

Criminal Law News

online



THOMSON REUTERS

Contents -

ISSUE No 60 OCTOBER 2013

Climate change now accepted as reason for floods pgs 2-5

The UK police today pg 7

- Chief Editor: Sally Ramage, Member of the Chartered Institute of Journalists; Society of Editors and Society of Legal Scholars, UK.
- Consultant Editors: Dr Nicholas Ryder, Reader in Law, Head of Commercial Law Research Unit, University of the West of England, UK.
David Selfe, Director, Law School, Liverpool John Moores University, UK.
Joanne Clough, Solicitor and Senior Lecturer at Northumbria Law School, Newcastle-Upon-Tyne, UK.
Roderick Ramage, Consultant Solicitor at Weightmans, LLP
Edward S. A. Wheeler, Principal Desktop IT Manager, Medway Council, UK.
- Design: David. E. Tonkinson, Designer and Online Editor, Poole, UK.

Climate change now accepted as reason for floods globally

Sally Ramage

Global floods in recent years

Extreme rain, storms and tides have combined to overwhelm UK flood defences – but defences can only ever be a backstop. Stuart Watson explores how public agencies could work together to minimise the danger of floods. As the flood waters continued to rise through the beginning of February, so did the importance of flood risk management as a political issue. The growing sense that a national crisis was taking place drew princes, politicians and platoons of soldiers to the inundated Somerset Levels. The catastrophic floods of 2007, 2012 and 2014 seem likely to be the result of climate change, according to the Met Office, and represent an emerging pattern. Floods are becoming more frequent and severe. Flood defences can protect only a limited number of houses, and for a limited period. For they are just part of the picture: overall water management needs to improve if the severity and duration of flooding is to be reduced.

Committee on Climate change under the UK Climate Change Act 2008

A policy note released in January 2014 by the adaptation sub-committee of the Committee on Climate Change, an independent statutory body established under the 2008 Climate Change Act to advise the government, concluded that the high return-on-investment threshold means that worthwhile projects are not being funded. It concluded that an extra £3bn in avoidable flood damages is to be expected in future years because spending this period is half a billion pounds behind the identified need.

Solution to floods?

Meanwhile, debate is still steaming as to the best ways to mitigate the problems, raising many policy issues. Should the rivers have been dredged more frequently, or is it counter-productive? Is the formula for allocating flood defence spending producing the best outcomes? Is building on flood plains worsening the problem?

Many of these topics have already been considered in depth by civil servants and legislators. The Pitt Review that followed the 2007 floods – which inundated 65,000 homes – called for above-inflation increases in spending on flood resilience measures. The Flood and Water Management Act 2010, which was passed in the wash-up at the end of the last Parliament, mandated the creation of a national flood risk strategy. The Water Bill currently being considered by the House of Lords also has provisions relating to flooding, particularly in the area of flood risk insurance. Yet we've been experiencing a string of wet winters, leading to more floods – and more debate on these questions.

Normal rivers maintenance

Dredging a river is the scooping up sediment from river beds to create a clearer channel. The refusal to dredge rivers in the United Kingdom appears to be due to conclusions reached due to environmental concerns and the non-dredging of UK river beds became policy, even though it appears to have worsened the floods. Environmentalists believe that dredging is almost always a mistake because it causes rivers to flow faster to the next pinch point – often in an urban area – where they then flood. An academic, a university lecturer in Hydrology at the University of Reading, England, told reporters that dredging speeds up the flow of water, moving the problem downstream to cause flooding in more heavily populated areas. The speeded-up water also has more energy so that it erodes the river banks and causes damage to

structures like bridges and culverts. A contrary argument is put up by the chair of the Environment, Food and Rural Affairs (EFRA) Select Committee, whose opinion is that dredging and maintenance of water courses has an important role to play in flood prevention when combined with natural upstream flood defences. She told reporters that the UK Coalition Government has recently allowed seven pilot schemes in which landowners carry out dredging themselves. The head of policy at the National Farmers Union, explained to reporters that landowners in Somerset do not argue that the dredging would have stopped flooding, but they argue that dredging will allow the water to be cleared away quickly. So he feels that dredging is an important part of the solution, but it is not the only solution. The Environment Agency ('EA') has powers to carry out maintenance work on main rivers and the coast, and maintenance work is prioritized according to flood risk. Whilst the EA's maintenance budget for 2010-11 was £100million, the government decided to lower this budget to £60.7 million in 2014-15 and this means reduced funding for maintenance of flood defences and watercourses.

Multi-agency approach

Agencies responsible for stopping flood risk in the UK are (DEFRA)¹ and ('EA') together with County and District Councils who indirectly are concerned because they are responsible for managing smaller rivers and streams. Additionally, the Highway Authorities and Water and Sewerage Companies manage the risks presented by and to their own infrastructure, as are internal drainage boards which are independent public bodies responsible for water level management in low-lying areas. This shows that the various bodies are liable for floods in

¹ DEFRA has created local partnerships, which seek to coordinate work across almost all areas of the 87 interconnected bodies of water in England. Such a catchment area approach requires not only flood defences to protect homes downstream, but projects upstream to slow down the water and reduce the likelihood of flooding.

different ways. It is therefore obvious that these bodies must coordinate and be accountable and transparent for their actions. Indeed, in an interview with CSW, EA chief executive suggested in December that plenty of value-for-money flood defence schemes were not eligible for government funds.

UK building regulations

A policy area which has a significant impact on flood risk is national planning policy which should prevent development on flood plains without extensive mitigation work. The EA is a statutory consultee on all planning applications: the government claims its advice is followed on 99% of occasions. The EFRA Committee has also expressed reservations about the barriers to development in the flood plain. Policy also mandates the provision of Sustainable Urban Drainage Systems ('SUDS'), which are designed to let water falling on urban areas drain slowly into the ground rather than running straight into drains or rivers.

Contingency plans

Climate change is the matter at issue and if such floods continue annually, there will be major problems to be faced. There is no national plan on climate change adaptation, by way of moving populations away from risk; deciding whether to flood-defend agricultural land for food security or which is the best flood defence for infrastructure.

Bibliography

Aaron Cosbey and Richard Tarasofsky (2007) *Climate change, competitiveness and trade*, London: Royal Institute of International Affairs.

UK Climate Change and Sustainable Energy Act 2006.

UK Police today

Crime continues to fall, statistics appear to show, and police spokespersons tell us that this reflects the dedication of this country's 150,000 police and community support officers and the work of Home Office staff. The UK police have had a good track record of preventing terrorist attacks. The Home Office eventually deported Abu Qatada is under worldwide embargo by the United Nations ('UN') Security Council Committee (The UN sanctions regime was first established by resolution 1267 (1999) on 15 October 1999, modified and strengthened by subsequent resolutions). The police plan to complete the streamlining of their operational systems by the year 2020. Perhaps by the time after they have succeeded in streamlining their systems, they will be able to tackle high-tech crimes, performed across country boundaries, some of which are listed below:

*A hacker group infiltrated telephone computers to perform their own illegal hackings. They also compromised active police cases by revealing telephone numbers that are identified in the telephone computers police were investigating.

*Hackers defaced United States government websites, including those of the Department of Justice.

* A virus was unleashed in the Internet. The virus infected thousands of corporate emails worldwide, resulting in millions of pounds of damages.

* A virus was unleashed in the Internet. The virus infected millions of computers and cost billions of pounds of economic losses.



Registered as a Newspaper at the Post Office. © SALLY RAMAGE® 2013. All Rights Reserved. No part of this publication may be reproduced in any material form including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this publication) without the written permission of the copyright holder except in accordance with the provisions of the Copyright, Design and Patents Act 1988 or under the terms of a license issued by the Copyright Licensing Agency, Saffron House, 6-10 Kirby Street, London, England EC1N 8TS. Application for the copyright owner's written permission to reproduce any part of this publication should be addressed to the publisher. Warning: the doing of an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution. Printed and published by Sally Ramage®, Cope hale, Coppenhall, Stafford, ST18 9BW, UK. ISSN 1758-843X.