

January 2024 Flooding in Lancashire

Manchester Road, Haslingden (Rossendale)

Flood & Water Management Act 2010

Section 19 Investigation

July 2026

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Executive Summary

On 3 January 2024, property owners on Manchester Road, Haslingden reported that their property had flooded internally on 1 January, and on 2 occasions in December 2023, as a consequence of a nearby defective watercourse discharging to the public highway and overwhelming the local highway drainage.

Local investigations identified that a culverted watercourse passes from a large area of private land uphill from the flooded property, and runs under the public highway before ultimately discharging into the River Irwell. The private land is wooded with risks of debris entering the culvert, and considerable volumes of surface water naturally run off the land into the watercourse. The land is relatively steep, so that the flows in the culvert after a heavy rainfall are both high volume and high speed. The consequences of the defective culvert failing to carry this surface water included excessive flows in the public highway which overwhelmed the highway drainage systems and impacted on adjacent property.

On inspection by local highway authority officers, parts of the culvert were found to be damaged and an accumulation of debris had further reduced its capacity. As a consequence of these defects, in heavy rain much of the watercourse flowed outside the culvert and over the highway, from where it entered the property.

A further (fourth) flood to the same property occurred 3 weeks following the initial report, whilst the local highway authority officers were still pursuing their investigations.

The problem was remedied when the relevant landowner/s responded to an instruction from the highway authority by repairing the damaged and obstructed lengths of the culvert.

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

In regard to this event, the risk management authority that had a role was the local highway authority.

This risk management authority has no outstanding studies or works to be completed. It is a key finding of this Section 19 investigation that the reported flooding was very localised and was caused entirely by the defects in the culvert carrying the local watercourse on private land.

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 a home on 3 January 2024, during December 2023, and on various previous dates.

SECTION 2 – THE WEATHER EVENTS

2.1 Met Office records show that the flooding events all occurred on days when heavy rain impacted the area around Haslingden, associated with Storms Erin, Fergus, Gerrit and Isha, as well as during an un-named rainfall event.

2.2 Each of these weather events dislodged debris from wooded land, which fell into a watercourse and exacerbated some underlying defective drainage systems on private land.

2.3 It is an unfortunate coincidence for the affected people that these weather events all impacted in such a short period of time, so that the required remedies couldn't be identified, notified to the responsible party, and carried out, before the flooding was repeated.

SECTION 3 – RESPONSE TO THE FLOODING

3.1 The affected property owner first reported the current and previous flooding of their property to the county council over the Christmas holiday period (late December 2023) to the county council. Because normal customer access telephones were not in use during the bank holiday/evening/weekend periods, they used an unspecified emergency contact number to make their report. The information he provided at that time was not transferred to normal records for a response during normal working hours.

3.2 The property owner's details were logged for a response when they reported the problems again after the New Year bank holiday period.

3.3 By 24 January 2024, the local Highways team had ordered works to clear the highway gullies in the vicinity of the incident, and to investigate the ownership of and functionality of the culverted watercourse indicated in the flooding report.

3.4 On 15 February 2024, the investigating officer recorded that the watercourse now appeared to be running normally, following the landowner's work to clear their section of the watercourse. All highway gullies in the surrounding area were running well, and no water was now reaching the previously flooded property.

3.5 Since these works were completed, there have been no further reports of flooding to homes in this location.

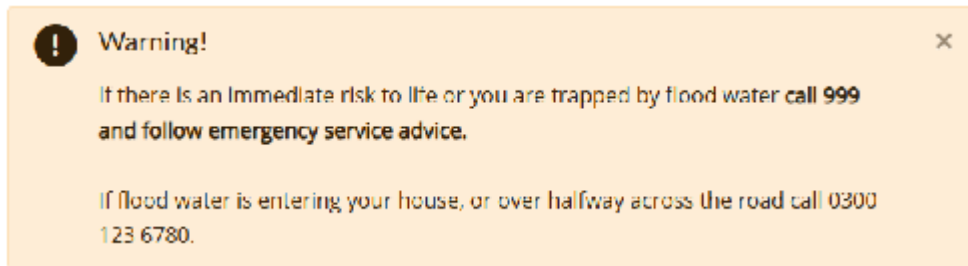
SECTION 4 – SUMMARY AND CONCLUSIONS

4.1 An historic culverted watercourse in Haslingden had fallen into disrepair. In conditions of locally heavy rainfall, this resulted in unmanaged surface water flows reaching a property nearby on multiple occasions, causing internal flooding.

4.2 Following investigations by the local highway authority, the problems were reported to the relevant party responsible for the maintenance of the watercourse and the culvert was in due course repaired by them. There has been no repeat of the flooding since these repairs were carried out.

4.3 The relevant flood risk management authorities connected with this incident was the local highway authority. This authority has no outstanding works or studies to deliver in connection with the flooding incident.

4.5 This incident has revealed how very important it is that the local highway authority receives reports of flooding problems affecting local roads in a timely manner, so that relevant responses can be given as quickly as possible. Since this incident, improvements have been made to the county council's online highway defect reporting systems ([Report It on the go with Love Clean Streets - Lancashire County Council](#)). The online advice highlights with a warning message how flooding problems can be best reported as follows:



Telephone reports to the county council's highway defect reporting phone line are now screened at the earliest stage of a phone call to identify any situations referring to water covering more than half of the road, or about to enter a property, basement or garage. If this situation is confirmed by the caller, their phone call is automatically diverted to the police, who will arrange an appropriate response from emergency services and/or the county council's duty Highways officers.

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 Operational 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.