



The Rt Hon Michael Gove MP  
Secretary of State  
Department for Levelling Up, Housing and Communities  
2 Marsham Street  
London  
SW1P 4DF

Thursday 10<sup>th</sup> February 2022

Dear Michael,

### **Flooding and Planning**

We are writing to you in relation to flood resilience and to request that greater emphasis is placed upon it within our planning system.

As you may be aware, many communities in Norfolk suffered severe flooding over the winter of 2020/21 and, in the months that followed, we have been leading initiatives (at constituency and county level respectively) to better support those businesses and households that were affected. Unfortunately, for some of those affected, last winter represented the third or fourth time they had been flooded in as little as five years and there is no doubt that heavy rainfall, and worse, events are now becoming a far more frequent occurrence, and the pace and scale of new housing on the edge of villages is putting unsustainable pressure on the current infrastructure.

This issue is not isolated to Norfolk – counties up and down the country are reporting very similar experiences. That's why we both recently met with the Minister for Nature Recovery and the Domestic Environment, Rebecca Pow MP, to discuss this in greater depth – and why, at her suggestion, are now writing formally to you to flag our concerns and ask what more can be done in the upcoming Planning Bill to strengthen the responsibilities of developers to make provision for flooding resilience and give hope to thousands of residents and businesses living in fear of the next, inevitable flood event they will face.

Whilst flooding is of course not exclusively a planning issue, there can be no question that many of the worsening problems we are seeing on the ground have their roots in poor planning and/or a failure to place sufficient emphasis on addressing it at the planning stage.

We would particularly like to ask if you could consider amendments to the Planning Bill to address the following key points.

### **Wider powers and responsibilities for Lead Local Flood Authorities**

We believe that LLFAs should be given both enforcement and maintenance powers. Too often, such powers are split between two or (many) more bodies and it becomes extremely difficult for actions to be taken. For example, where county councils are LLFAs, they only have power to regulate activities on ordinary watercourses outside of Internal Drainage Board areas. District councils then have the powers to undertake actual works on those same watercourses.

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Increasingly, the result of this division of powers is resentment from the people and businesses living in the areas these LLFAs serve. They are frustrated and angry when action is hampered and confused when they are seeking support and find themselves directed to multiple bodies that are then slow to cooperate. Trust in the planning and flooding prevention system is at an all-time low. (Norfolk has taken its own steps to try and improve the situation – through the Norfolk Strategic Flood Alliance (NSFA) – by establishing a “one-stop-shop” flooding helpline. But in the end lack of clear responsibilities and enforcement powers is the key barrier to proposals).

If LLFAs are empowered, being given responsibility for both enforcement and maintenance, we believe it will be much simpler, quicker and easier for them to proactively respond to, and mitigate for, future flood events. To do this though, they must have the necessary powers to be able to effectively carry out these duties.

### **Funding**

More emphasis needs to be placed on, and consideration given to, funding for LLFAs to respond to repeated surface water flood events – so that the process of “clean up” and future mitigation can both be accelerated and addressed sufficiently. Government and particularly the Environment Agency must recognise that surface water and sewer flooding are more often than not interlinked and inseparable.

Indeed, the existing Grant in Aid funding system does not work for small scale surface water management schemes with “small” budget requirements (relative to larger fluvial and coastal schemes). The system needs to be simplified and approval accelerated for small schemes that would clearly help communities even if it would cost too much to value every pound and penny of benefit.

Additionally, future maintenance costs cannot currently be included in the grant funding for schemes delivered by local authorities to manage surface water. The result is that many known issues are, against the wishes of LLFAs, left unaddressed due to lack of money and/or resource – often leading to worsening problems as time goes on. Urgent review of the funding system for surface water schemes within the remit of LLFAs, especially those that are county councils, must take place. Allowances for the complexity of surface water flooding and the overlap with sewer flooding must be included and we would encourage maintenance is considered in any grant funding allowances.

We ask that you and the department do everything within your power to encourage DEFRA and the Environment Agency to look at this. With proper funding and a clearer enforcement framework, LLFAs would be empowered, enabling them to significantly strengthen their flood resilience.

### **A new functional liability on developers for drainage and water management arising from their developments**

Time and time again, we are seeing communities fall “in between the cracks” of the system as developers abandon any form of “legacy” responsibility for water management and drainage on their developments – choosing to invoke the “grey areas” of the system instead of stepping up in situations that are entirely the fault of their inadequate drainage and water management network, and not within the remit of the water companies or LLFA.

So often, we see developers doing the bare minimum with regards to drainage and water

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management on their estates – and largely paying next to no attention as to whether their plans compliment and work well with the local drainage network as a whole. While their systems hold up in minimal-average rainfall, we then see in anything above average rainfall (increasingly the case) that the foul water network of the wider community becomes overwhelmed and backs up – in turn, flooding the new development too.

We would encourage renewed thought in the forthcoming Planning Bill, and Environment Bill, to put an emphasis on the “legacy” responsibilities of developers in terms of flooding. If there were penalties (financial or otherwise), then we would see developers paying far greater consideration of these issues at the planning stages – incentivising them to do a much better job, and significantly reducing the problems that are currently being seen down the line. It’s wrong that, frequently, local authorities and the tax payer are forced to foot the bill of shoddy planning by developers.

Consideration must also be given to how sustainable drainage systems (SuDS) can be retrofitted through Highways and Water Company projects as part of the Storm Overflows Action Group too. Remedial works will be required if we are to better manage surface water, protect our sewer networks and reduce the threat of flood events in many of our communities – many of whom rely on decades old drainage infrastructure that cannot cope with the level of development that has been plugged into it over the years.

There is no question that this issue will require a cross-government/cross-body response if we are to truly grasp the problems being faced and take steps to address them. LLFAs (and local government) must be empowered, with DEFRA and bodies like the Environment Agency giving them the tools required to be proactive and take action now, rather than later when it will likely be too late.

Please can we ask you to do everything in your power to ensure your department champions that work? We would also appreciate the opportunity to sit down with you and discuss this all in greater depth. There is much to be done and we here in Norfolk are determined to do all we can to protect the homes and businesses that for far too long have been under threat.

Yours,

**George Freeman MP**

**General The Lord Dannatt GCB CBE MC DL**  
**Chair, Norfolk Strategic Flooding Alliance**

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