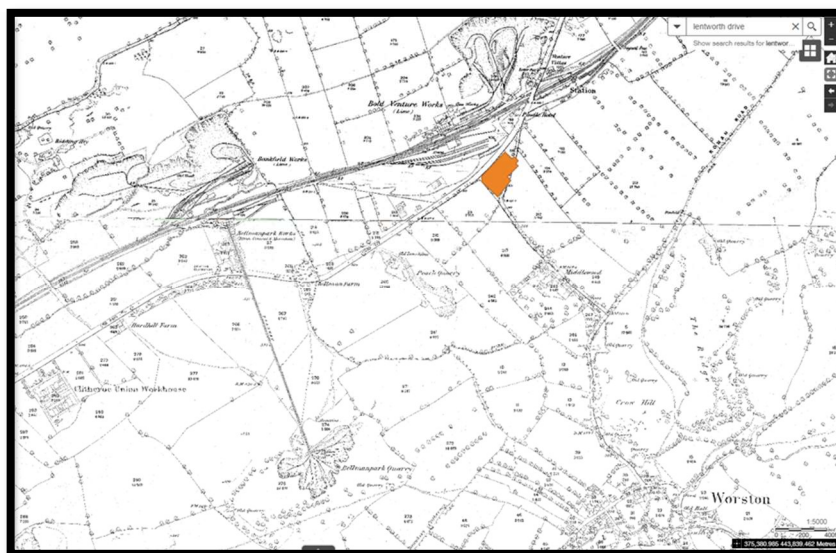


Figure 2: 1890's OS map

3.5 The resulting route of the watercourse/s to which all the local surface water was directed, became partially lost under land occupied by industrial businesses, buildings and service yards.

3.6 Around 2008/09, the Garden Centre flooded internally when the car park drainage was inadequate for a localised rainstorm and surface water gravitated to the centre's entrance doors, entering the premises and causing extensive damage. The managers of the Garden Centre took their own steps to reduce the burden of surface water on the formal drainage system by disconnecting their roof drainage from the original drainage network and installing bespoke water chutes to transport roof water to the edge of the property as shown in the photograph below at Figure 3:



Figure 3: Roof drainage to edge of property

3.7 The Highways Act 1980 at Section 163 authorises a highway authority to require the owner of land adjacent to a public highway to desist from depositing water onto a footway. To date LCC Highways has chosen not to pursue this course of action as this water clearly cannot be safely accommodated by the drainage system on Shackleton's own land, whereas it can be accommodated under most circumstances by the highway drainage system.

3.8 In 2015, LCC Highways collaborated with Network Rail to explore the route of the watercourses so that any compromised culverts on Network Rail land could be identified and cleared to enable free-flow of water. Figure 4 below captures in a dashed red line the anticipated route of the watercourse through multiple industrial premises; however this route has never been proved and may no longer exist.

3.9 The challenge of ponding water in the roads near the Garden Centre has been locally resolved by installing new lengths of highway drain in Clitheroe Road to bypass the lost length of watercourse.

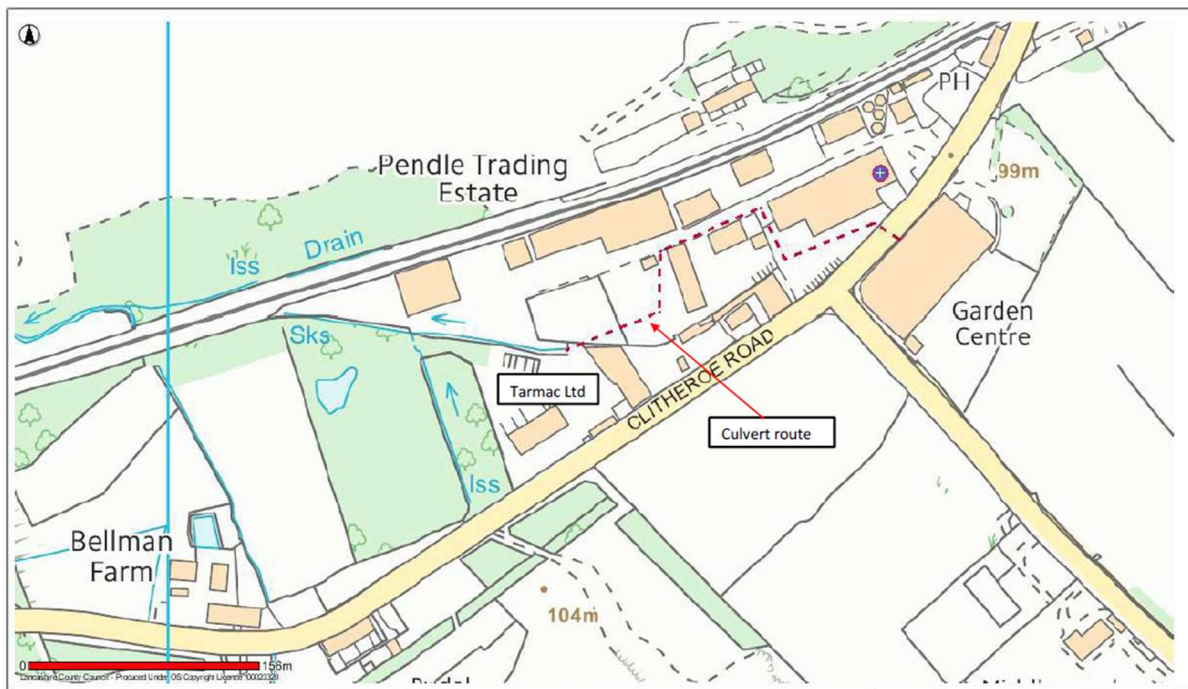


Figure 4: Lost culvert route

3.10 It is recognised that there is now capacity to accommodate this water in the highway drainage system under most rainfall conditions. Agreements are now required to achieve this in a form acceptable to all parties and a long-term solution is still under development through discussions involving the Garden Centre which wants permission to develop further on its site, Ribble Valley Borough Council in its capacity as the local planning authority, and LCC Highways.

SECTION 4 – SUMMARY AND CONCLUSIONS

4.1 Shackleton's Garden Centre and the local road network have a history of repeatedly flooding in heavy rainfall conditions. The former watercourse to which local premises used to drain has become lost and ineffective through years of industrial development and it cannot be reinstated in any practical or affordable way. The highway flooding problem has been resolved by the installation of new highway drainage pipes. The Garden Centre flooding problem has been temporarily resolved by installing unauthorised drainage from the premises onto the public highway.

4.2 It remains appropriate for the local highway authority and the local planning authority to agree with the Garden Centre managers how their unauthorised and unconventional drainage solution can be established as a dependable solution on which future development decisions can be secured.

4.3 The relevant flood risk management authorities connected with this incident were:

- a) the local highway authority (Lancashire County Council), and
- b) Ribble Valley Borough Council as the local planning authority.

Both of these authorities have outstanding solutions to deliver in connection with this flooding situation in collaboration with the Garden Centre management team.

4.4 This situation has revealed how very important it is that developers properly identify all drainage assets on their site/s and obtain consent for any works impacting on watercourses in advance of development, and responsible arrangements are made at that time for the future access to and maintenance of watercourse assets.

4.6 Although past decisions and existing developments cannot easily be corrected in the regard, the council's Flood Risk Management team endeavours to make advice available to new developers alongside every response given to planning consultations, wherever this is identified as appropriate. The council's guidance and procedures for Ordinary Water Course Regulation are made available on the council's website here: [Alterations to a watercourse - Lancashire County Council](#).

APPENDIX A – DEFINITIONS AND RESPONSIBILITIES

Lancashire & Blackpool Local Flood Risk Management Strategy

In addition to the requirements of Section 19 of the Flood and Water Management Act ('the Act'), the Lancashire and Blackpool Local Flood Risk Management Strategy ('the Strategy') sets out how flood risk should be managed locally.

The Strategy states that the Section 19 investigations will help to:

- Improve the understanding of flood risk by providing an invaluable tool for understanding the sources and mechanisms of flooding;
- Identify assets that have a flood risk management function, which may need to be designated; and
- Identify where additional works and studies are likely to be necessary, that LCC or other risk management authorities can integrate into their prioritised flood risk management plans.

Key Definitions

The Risk Management Authorities

The risk management authorities are identified in the Act as follows:

- a. The Environment Agency,
- b. The lead local flood authority,
- c. A district council for an area for which there is no unitary authority,
- d. An internal drainage board,
- e. A water company, and
- f. A highway authority.

Each of these organisations has powers and duties under various legislation and regulations for the responsible management of natural water, flood risk and in some cases coastal erosion.

The Act requires all the risk management authority to cooperate with other relevant authorities in the exercise of their flood and coastal erosion risk management functions.

In Lancashire, the risk management authorities support partnership working in the following ways:

- at operational levels by joint investigations and through the Making Space for Water meetings;
- at tactical level by sharing priorities and direction between organisational managers, and
- at strategic level by engaging with Councillors/Cabinet Members/Senior Managers.



Lancashire, Blackpool and Blackburn-with-Darwen are also represented on the North West Regional Flood and Coastal Committee where cross-boundary projects, resources and data are shared with Cumbria, Greater Manchester, Merseyside and Cheshire.

The village of Earby in Pendle District is a special case in that it lies within a river catchment that falls towards North Yorkshire, so its local Environment Agency services are supplied through the Yorkshire team. This gives the Lancashire partnership a direct connection to the Yorkshire Regional Flood & Coastal Committee. Earby also receives services from the Earby and Salterforth Internal Drainage Board which replaces a number of the lead local flood authority functions.

The Risk Management Functions

The risk management authorities have responsibility for flood risk management functions as defined under Section 4 (2) of the Act:

- (a) a function under this Part,
- (b) a function under section 159 or 160 of the Water Resources Act 1991,
- (c) a flood defence function within the meaning of section 221 of that Act,
- (d) a function under the Land Drainage Act 1991,
- (e) a function under section 100, 101, 110 or 339 of the Highways Act 1980, and
- (f) any other function, under an enactment, specified for the purposes of this section by order made by the Minister.

Riparian Landowners

The term 'riparian' is applied to landowners who own land adjoining or containing a river or watercourse. They have certain rights to use the water flowing across their land for their own purposes, and in regard to flood risk management they also have a number of responsibilities, including the following:

- to maintain the bed and banks of the watercourse, and also the trees and shrubs growing on the banks;
- to clear any debris, even if it did not originate from their land. This debris may be natural or man-made;
- to keep any structures within their ownership clear of debris. These structures include culverts, trash screens, weirs and mill gates.

If riparian landowners do not fulfil their responsibilities, they may face enforcement action taken by the relevant risk management authority.

Interconnections between responsibilities

Public sewers in Lancashire are principally the responsibility of United Utilities plc or Yorkshire Water plc. Copies of the record maps indicating the location of public sewers in Lancashire are held in the water companies' head offices. These companies also keep records of pumping stations, and any water treatment works which form part of the public sewage system.

Private drainage systems are the responsibility of each owner whose property it drains. Where more than one property uses a private pipe, responsibility is normally shared proportionately. The private system comprises all the pipes up to the point of connection with a public sewer (this can include the entire system where it is connected to a septic tank, cesspool or soakaway). Formal records indicating the location of private drainage systems are not held by any risk management authority. The deeds of a property may include details.

The highway surface water drainage of all adopted public roads, other than trunk roads or motorways, is the responsibility of LCC as the local highway authority, including roadside drainage gullies and certain roadside ditches. Drainage from trunk roads and motorways is the responsibility of Highways England. Drainage of private unadopted roads is normally the responsibility of private property owners who make use of or adjoin the road.

Land drainage comprises systems of rivers, watercourses, ditches, culverts, pipes, lakes, and ponds intended to drain water resulting from rainfall and flows from underground sources. Typically, the primary responsibility for maintaining responsible flows in land drainage systems lies with the riparian owner or owners, with the LLFA, Environment Agency, IDB or local councils holding enforcement powers to use if the landowner/s default in their duties.

All drainage systems eventually discharge into the sea as the lowest possible point for water to collect. In Lancashire, this is at Morecambe Bay or the Irish Sea directly.

All drainage networks are formed from combinations of these systems to overcome historic demands of efficiency, simplicity, and convenience. For example, a highway gully may well connect to a length of highway drainage pipe before connecting to a private ditch, or a public surface water sewer, or directly to a main river. The original reasoning for these arrangements may now be forgotten or inappropriate for current needs, but the physical interconnection of drainage systems means that it is often impossible to tell just from looking at flood water exactly where the barrier to flow arises and therefore exactly which organisation may need to take remedial action.

It is therefore vital for the risk management authorities to share information and collaborate during investigations and that they are allocated to the appropriate organisation to lead.

Key Functions of the risk management authorities

Environment Agency

The flood risk management responsibilities of the Environment Agency include the following:

- a. strategic overview for all forms of flooding;
- b. provision of a National Strategy for Flood and Coastal Erosion Risk Management (FCERM) to cover all forms of flooding;
- c. a power to request information from third parties in connection with flood risk management duties. Risk management authorities have a duty to co-operate with the Environment Agency in the provision of such information;



- d. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities;
- e. a duty to have regard to Local Flood Risk Management Strategies;
- f. a duty to be subject to scrutiny from lead local flood authorities' democratic processes;
- g. responsibility for managing coastal flooding;
- h. responsibility for managing fluvial flooding from main rivers;
- i. updated provisions for the regulation of reservoirs;
- j. permissive powers to carry out maintenance work on main rivers under Section 165 of the Water Resources Act 1991;
- k. the provision of flood forecasting and warning services;
- l. the provision of flood maps;
- m. the provision of flood related information and advice;
- n. investment in flood defences, supplemented through partnership funding where appropriate;
- o. a power to take enforcement action where flow in a main river has been impeded and may cause a flood risk.

Lancashire County Council

This council has a dual risk management role, in its capacity as both highway authority and lead local flood authority.

As the lead local flood authority, the council has a number of duties and powers, in addition to the duty to investigate flooding set out above. These include:

- a. a duty to develop, maintain, apply, monitor and consult on Strategy for its area (copy available from the website www.lancashire.gov.uk);
- b. a duty to develop and maintain a register of structures or features which might impact on flood risk, including ownership and condition (the Flood Risk Asset Register is available on the website www.lancashire.gov.uk);
- c. the management of the consenting process for works that are likely to affect the flow characteristics of ordinary watercourses (Land Drainage Consent – guidance available on the website www.lancashire.gov.uk);
- d. a power to undertake works for managing flood risk from surface run-off or groundwater;
- e. a power to request information from third parties in connection with flood risk management duties. Risk management authorities have a duty to co-operate with the lead local flood authority in the provision of such information;
- f. a power to designate structures and features that affect flooding or coastal erosion.
- g. a power to take enforcement action where there is an obstruction to an ordinary watercourse that may cause a flood risk.

As the local highway authority, the council has a duty under the Highways Act 1980 to maintain highways that are maintainable at public expense. This includes responsibility for highway drainage, as well as for the condition and safety for users of all highway assets including roads, footways, bridges and culverts, street lighting and traffic signals.

As local highway authority, the council has a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities.

The council also has private responsibilities for land drainage where it is a land owner.

City and Borough Councils

The flood risk management responsibilities of City and Borough councils include the following:

- a. a power to designate structures and features that affect flooding or coastal erosion;
- b. a duty to exercise their flood risk management functions in a manner consistent with local and national strategies, and to have regard to those strategies in their other functions;
- c. a duty to be subject to scrutiny from LLFAs democratic processes;
- d. a power to do works on ordinary watercourses where this has been delegated by the lead local flood authority;
- e. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities.
- f. a power to take enforcement action where there is an obstruction to an ordinary watercourse that may cause a flood risk where the power has been delegated by the lead local flood authority.

City and Borough Councils have a number of wider functions and roles that can be relevant to flood risk management and response. These include local planning, housing, environmental health and community engagement activity, as well as private responsibilities for land drainage where they are a land owner.

Internal Drainage Board

An Internal Drainage Board is a local public authority established in areas of special drainage need in England and Wales. These Boards have permissive powers to manage water levels within their respective drainage districts. The Boards undertake works to reduce flood risk to people and property and manage water levels to meet local needs.

The expenses of an Internal Drainage Board are predominantly funded by the local beneficiaries of the water level management work they provide. Each Board sets a budget for its planned work in the forthcoming year and any investments it needs to make for future projects.

More information about Internal Drainage Boards can be found from the Association of Drainage Authorities (www.ada.org.uk).

Water Companies

The flood risk management responsibilities of water companies (in Lancashire: United Utilities plc and Yorkshire Water plc) include the following:



- a. a duty as sewage undertakers under Section 94 of the Water Industry Act 1991, to provide & maintain sewers for the drainage of buildings and associated paved areas within property boundaries;
- b. responsibility as sewerage undertakers for lateral drains and public sewers, the latter being defined as a conduit, normally a pipe that is vested in a Water and Sewerage Company, or predecessor, that drains two or more properties and conveys foul, surface water or combined sewage from one point to another point and discharges via a positive outfall;
- c. responsibility for any flooding which is directly caused by its assets – i.e. its water or sewerage pipes;
- d. a duty to be subject to scrutiny from lead local flood authorities' democratic processes;
- e. a requirement to exercise flood risk management functions in a manner consistent with the national strategy and guidance and have regard to the local strategies and guidance;
- f. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities.

Civil Contingencies Responsibilities

The risk management authorities listed above (with the exception of the Internal Drainage Board) have additional responsibilities under the Civil Contingencies Act 2004, which provides the statutory basis for dealing with a response to flooding in emergency situations. These include flood preparedness planning and flood response.