

Further written evidence submitted by the National Flood Forum (FLO00107)

Neil Parish MP, Chair of Efra Select Committee

16th September 2020

Dear Neil

Better use of local drainage and flood risk evidence in planning

At the select committee meeting on 1st September you asked me for details of how local evidence could be taken in to account more often and more effectively in the planning system. In order to provide a more comprehensive submission we asked communities for their input. This letter is a collection of ideas.

The single biggest complaint from people at risk of flooding is that they are not listened to, either in the planning system, or more widely. In essence, people have been excluded from shaping the places that they live in and power rests with those who have something to gain financially or politically, e.g. local political priorities, developers, local authorities, national departments, etc. Systems and processes might appear to show that this is not the case, such as through consultation arrangements, but the reality is different. You have had a great deal of evidence submitted by flood risk communities where their knowledge has been ignored.

The ideas put forward here will not solve this problem on their own. A reframing of government policy on housing, planning and development to rebalance the power relationships in favour of community evidence would be needed to do that.

Scale is important. Within the context of national planning policy local evidence can contribute at three different levels:

- Catchment/shoreline

- Area - Local Plan/Neighbourhood Plan
- Site

At site level the really detailed local knowledge about a place can be critically important to successfully managing flood risk, so this information needs to be factored in. However, under the current system and the government's proposals, decisions made at the Local Plan stage will often not have included in detailed local knowledge, leading to inappropriate proposals that are impossible to change or mitigate at the development stage.

Often communities become engaged in planning and development far too late in a process when decisions have already been made, such as in developing Local Plans. This is not the fault of communities and individuals, but of the way that people are asked to engage in the processes. Most people are not aware that Local Plans exist or are important.

There is a paradox. It is increasingly important that we plan for the long term, 100 years +, in order that climate change can be taken in to account, but both local evidence and the evidence of the impacts of climate change and the actions that we need to take change dynamically. The planning system needs to change to reflect this dichotomy, to provide certainty and allow for dynamic change. Managing complexity is necessary.

Suggestions for ensuring that local evidence is valued and used

Interactive mapping has developed rapidly over the last few years. In essence, it is now possible for communities with limited technical knowledge and a little support to create an interactive map and publish it on a website. This can contain their knowledge about assets, drainage, risks, past events, opportunities for intervention, riparian and many other issues. It is likely that this would take a number of years to put together for each community and it is extremely unlikely that there would be national coverage, but, it is a way of harnessing evidence and making it public. The National Flood Forum has a methodology that it would like to pilot should funds become available.

Parish and Town Councils, where they are present and should they survive local government reform, could be asked to gather local evidence on local drainage, using an interactive map, or other methods of presentation. Applied to local drainage it could be key to ensuring that local circumstances, knowledge and community involvement are fully reflected. The geographical basis of these plans would invariably mirror the neighbourhood plan boundary, where these plans exist, but would need to reflect sub catchments to ensure

that drainage connections with adjoining areas are picked up. Keeping these plans up to date could be via the statutory mechanism of parish councils but with an obligatory link into flood groups where they exist. Parishes and Town Councils could support this additional role through precept. Consideration would need to be given to whether additional charges would apply to property that has riparian responsibilities. However, in many cases property owners are currently totally unaware that they have a responsibility or what that entails and there is no common database of riparian ownership.

This mechanism is not quite as neat as it seems; there are many areas without Parish and Town Councils and in our experience local councils are sometimes not alive to the flood risks and concerns of residents in their area. However, this would be an opportunity to make progress.

Plan making. Local and Neighbourhood Plans, Strategic Flood Risk Assessments and Master Planning exercises should be required to demonstrate how they have utilised local knowledge about water in their area (assets, drainage, sea level rise, flood and drought risk from all sources and future projections) in their development. This should include factoring in climate change and lead to adaptive approaches in plan making. To make this work Flood Action Groups and other civic groups should become statutory consultees for Local Plans and national guidance should set out in detail how local communities should be involved in providing evidence and participating in shaping their locality alongside modelling and other forms of evidence.

Development. Detailed local conditions in and around a site can really affect how water behaves. This is knowledge that is unlikely to be available to a modeller and is often not available to professionals such as Lead Local Flood Authorities, drainage engineers, Environment Agency or water companies. Developer's should demonstrate how they have used local evidence in developing their Flood Risk Assessments and drainage plans at outline planning permission stage. Detailed national guidance should specify what this involves, including details of what local participation looks like alongside modelling and other forms of evidence. To ensure that this works, regular review processes should establish how effectively local evidence is used and whether the system can be improved.

There are some related issues that, if improved, would significantly increase the chances of local evidence being used effectively.

Sequential and Exception tests are superficial and can easily be circumvented. It is in the interest of the person writing the tests to ensure that development proceeds. If the requirement to undertake the test was moved to the local authority, local political drivers would affect the test outcomes. Therefore, some form of independent body needs to undertake the tests, funded by the development process.

Sustainability test. Flood risk is frequently traded off against other interests. High flood risk from all sources should be non brokerable. This should include taking account of climate change.

Flood Risk Assessments are currently often meaningless, particularly when based solely on desk top modelling, leading to many of the problems that communities face. Improvements are needed:

1. Assessments need to be truly independent
2. Mechanisms need to be in place to specifically capture local evidence, supported by detailed national guidance that includes a requirement to report on how evidence has been collected and used
3. Assessments need to be holistic, going beyond the site boundary to look at what is coming on to the site from upstream and the impact downstream. A catchment based approach is needed.
4. Specifically, assessments and drainage plans should consider water that leaves the site and goes in to an ordinary watercourse (and then perhaps in to a main river) to consider whether this will impact water management investments further up the (main) river catchment. In other words, a new (perhaps small) development in a small catchment could negate major flood risk investments elsewhere on a (main) river catchment
5. Assessments should always cover all sources of water, such as groundwater and surface water flows on to the site, not just static groundwater.
6. The knowledge gained for one development needs to overtly feed in to the collective understanding of drainage in an area. Systems need to be developed to do this and this information needs to be available to communities.

Drainage plans should be required at outline planning stage. Trying to retrofit drainage schemes to a development after layout has been determined causes flood risk problems, especially when development sites are subdivided.

Permitted development poses some of the biggest risks to peoples' lives by placing them at greater flood risk and reducing the options for adaptive solutions. Each element may have little impact, but cumulatively they pose major risks for the future. There are no obvious solutions within the current or proposed frameworks and this challenge needs to be addressed quickly.

Validation of evidence. We are getting sight of examples where communities are being asked for independent validation of their evidence. This is not something that a developer would be asked to do. In other words, it is assumed that evidence submitted by a professional is correct, but that from a community is invalid. It places additional burdens on those who are least able to engage in the system and reinforces the power disparities that already exist.

Complexity. Flood risk management is complex. The skills that LLFAs and drainage engineers need include those around building relationships with communities so that equitable participation conversations can be developed based on trust. There are many examples of good practice, but training is needed to raise standards.

Bond or insurance. Developers walk away from new developments and there is no real comeback for communities should flooding due to the development occur. The consequences for residents on the new developments and on other communities can be extremely serious, including the ability to access insurance, sell a property or move job, as well as long term impacts on health, wellbeing and life chances. This needs to change. Solutions include the use of a bond or insurance, which would have the added benefit of focussing greater attention on the quality of Flood Risk Assessments and drainage plans and the need for local evidence from communities to inform them.

I hope that you find this helpful and do please contact me if you would like to discuss any matters.

Yours sincerely



Paul Cobbing

Chief Executive

