



Representing Drainage Water Level & Flood Risk Management Authorities

Rural Innovation Centre, Avenue H,
Stoneleigh Park, Warwickshire, CV8 2LG
Telephone: +44 (0) 2476 992889
Email: admin@ada.org.uk
Website: www.ada.org.uk
Twitter: @ada_updates

Consultation:	Surface Water Flooding Study: Call for Evidence		
By:	National Infrastructure Commission	Contact:	Ian Moodie, Technical Manager
To:	surfacewater@nic.gov.uk	Tel:	024 76 992889
Date:	20 December 2021	Email:	ian.moodie@ada.org.uk

Surface Water Flooding Study: Call for Evidence

Response by ADA (Association of Drainage Authorities)

About ADA

ADA is the membership organisation for drainage, water level and flood risk management authorities throughout the UK. Today ADA represents over 230 members nationally, including internal drainage boards, regional flood & coastal committees, local authorities and national agencies, as well our associate members who are contractors, consultants and suppliers to the industry.

Our purpose is to champion and campaign for the sustainable delivery of water level management, offering guidance, advice and support to our members across the UK, and informing the public about our members' essential work.

Call for Evidence Questions

Understanding the size of the problem

1. What previous analysis of key surface water flood risks has been undertaken which the Commission should be aware of and could build on?

- Marston Vale Surface water pilot remains a leading example of how to strategically plan for surface water flood risk within largescale development and design in the maintainability of strategic suds features.
- Research is arguably most needed around the detailed consideration of a sustainable local and national taxation/funding model to ensure that surface water management systems are adequately managed and maintained. In ADA's view it is critical that this enables Risk Management Authorities to adopt, manage and maintain SuDS serving multiple properties.

2. Considering the current responsibilities and approach to quantifying and mapping surface water flood risk, what data is available? What areas need to improve? How can this be achieved?



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- There is a need to strengthen the sharing of data between responsible bodies in particular data held by water companies about their assets and systems that may be critical to local risk management authorities.

3. What do you consider to be the key factors contributing to the risk of surface water flooding in urban areas and rural locations? Are there other variations to consider?

- A robust regulatory system for planning and development control that includes SuDS that are sufficient for our changing climate to attenuate runoff and avoid the surcharge of sewerage systems, are designed to be maintained, and enhance the environment. All developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- Ensure the expertise and local knowledge of local risk management authorities (including IDBs) are heard and properly considered within the planning process, especially those responsible for managing flood risk downstream. The planning process should ensure that systems used take account of advice not only from the lead local flood authority, but also the internal drainage board if the development is within an internal drainage district.
- There is a pressing need to clarify the future adoption and allocation of maintenance responsibilities for SuDS. These are the greatest barrier that needs resolving for sustainable drainage systems to become more effective at reducing surface water flooding in the UK. A clear decision must be taken with regard to the adoption and allocation of maintenance responsibilities for SuDS by risk management authorities. This should have a clear and established mechanism for raising funds to ensure the continued effective maintenance and eventual replacement of all SuDS they adopt. Such a system should be accessible to all local risk management authorities, including IDBs.
- The capacity of local planning officers to consider flood risk and for Lead Local Flood Authorities to be able to advise, but also take act to reduce local flood risk should be enhanced.
- Ensure surface water systems are designed with ease of maintenance in mind.
- Where there is an Internal Drainage Board active in an area of with responsibility for surface water drainage they should be considered as a key partner providing local knowledge of drainage and flooding. Many will also have an important operational role.

Infrastructure solutions

4. What measures can help mitigate and improve the management of the risk of surface water flooding in both urban and rural locations in the short term (next 5 years) and long term (25 years)? Is there evidence on their cost, effectiveness, and scale of associated co-benefits?

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5. How might the solutions relevant to the urban surface water flood risk context need to differ for the rural challenge?

- There is a need to integrate solutions for surface water flood management with agricultural land management solutions being considered within ELMS, and increase the implementations of rural SuDS measures.
- Future public funding for agriculture should incentivise good practice in the routine management of soil, watercourses and ditches for both the environment and reduction of flood risk as a public good.
- As a public good, it is important that the good management of watercourses and farm ditches is properly rewarded, and bad/lack of maintenance penalised, especially where this impacts others. Similarly measures to retain soil within fields should help to reduce field run-off and reduce the risk of blockage of channels, again good practice should be facilitated.

6. Is there evidence of best practice, nationally or internationally, that can inform the development of effective approaches to the management of surface water flooding?

7. What solutions are on the horizon to better manage assets to minimise surface water flooding and at more efficient cost?



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8. What are the costs and benefits of nature-based solutions and sustainable drainage systems (SuDS) in managing surface water flooding? How can these solutions contribute to biodiversity net gain?

- Getting developers to include NFM measures at the design stage. Too often SuDS measures are added as an afterthought within development, and are not incorporated properly into a scheme's design, but rather as a stand-alone feature. This can limit the functionality and performance of these measures. It also can reduce the effectiveness of such measures over time, for instance if poor design inhibits the ability to access features to maintain them adequately.
- Finding contractors that are experienced in installing these measures.
- Finding a sustainable way to maintain the measures to ensure longevity and success, both in terms of funding and skilled asset managers to maintain the capacity and quality of these systems and habitats.

Behaviour change and resilience

9. What key individual and household behaviours increase the risk of surface water flooding? Is there evidence on successful schemes that have led to behaviour change?

- ADA receives regular phone calls from members of the public seeking advice on responsibilities and we do liaise with our strong network of professional contacts across the EA, local authorities and IDBs to help provide answers on local responsibilities. It is noteworthy that many individuals have already passed between the various risk management authorities without proper regard for the circumstances before coming to ADA, somewhat exasperated. It is evident that the appropriate point of contact within local authorities on flooding and watercourse matters should be more clearly defined and publicised, to ensure that correct and consistent information is provided.
- Property title deeds should take greater legal account of Riparian Ownership responsibilities and perhaps some additions to the requirements of property conveyancing would be helpful in this respect.
- Risk management authorities having free and unfettered access to Land Registry information in order to assist in resolving flood and water management issues within their area.
- Risk management authorities should consistently provide and signpost relevant advice, and act to facilitate riparian owners, especially in cases where the issue cannot be dealt with solely by an individual riparian owner themselves.
- The designation of assets is hardly used because of the process and bureaucracy involved. A much simpler mandatory solution needs to be found, that is transparent to all risk management authorities.

10. What challenges and opportunities are presented by the increased government focus on reducing spills from stormwater overflows?

- Mandatory standards for flood protection in drainage systems must be set.

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- Detailed information about the performance and operation of water utilities' drainage systems should be in the public domain. Their operation and regulation must be transparent.

11. Considering that better asset management will be key to improving climate resilience, how should the appropriate balance between investment in existing and new flood and drainage infrastructure be assessed?

- ADA sees a strong need to strengthen the role of maintaining assets and systems across the whole of the flood risk management sector. Having a defined system for adopting and maintaining surface water management assets is critical within this and should be prioritised. Indeed, once this is clarified it may help to unlock investment by developers in new infrastructure, if their long liability is better defined and indeed assets are adopted by a professional public body.
- Our surface water systems rely on a vast network of gulleys, pipes, ditches, and watercourses to allow excess water to drain efficiently from surfaces. Traditionally, these were often routinely maintained by local maintenance teams as part of a local authority's highways drainage teams, the Environment Agency, or IDB workforces.
- Unfortunately financial pressures, and changes of emphasis have resulted in a consistent decline in the workforce of local authorities and consequentially the knowledge they retain of local water management systems. In many cases this has led to neglect and blockage giving rise to an increase in surface water flooding in certain places.

Governance and decision making

12. What are the strengths and weaknesses of the current approach to taking account of and managing the risk of surface water flooding where responsibilities are split across different bodies? How should this be regulated and governed in future to support effective management of the risk?

- Whilst responsibilities are generally clear between the EA, IDB and Local Authority, the public awareness of those responsibilities is poor.
- County Councils and their Districts and Boroughs should jointly review their policy base to ensure they are coordinated and appropriate for delivering SuDS.
- Lead Local Flood Authorities (LLFAs) are deemed to have the responsibility for overseeing surface and ground water flooding, but this does not extend to managing, maintaining, altering, or restoring the effectiveness of any surface or ground water systems or assets. LLFAs have an overview role only, they are able to influence asset owners on isolated issues, but LLFAs are not always equipped to be proactive or take ownership of these issues. There are a number of councils where these responsibilities are well addressed either through their own direct actions or in partnership with others. The good examples are generally where LLFAs have maintained dedicated flood risk management resources and provide a well-documented and publicly accessible service.



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- Where a Local Authority has no clear resource to deal with surface or ground water flood risk issues and cannot proactively respond to enquiries or calls for assistance. Most frequently, surface water and ground water issues are dealt with from within the highways, environmental or planning departments of Local Authorities, but there is not consistent between different Local Authorities. Consequently, it can be difficult to determine which department those resources work within.
- Where local authority functions are separated between county and district authorities, feedback received suggests that there remains considerable issues with linkages between LLFAs and second-tier district and borough councils. Districts & Boroughs are the planning authorities and have local obligations yet they lack a clear role and are often disconnected from the flood risk management process at every level where the LLFAs are engaged. Districts & Boroughs generally have targets for delivering housing and growth, and do not retain expertise in the flood risk management arena. The above issues are generally significantly less where the LLFA is a Unitary Authority and planning and flood risk management reside within a single local authority.
- Whilst, some local authorities do have skilled, experienced resources. Overall there continues to be a need to boost resources for local authorities to enhance their role in surface water management within the planning and regulatory systems, and to alleviate management issues on the ground.
- In areas where Internal Drainage Boards operate, the boundaries of their operations are clearly defined within Internal Drainage Districts. With the exception of more localised highway flooding, Local Authorities generally look to IDBs to manage the surface water within Internal Drainage Districts and, through local authorities, IDBs collect special levy from residents and businesses to finance that work.

13. What improvements can be made to planning for, response and recovery following a surface water flooding event?

- LLFAs have a legal duty to identify assets that they deem to be significant, but they all apply the definition of 'significant' differently. LLFAs also record the status of these in terms of their condition (good/bad), but have no duty to improve the performance of those assets which they now know to be significant for flood risk and in a poor condition. This may result in delays until a failing asset has caused a flood before enforcement action is able to be taken. It is therefore recommended that LLFAs should be given the proper duties/powers/funding to improve the standard of surface water assets.
- ADA seeks the review of the general powers of county and district councils to carry out flood risk management work. As currently defined a county council, as a lead local flood authority, for an area where a District Council is also present, does not have the power to undertake such works under the Land Drainage Act 1991 Sections 14 and 14A. This can act as an impediment to the effective delivery of flood risk management by local authorities, and the better integration of delivery between risk management authorities.

Funding and finance

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14. What is the long term (25 years) investment need for surface water flood risk management that will maintain and increase resilience? Please provide evidence or explain the rationale for your estimate.

- There should be a clear and effective mechanism for risk management authorities (including IDBs) to adopt (and raise funds for) the maintenance of SuDS infrastructure associated with development, rather than reliance upon management companies which are too often the only viable option for developers.

15. How should funding for investment in surface water flood risk management be split between consumers and taxpayers?

- Any future investment needs to balance the wider public goods to society delivered by surface water management systems with the benefit to a property/development and indeed the 'polluter pays principle' that it is ultimately the run off from a property that has to be adequately mitigated or managed. ADA is supportive of the local taxation model used by water boards in the Netherlands and internal drainage boards in England as a suitable broad model with developers contributing towards the upkeep of new surface water systems or additional burdens placed upon existing surface water systems funded through suitably ring-fenced commuted sums to a suitable local risk management authority. However, such local taxation and funding should be underpinned by central funding for the core planning service that is needed and the public goods that this provides.