

Blueprint for Water coalition response to Defra's consultation on Delivering Sustainable Drainage Systems

1. Introduction

The Blueprint for Water coalition is a unique coalition of environmental, water efficiency, fishing and angling organisations which call on the Government and its agencies to set out the necessary steps to achieve “sustainable water” by 2015. The Blueprint for Water is a campaign of Wildlife and Countryside Link. More information is available at www.blueprintforwater.org.uk.

2. General Comments

We can think of no sound reason for these proposals, which would override and weaken an Act of Parliament. Over time, the system proposed would lead to substantially higher flood risk in many parts of England.

Sustainable drainage systems exist to prevent new development from increasing flood risk, and as such should be a required part of any new development. This is the basis for Schedule 3 of the Flood and Water Management Act (2010 - FWMA), which requires government to ensure adequate SuDS on all new development, and which this consultation proposes to breach in several important ways.

A proposal that would place a nebulous duty on planning authorities – rather than flood management authorities, as required by the FWMA – to consider SuDS, but only for large developments and only when they are cheaper for the developer than old-fashioned systems, will be ineffectual and damaging. We strongly object to the Act being watered down in this way.

3. The Need for SuDS

Our sewers are already suffering from over capacity leading to surface water flooding and pollution events and these will only increase with development, increased urbanisation and climate change unless more sustainable solutions are sought. Over 100,000 houses a year have been built since the FWMA and there is ever increasing demand. Over 4 million properties are at risk of surface water flooding. The status quo is no longer an option; SuDS need to be incorporated into all major and minor developments.

SuDS are valuable not only to mitigate surface water flooding but for the many other public benefits they provide if designed and managed appropriately. These public benefits should be maximised and include valuable green space in urban environments bringing well-being and leisure benefits, amenity and outdoor learning experiences, additional property values, improved water quality, enhanced biodiversity and habitat connectivity. Such benefits could be lost if the Government's policy on SuDS does not fully take these benefits into account during decision making.

If designed and managed appropriately, SuDS can help deliver a number of Government objectives in addition to those around surface water flooding, such as the Water Framework Directive, Biodiversity 2020, local green space priorities, priorities within the England Public Health strategy, the Bathing Waters Directive and the Shellfish Directive. However, the underlying Government policy on SuDS needs to be ambitious and clear.

4. Meeting the aspirations of the Pitt Review and parliament

We do not agree with the necessity to change the proposals laid out in the FWMA, which should be enacted without delay. The current consultation simply confuses the course of action previously laid out and delays necessary action on SuDS even further. The FWMA 2009 impact assessment states that *“the preferred option (option 2) in this impact assessment is supported by the majority of respondents to the Future Water consultation and is consistent with the Pitt review recommendations. This option gives Upper Tier Authorities the lead responsibility for coordinating local flood risk management”*¹. Given this consensus, we do not understand the need to make changes to what is laid out within the Act. The current consultation does not set out the rationale for change and as such we do not support the proposals within the consultation.

We would like to see a revised impact assessment for the proposals made in the consultation as opposed to those made in the FWMA (the latter of which shows clear benefits for the proposals put forward in the FWMA) and evidence supporting the changes proposed in this current consultation.

With respect to cost benefit we do not believe that this consultation adequately looks at the ways that SuDS can be maximised for multiple benefits. By omitting reference to the social and environmental aspects of sustainable development within this consultation and the draft standards, Defra fails to provide a lead and guidance towards sustainable development as laid out in the Government sustainability strategy². In addition the National Planning Policy Framework³ states that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. We seek a requirement that the SuDS regulating body considers the multiple benefits of SuDS when assessing development, maintenance and SuDS design. We believe that the National Standards have been considerably watered down from the original proposals, which covered water quality, amenity and biodiversity as well as quantity and that their incorporation into planning guidance will further weaken the proposals originally laid out in the FWMA. Critically, we are concerned that the standards will no longer be statutory; their application will be at the discretion of local planning authorities and can only be enforced through conditions on planning permissions. This has considerable potential, due to limited resources and expertise, to result in sub-standard SuDS which do not deliver maximum benefit to people and society. We believe that SuDS standards should be statutory and enforceable.

5. Specific comments

Our comments on key specific aspects of the proposals are as follows:

- We are concerned that short-term financial savings are being put above the public interest:
- For example requiring SuDS designs to be cost beneficial will result in less adoption of SuDS or SuDS designs which do not maximise benefits to the extent they could. This will increase flood risk near new development, and will not assist local authorities in achieving other priorities and targets.
- It is estimated that the costs to the water industry of increasing the capacity of drainage and storm water management systems using traditional drainage systems to cope with climate

¹ DEFRA (2009) Flood and Water Management Bill Impact Assessment - Local Flood Risk Management and the increased use of Sustainable Drainage systems

² HM Government (2005) UK Government Sustainable Development Strategy
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69412/pb10589-securing-the-future-050307.pdf

³ Department for Communities and Local Government (2012) National Planning Policy Framework
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

change could be about £1 billion per year⁴. The impact assessment for the commencement of the Flood and Water Management Act 2010, Schedule 3 for Sustainable Drainage estimates that savings up to £10.4 billion can be made through not making new sewage connections⁵. By omitting minor developments there will be a significant cost to water companies which will be reflected in customer charges.

- As one example of the many multiple benefits that this proposal overlooks, the benefits of SuDS in reducing the urban heat island effect do not appear to be considered. The FWMA impact assessment for commencement of Schedule 3 states that this benefit may be more relevant to options that include minor urban development⁵.
- The hierarchy for whether development implements SuDS will be open to mismanagement, especially as there are not the resources to provide sufficient expertise around SuDS design (given increasing local authority, Environment Agency and Natural England cuts). This could result in developments not providing the most cost effective designs and consequently reverting to the status quo of connecting to the sewerage system – including overlooking partial SuDS solutions, covering some but not all of a development. This would not only result in further surface water flooding but would also reduce the benefits proposed in the FWMA impact assessment.
- Regarding costs and benefits, we feel the statement that the cost of maintaining sustainable drainage systems should not add to household bills or when paid for upfront to the costs of building and buying a new home is misguided. Monetary benefits from implementing SuDS can include an increase in house prices due to increased amenity value, a decrease in water charges due to the disconnect of surface water and a decrease in insurance premium due to reduced probability of surface water flooding. With these benefits in mind we do not think it unreasonable for there to be a small cost for SuDS maintenance, especially as well-designed SuDS can be no more expensive than other landscaping. We also believe that there needs to be increased transparency and awareness raising around such costs and benefits so that people understand the benefits they are receiving. This will help towards a willingness to pay for maintenance.
- We are concerned at the proposal to give control of establishing maintenance to developers. We believe that this will most likely result in maintenance being assigned to the lowest bidder. This will be unlikely to maximise multiple benefits and therefore public good and could result in sub-standard maintenance depending on the site, especially given the lack of definition around what is meant by “minimum level of effectiveness”. As such we do not believe that the proposals within the consultation will deliver sustainable drainage that will be sufficiently maintained. We believe that the responsibility to decide on appropriate maintenance rightly lies with the unitary authority as laid out in the FWMA.
- Minor developments play their part in adding to the load at sewage treatment works and to the risk of surface water flooding. The risk assessment in the 2011 consultation concluded that SuDS should be required in both major and minor development and responses to this consultation were said to be “varied”. It has not been explained within the consultation as to why the proposal to derogate minor developments from the requirement to implement SuDS has been put forward, nor the cost benefits of doing so. Minor developments account for 29

⁴ Environment Agency (2007) Cost Benefit of SuDS retrofit in urban areas, Science report SC060024 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290993/schoo408bnxz-e.pdf

⁵ DEFRA (2011) Commencement of the Flood and Water Management Act 2010, schedule 3 for Sustainable Drainage – impact assessment https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82428/suds-consult-annexf-ia-111220.pdf

per cent of new buildings (approximately 41500 new buildings in 2012)⁶; this has considerable implications for surface water flooding and for the capacity of our drainage and sewerage system to cope. New development can also increase indirect flood risk in locations beyond the development site simply by increasing the amount of run-off from the developed area. In addition, if minor developments are excluded, then the removal of the automatic right to connect surface water drainage of new developments to the sewerage system as laid out in the FWMA, is negated. This condition must remain and must be enacted.

- We believe that unitary authorities should retain ownership of SuDS, with the ability to choose the most effective management for a site and to be able to enforce management through contractual arrangements. They have a remit to consider wider benefits and are more able to access the necessary expertise.

6. Conclusion

This delay to enacting widespread inclusion of SuDS into new development is costly to people, to the environment and to business. We believe that these proposals do nothing to improve the current legislation and have the potential to significantly weaken outcomes and with no explanation as to the benefits or reasons for the proposals.

We are disappointed at the continued lack of action around retrofitting SuDS. We believe there is a need for a national action plan and that there is no reason to delay. This is supported by the Environment Agency science report on the cost-benefit of SUDS retrofit in urban areas⁴. We would also like to see progress towards implementing SuDS in non-residential builds which take up a lot more land compared with residential builds and can impact on surface water flooding in nearby or downstream residential areas.

We would welcome the opportunity to meet to discuss these issues further and we are keen to be kept informed about progress with implementing schedule 3 of the flood and water management act (2010).

This response is supported by the following nine organisations:

- Angling Trust
- Buglife
- National Trust
- The Rivers Trust
- The Royal Society for the Protection of Birds
- The Wildlife Trusts
- The Woodland Trust
- Salmon & Trout Association
- Wildfowl & Wetlands Trust

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⁶ Defra (2013) Biodiversity offsetting in England green paper, p15
https://consult.defra.gov.uk/biodiversity/offsetting/supporting_documents/20130903Biodiversity%20offsetting%20green%20paper.pdf