



18 May 2020

[www.water.org.uk](http://www.water.org.uk)

# Efra Committee call for evidence on Flooding

## Water UK

Water UK is the representative body and policy organisation for all water and wastewater service providers. Our vision is of a water sector that provides customers and communities with world-class services and enhances the UK's quality of life. Our sector is integral to the protection and enhancement of the UK's rivers and seas and the habitats around them. We invest over £1 billion every year on environmental improvements, including a programme over the next five years to enhance 7,500 miles of river. This is a vital part of ensuring the safe and sustainable supply of clean water for our customers.

We welcome the opportunity to respond to the Committee's call for evidence. The case for improving long-term resilience to drought and floods is compelling, not only for its direct benefits, but also because deferring investment increases the cost to customers.

### **1. Are the current national and local governance and co-ordination arrangements for flood and coastal risk management in England effective?**

We recognise that drainage and flood management is a shared responsibility that requires co-ordinated action across a range of organisations, and that water companies have a part to play.

It is for this reason that we worked collaboratively with other organisations with responsibilities and interests in this area to develop a new framework for the planning of drainage and wastewater services, Drainage and Wastewater Management Plans.

The Government has recognised the importance of this new approach by including Environment Bill measures to put these on a statutory basis, but we were disappointed that the Bill's current draft only places obligations on water companies to do something they are in fact already doing - rather than establishing a real and robust framework for genuinely integrated, long-term planning between different parties.

This does not reflect the scale of the challenge from climate change, or that drainage is a shared responsibility, with other organisations also responsible for managing surface water. It misses an

important opportunity to oblige those with responsibility for surface flooding to plan for it properly and holistically. It also foregoes the opportunity to strengthen the coordination of action across organisations.

As a minimum, there should be a statutory duty for all drainage risk management authorities to co-operate in the production of Drainage and 'Wastewater' (not just 'Sewage') Management Plans, as we noted in [a series of recommendations](#) for Second Reading of the Environment Bill.

While water companies will lead the production of DWMPs (Drainage and Wastewater Management Plans) - and are already committing significant resources in carrying out this role - it is a fundamental feature of drainage and wastewater planning that water companies cannot do this in isolation, because drainage is shared with other 'Risk Management Authorities' (RMAs) as defined in the Flood and Water Management Act 2010.

There are, for example, large numbers of drainage assets that are not under the ownership of water companies, the management of which needs to be integrated into DWMPs. This has already been recognised by the National Infrastructure Commission in their recommendation that 'water companies and local authorities should work together to publish joint plans to manage surface water flood risk by 2022.'

As a minimum, all other risk management authorities should have a duty to co-operate in the production of DWMPs and be statutory consultees for DWMPs. We are encouraged by recent discussions with Defra which suggest this point is increasingly being recognised, and that Defra is considering ways in which it could be given statutory force, for example by expanding the definition of 'flood risk management function' in section 4 of the Flood and Water Management Act 2010.

We encourage the Committee to press for this, and we also suggest that it would be helpful for Regional Flood and Coastal Committees to be statutory consultees for DWMPs. To do otherwise would leave a heightened risk of surface flooding.

## **2. What lessons can be learned from the recent floods about the way Government and local authorities respond to flooding events?**

As a national policy organisation, we believe that other organisations with direct experience of the recent flooding are better placed to provide views here.

## **3. Given the challenge posed by climate change, what should be the Government's aims and priorities in national flood risk policy, and what level of investment will be required in future in order to achieve this?**

We supported the overall direction of the draft national FCERM strategy in moving from a narrow focus on protection to a broader concept of resilience, and we await with interest the delayed publication of the final national strategy. The journey set out in the draft strategy is similar to that taken by the water

industry over recent years, with resilience having been embedded through the statutory duty introduced by the Water Act 2014 and being a central theme for the 2019 Price Review.

We also support the ambition of a holistic approach to flood resilience across a wide range of sectors, and this should provide clarity in the face of natural processes like flooding from rivers and coastal change – and the impact of climate change and population growth. We will as a society need to consider a wider range of options than in the past, and this will inevitably involve making what may be difficult choices. Wherever possible, our view is that we should accept and work with natural processes, through natural flood management, good land management, temporary flood storage areas and sustainable drainage systems.

It is inevitable that significant, and sustained, investment in managing and mitigating flood risk will be required, and it would seem likely that levels of investment will need to increase. Whatever the level of investment, a long-term approach is required to address this long-term challenge, with commitment to multi-year, and maybe in some cases multi-decade, programmes of investment combining both public and private sources of funding to maximise the benefits to communities and the country.

#### **4. How can communities most effectively be involved, and supported, in the policies and decisions that affect them?**

It is crucial that communities are effectively involved in policies and decisions that affect them, and where possible co-create solutions rather than have them imposed. In establishing, with stakeholders, a new approach to the planning of drainage and wastewater services, we have made this principle a central part of the approach.

It is a fundamental feature of Drainage and Wastewater Management Plans (DWMPs), for example, that water companies cannot do this in isolation, because drainage is a shared responsibility - notably with other RMAs as defined in Flood and Water Management Act 2010.

The Drainage and Wastewater Management Plan framework has been specifically designed with facilitating this co-creation in mind, with plans developed at different geographical levels to suit the needs of local, regional and national stakeholders. Water companies would particularly welcome early engagement with local and regional stakeholders – especially other risk management authorities – to provide greater opportunities for the co-creation, and potentially co-funding, of solutions that meet multiple objectives.

In addition, water companies would wish to consult with other local and regional stakeholders, such as consumer and environmental organisations and community interest groups, who have an interest. More broadly, the Environment Bill includes a framework for Local Nature Recovery Strategies, however there are currently 37 existing spatial instruments that could apply in any one area. Joining these up presents an opportunity to get better value for the environment through delivery of multiple benefits and area-based priorities, including flood risk management. A clear and coherent framework for local delivery of targets, including planning and partnership, would enable these priorities to be delivered in an effective way.

## **5. With increasing focus on natural flood management measures, how should future agricultural and environmental policies be focussed and integrated with the Government's wider approach to flood risk?**

The Environment Bill integrates all aspects of the local environment, including water, air, soil, floods and resource efficiency, into a single framework. Water companies already work closely with landowners, farmers and local authorities through catchment partnerships, engaging at a local level to deliver integrated actions and address local priorities in a cost-effective way. Future policies should enable and encourage a blend of private and public money into the same piece of land to deliver multiple benefits including: Environmental Land Management Schemes (ELMS), EA flood investment and WINEP. There is a good opportunity to start testing in some catchments now. That would help design a better approach to establishing local priorities and opportunities to enable the new ELMS system to contribute effectively to catchment scale improvements – such as through tree planting, river and wetland restoration, changes in agricultural practices and SuDS – to deliver multiple benefits including flood risk management.

## **6. How can housing and other development be made more resilient to flooding, and what role can be played by measures such as insurance, sustainable drainage and planning policy?**

Increasingly, the answer is ensuring that, as far as possible, rainwater is kept out of the sewerage system, particularly through the use of “sustainable” drainage systems (SuDS) that allow much more rainwater to be absorbed by the ground through natural features, such as ponds and swales, rather than flowing into the piped sewer network. The value of this approach has been recognised for years and is a key requirement of the planning system, although we note below a suggestion as to how implementation of this approach could be improved.

However, as originally identified in the 2008 Pitt report, the biggest single brake on progress has been the lack of anyone stepping up to take responsibility for the long-term maintenance of these new sustainable drainage systems.

The development by the water companies of a new approach to the adoption of SuDS which can be regarded as sewers under the Water Industry Act 1991 is expected to help resolve the question of maintenance by ensuring that in many cases, this can be carried out on an enduring basis by a water and sewerage company.

However, despite this change in approach, it remains the case that developers are not obliged to offer SuDS for adoption and the mandatory adoption regime foreseen by S42 of the FWMA 2010 has not been brought into force. We consider that the balance has swung decisively in favour of implementation of mandatory adoption and that the benefits will outweigh the potential costs of such an approach.

We also recommend that the approach previously proposed in order to allow a holistic approach to surface water management, namely, the creation of SuDS Adoption Bodies be revived. The legislation in

Schedule 3 of the 2010 legislation has not yet been brought into force in England - although it has in Wales - and while the detail would need to be reconsidered, the scheme of the legislation is still seen by our members to be the right approach for the country.

Schedule 3 was rightly linked to a new provision which would have prevented developers from having a more or less absolute right to connect new development to the existing sewerage network, regardless of the risks of that connection contributing to flood risk. The existence of such a right, as a matter of law, contradicts the policy aim of encouraging the use of sustainable systems. If the developer demonstrates that it is unable to meet the requirements of the drainage hierarchy, for example, there is no impediment to its use of the sewerage system for the drainage of surface water.

In relation to the planning system, despite the policy guidance, we consider that the implementation of SuDS could be improved if greater emphasis were placed on such solutions at the strategic land use planning stage known as SHLAA (Strategic Housing Land Availability Assessment). Our experience is that dealing with the issue as a condition of planning is very likely to lead to a surface water connection request to an existing piped system. It would in our view be preferable if a strategy to avoid any increase in the risk of flooding could be discounted at the strategic land use stage.

Peter Jenkins

[pjenkins@water.org.uk](mailto:pjenkins@water.org.uk)