

CONSULTATION ON IMPROVING SURFACE WATER DRAINAGE

Response by Wildlife and Countryside Link

April 2008

1.0 Background

Wildlife and Countryside Link (Link) brings together 40 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practice and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link welcomes this initiative to tackle long-standing obstacles to sustainable surface water drainage. The flooding of 2007 in urban areas such as Hull brought the need for more holistic approaches to surface water drainage into sharp focus, and the long overdue action prompted by Defra's *'Future Water'* strategy must now be sufficiently rigorous to make up for lost time in addressing this issue.

It is now urgent that strong measures to implement a broad uptake of Sustainable Urban Drainage (SUDS) in new developments are integrated into the planning process nationwide, in light of the Government's proposals for the new 'Eco-town' developments. This response is supported by the following 10 member organisations;

- Anglers' Conservation Association
- Association of Rivers Trusts
- Buglife – The Invertebrate Conservation Trust
- Campaign to Protect Rural England (CPRE)
- Froglife
- Pond Conservation
- Royal Society for the Protection of Birds (RSPB)
- Wildfowl & Wetland Trust (WWT)
- The Wildlife Trusts
- WWF – UK

2.0 Surface Water Management Plans

Link strongly supports the proposals for the development of Surface Water Management Plans (SWMPs) as a forum for the various organisations involved to reach a common strategy for managing sustainable water drainage (SWD). As strategic flood risk management (FRM) documents, these plans should be co-ordinated by Local Authorities due to their position as FRM Operating Authorities with the most appropriate expertise to co-ordinate delivery. This also corresponds to the strong role identified for Local Authorities identified in the Interim Report of the Pitt Review of 2007's floods, and avoids

the more partisan remits of other potential co-ordinators such as Water Companies or Internal Drainage Boards.

However, if SWMPs are to be successfully adopted by Local Authorities instead of being regarded as an extra layer of bureaucracy, their position within the planning system must be made clear and strong guidance provided by the Environment Agency as to their drafting. Agency oversight of SWMP development and delivery should be an important aspect of their evolving Strategic Overview role for inland flooding. Their development must also be accompanied by the necessary funding and capacity-building for Authorities to develop expertise and arbitrate decisions in the drawing up of SWMPs. This, along with data-sharing to inform the Plans, could be a key role for Water Companies.

SWMPs should not be limited to Critical Drainage Areas as identified in Catchment Flood Management Plans and Strategic Flood Risk Appraisals (SFRA). The quality of SFRAs across England is highly variable and, whilst this should improve with time, the criteria used to trigger development of a SWMP will vary between Authorities.

Also, whilst this consultation inevitably has an urban focus, SWD is not simply an urban issue; surface water management may not be regarded as significant in one administrative area, but may impact upon other areas 'downstream'. It is likely that SWMPs will require cross-boundary working between Authorities, and all Authorities should therefore incorporate surface water management considerations into their planning approach even if it is not critical to that particular area.

SWMPs will be one of the mechanisms for delivering the Flood Risk Management Plans required by the EU Floods Directive. It will also be one of a suite of tools to deliver the water quality objectives of the Water Framework Directive (WFD). The legal driver to tackle non-agricultural diffuse pollution in Water Bodies by 2015 should prompt ambition in the approach to sustainable SWD in SWMPs, which should be monitored by the Environment Agency as Competent Authority for delivering the WFD's requirements in the UK.

Coupled with the universal relevance of sustainable SWD, this legal imperative also suggests a mandatory status for SWMPs. However, the use of suitable incentives to encourage 'best practice' in their delivery should further encourage the development of quality plans that do not simply 'tick boxes'. As strategic FRM documents, they should also aim to contribute to the targets set out in Defra's 'Outcome Measures' of sustainable FRM as set out in *Making Space for Water* where appropriate.

The potential multiple benefits to be derived from sustainable SWD approaches must be an explicit component shaping SWMPs and their delivery on the ground. Currently paragraph 2.66, and the consultation document generally, makes little explicit reference to the biodiversity, amenity, educational, community regeneration and water quality benefits that should be factored into the cost-effectiveness appraisal of any measures in a SWMP.

These benefits will often be difficult to quantify in monetary terms and may require time to manifest themselves despite the initial financial outlay required. It will therefore be essential for SWMPs to include measures to raise public awareness about different

approaches being taken, and to involve the public at a suitable level in order to help them appreciate the long-term benefits of SUDS.

We are particularly concerned that the principles of PPS25 are not being sufficiently adhered to by planning authorities or developers, and that 'Vulnerable' developments are still going ahead in high risk areas. New approaches to SWD will not solve the issue of increased net flood risk in a catchment caused by inappropriate development.

3.0 Sustainable Drainage Systems (SUDS)

Link strongly welcomes the move to address the adoption and maintenance issues that have proved a barrier to widespread use of SUDS.

3.1 Property-level SUDS

Property owners should be responsible for property-level SUDS such as water butts and maintenance of permeable paving or roofing. It is anticipated that this will not prove to be a large financial burden on property owners, and will be an opportunity to actively engage them with an important urban issue that impacts upon the whole community. It will be difficult to regulate the upkeep of these property-level measures but requirements in the Buildings Regulations, changes to permitted development rights, and other incentives such as including drainage details in Home Information Packs, would most likely suffice to ensure their maintenance in most cases.

Extensive awareness raising would also be needed to increase general understanding of the importance of property-level SUDS as well as individual responsibility for management, and to encourage the creation of SUDS on existing properties. With a communication network already established within their local communities, Local Authorities would be the best agency to promote this issue.

3.2 Community-level SUDS

Link advocates the adoption and maintenance of community-level SUDS by Local Authorities for reasons provided below:

- Local Authorities have a wide remit to communities, local economy and the environment. These include Local Biodiversity Action Plan targets that could be delivered in part by imaginative SUDS schemes where biodiversity (as well as public amenity) is 'designed in' from the start – whether directly within the SUDS components themselves, or indirectly by requiring a high standard of SUDS to prevent downstream damage (e.g. from diffuse pollution) to locally important habitats. SUDS that are managed and created in a manner that is sympathetic to wildlife as well as water drainage, help to create aesthetic community areas which deliver numerous benefits for both communities and biodiversity.
- Community-level SUDS require maintenance in perpetuity; Local Authorities would be better able to achieve this as part of their broader remit to maintain public open spaces, even if the land use were to change and the SUDS system become obsolete as a public 'sewer'.

- Local Authorities do not operate within a commercial framework as water companies do, and have to meet key Government targets including those set for delivery of *Making Space for Water*. Adoption and maintenance of SUDS by a commercial outfit could lead to the prioritisation of schemes that met the demands of the water customer in the cheapest/easiest way, rather than aiming for wider benefits to wildlife and the community.
- Although subject to controls on public spending, Local Authorities would not require significant funds for capital works as these are largely undertaken by the developer. Funding would have to be made available to Authorities for scheme assessment and ongoing maintenance only.
- Local Authorities are more democratically accountable and have a greater public interface than other potential delivery agents, making community involvement in SUDS development more achievable and likely and public awareness of the environmental benefits of SUDS more widespread.
- Although not essential, it would be logical for the co-ordinating body for SWMP development to also have the ultimate responsibility for the adoption and maintenance of SUDS, even if the ground work were to be delegated, for instance to a water company. If Local Authorities were to lead the SWMP process, this would build capacity that could also be applied to a lead role in SUDS ownership. Safeguards would be needed to ensure that the Authority co-ordinating the strategic SWMP did not purposefully 'set the bar too low' on SUDS development in a given area in order to rationalise its adoption duties in the long term. This could be achieved through the adoption of a sequential and exception test in the style set out in PPS25, whereby the onus would be on the planning authority to opt for the most sustainable multiple-benefit option unless specific circumstances prevented this.

Link welcomes the inclusion of good practice principles in Paragraph 3.57, in particular (iv) regarding 'retro-fitting' SUDS, as many of the SWD issues exist in already built development. There will need to be a strategy within SWMPs to target retro-fitting where cost-effective, to avoid repeated 'intra-urban flooding'. The new Community Infrastructure Levy could be used as a mechanism to pay for this.

It is important that SUDS are not seen as an inhibitor to development, and that flexibility is built into the delivery, adoption and maintenance system as suggested in Question 37. SUDS may be interpreted widely as 'the most sustainable option' in a given area, and need not imply extensive options that encourage 'greenfield' development because of issues of space and land value.

It is important that SUDS is a 'way of thinking' that is adopted by Local Authorities as co-ordinators of SWMPs - it should not be defined so prescriptively as to put developers, Authorities and other stakeholders off developing them in the first place.