January 2022 Flooding in Lancashire

Hoyles Lane, Cottam (Preston)

Flood & Water Management Act 2010
Section 19 Investigation Report

July 2026

Contents

Executive Summary……..Page 2

Section 1 – Introduction and purpose of the report……3

Section 2 – The Weather Events ……..……..3

Section 3 – Response to the Flooding……..……3

Section 4 – Summary and Conclusions……4

Appendix A – Definitions and Responsibilities

Executive Summary

A property on Hoyles Lane flooded internally during heavy rainfall conditions on two occasions, firstly in November 2021 then again in January 2022. On both occasions, the ground floor of the property was inundated causing extensive damage.

Our investigations have identified that a nearby development, which was underway at the time of these incidents, had only partially implemented its new drainage systems at the time of the two incidents. This resulted in unmanaged flows of surface water running into the public highway during heavy rain, instead of into the nearby watercourse. This in turn overwhelmed the existing highway drainage systems and contributed to the flooding of the property.

In regard to these incidents, the risk management authorities that had relevant functions were:

a) Lancashire County Council in its role as the local highway authority, and
b) Preston City Council.

Our investigation finds that both risk management authorities have exercised their functions relating to this incident and that there are no outstanding functions to be exercised.

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 Hoyles Lane, Cottam on dates in 2021 and 2022.

SECTION 2 – THE WEATHER EVENTS

2.1 After almost a week of repeatedly heavy showers in Lancashire, a period of almost persistent heavy rain fell from Friday 29 October 2021 to Tuesday 2 November 2021. Because of the constantly saturated ground conditions, these conditions at times overwhelmed local drainage systems and caused extensive flooding of properties and highways including around the Cottam area of Preston. Conditions over this weekend included Storm Aiden and ex-Hurricane Zeta.

2.2 During another extended period of heavy rain in mid-January 2022, on Monday 18 January 2022 the Met Office named Storm Christoph within approaching weather fronts. Amber and yellow weather warnings were issued across the country for conditions on Thursday 21 January 2022. By Tuesday 19 January 2022 these warnings were updated to include parts of East Lancashire in the amber warning, and the property at Hoyles Lane flooded again on 21 January 2022.

2.3 Although neither of these periods were associated with extensive flooding across Lancashire as a whole, on both occasions a property at Hoyles Lane, Cottam was severely impacted with internal flooding.

SECTION 3 – RESPONSE TO THE FLOODING

3.1 Neither of the named storm events triggered a multi-agency response from Lancashire Resilience Forum. Unfortunately, the county council's Highways call-out

records for the two periods of flooding have not been made available for this investigation, so it isn't possible to document the response given by this risk management authority to any out of hours reports of flooding in the Hoyles Lane area of Cottam. However, we have anecdotal evidence that during the weather events on the dates identified above, local roads were temporarily closed to help manage safety risks to road users and to neighbouring properties, which indicates that there was an appropriate out-of-hours response from the highway authority.

3.2 It was a complication of local drainage networks at the times of the flooding that the area around Hoyles Lane was in the process of being redeveloped to support the delivery of many hundreds of new properties. This situation included a number of housing estates under construction close to the flooding incident with incomplete drainage systems including:

- sewers for adoption in due course by United Utilities plc; and
- highway drainage for adoption in due course by the highway authority; and
- surface water systems including sustainable drainage systems to be managed and maintained under private maintenance arrangements.

3.3 Our investigations have identified that the affected property was flooded directly from the public highway, which in turn was overwhelmed by excessive surface water runoff from a neighbouring development site in extremely heavy rainfall conditions. If the site drainage had been managed so that it didn't fall to the public highway, it is likely that the flooding would not have impacted the property as significantly as it did.

3.4 Planning conditions governing the interim management of site drainage during construction of the new developments did not accommodate the potential for this situation to arise. It is reassuring to see that for more recent developments, Preston City Council in its role as planning authority now applies relevant conditions on managing construction site drainage within its planning permissions for major developments.

3.5 The highway drainage system in this location discharges to a culverted watercourse which runs downstream from the flooded property. Surveys of this watercourse have found it to be generally in good working condition such that it was not impeded downstream from the property, and it did not contribute identifiably to the flooding. We must note here that full access to the culvert was not possible due to recent garden make-overs which have built over certain access chambers on the line of the culvert.

SECTION 4 – SUMMARY AND CONCLUSIONS

4.1 Local highway drainage and private drainage systems in the Hoyles Lane area of Cottam were temporarily overwhelmed by extremely heavy rainfalls during weather conditions closely associated with Storms Aiden and Christoph, in November 2021 and January 2022 respectively. These events in turn caused internal flooding of a property on Hoyles Lane on both occasions.

4.2 The local highway authority provided an emergency response to the flooding on each occasion; however, the cause of the flooding was not addressed until

construction management of a neighbouring development site made appropriate progress with surface water drainage management.

4.3 In regard to these incidents, the risk management authorities that had functions in response to the flooding were:

a) Lancashire County Council in its role as the local highway authority, and
b) Preston City Council.

None of these authorities has any outstanding functions to be delivered in connection with this flooding incident.

4.4 This incident has revealed how very important it is that development sites are actively managed to ensure they don't increase the risk of flooding before the authorised new drainage systems are complete.

4.5 The incident has also identified the value that could be added to flood investigations if the highway authority's out-of-hours activity records could be included with records kept of enquiries and works carried out during normal working hours.

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 the county council 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 Lancashire County Council 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 Lead Local Flood Authority, Environment Agency, internal drainage board 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 the Lead Local Flood Authority 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.