

Notes on Draft Flood and Water Management Bill

The Draft Flood and Water Management Bill will apply to new surface water drainage from buildings and roads in England and Wales. It takes on board many of the proposals of the Pitt Review into 2007 flooding events and the Government's Water Strategy for England.

SUDS

From 2011, SUDS will need to be included in new developments "where practicable". In particular, the draft Bill states that: "In new developments, permeable paving, swales or French drains should take the place of traditional impermeable roads and pavements draining to sewers." The Bill will replace current arrangements for approval, construction and maintenance of conventional piped drainage with similar procedures for SUDS.

In addition, highway authority drainage must also comply with National Standards to be developed by 2011 in conjunction with stakeholders –recognising that roads add considerably to impermeable areas and drainage loads.

By 2011, an approval system for new developments and roads will also be set up, in line with the Standards, and a new role of "SUDS Approving Body" (SAB) established. Unitary and county authorities will be required to act as SABs and to maintain and adopt all new SUDS schemes, except on single properties. Developers will also have to demonstrate compliance with Standards and pay SABs a financial bond, as with current regimes. Approval will be required before development commences – effectively as part of the planning process, with full involvement of all stakeholders.

The new national standards will provide the basis for approval, adoption and connection to the public sewer, and the SABs will be required to adopt and maintain the majority of surface water drainage systems within the public realm.

The Government is also proposing that developers be required, in some cases, to deposit a financial bond with the SAB, pending satisfactory completion of a SUDS project.

The requirement for SUDS will be enforced by planning conditions, requiring execution in accordance with approved plans. As part of the new legislation, the right to connect to public sewers will be required.

There will be no additional funding for SUDS maintenance, but from April 2011, local authorities are expected to benefit from savings arising from the transfer of private sewers to the sewage companies. Local authority funds released by transfer of private sewers, together with savings from better flood-risk management, are expected to 'more than cover' the additional activities that local authorities will be required to perform. However, long-term costs beyond 10 years would need to be considered as part of future spending reviews.

Early feedback from the local authorities is that the £15M so far promised by Environment Secretary, to establish local authority flood engineers will be insufficient. Building the adequate technical knowledge and engineering expertise is going to take

time, recruitment, practical guidance – and a significant amount of education about the nature of SUDS. There is currently one Foundation degree available at UWE. The new national standards will need to cover both soft and hard engineering storage and treatment technologies to be used, as appropriate, to deal with polluted stormwater runoff and to slow flood waters down before they enter the sewers.

Mapping

Local authorities will be given new powers to enable them to take the lead on local flood risk management. County and unitary authorities will have responsibility for local assessment, mapping and planning in relation to ordinary watercourses, surface run-off and ground water; they will also lead the production of local surface water management plans (SWMPs) and associated programmes of work. Mapping of local flood risk management assets will be required, as will co-operation and sharing of information between third party organisations such as water companies and emergency services.

Surface water management plans (SWMPs) are designed to form a framework through which local partners with responsibility for surface water and drainage work together to understand the causes of surface water flooding and agree which risks are the most pressing and a programme of work to provide protection to local communities and businesses.

Their new responsibilities will not be reinforced by a duty or additional central government funding, but a duty will be placed on district councils to comply with local flood-risk management strategies developed by top-tier councils.

Although many of the lead responsibilities outlined in the draft Bill have been placed on local authorities, water and sewerage companies are required to share information and work in partnership with them. The industry will be involved in developing standards to manage the change from the automatic right to connect to sewers for surface water drainage to that of SUDS and, as this will result in less water reaching sewerage treatment works; this will eventually result in a reduced risk of flooding from overflows. The Bill will also introduce new risk based arrangements for reservoir safety.

With a shift in emphasis away from building defences to actual risk management it is essential that those charged with protecting water assets and minimising water stress have access to the most accurate and up to date information available.

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