

The Rt Hon Rishi Sunak MP
Prime Minister
10 Downing Street
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6th December 2022

Dear Prime Minister,

Schedule 3 of the Flood and Water Management Act 2010

Your government is currently reviewing whether or not to implement Schedule 3 of the Flood and Water Management Act 2010 and has committed to announcing its recommendation this autumn. As experts and delivery organisations in construction, planning, water management and environmental management, we strongly urge you to implement Schedule 3 after many years working with alternative approaches.

Implementation is essential to addressing growing surface water flood risk, tackling the sewage pollution problem and is complementary to Biodiversity Net Gain (BNG) and nutrient neutrality. It will provide a level playing field and certainty against which to deliver sustainable and resilient development at all scales.

The Flood and Water Management Act was passed in 2010 following serious flooding in summer 2007 when 55,000 properties were flooded, 7,000 people needed rescue, 13 died and half a million were without mains power and water. The subsequent independent Pitt Review made 92 recommendations, with many taken forward through this legislation.

Surface water flooding was a major focus for the Review, which advised climate change impacts and historic approaches to managing surface water in developments needed a more resilient way forward: sustainable drainage systems (SuDS). Schedule 3 of the Act established a process to ensure SuDS of good enough quality to mitigate the impact of climate change on new development, and of new development on the capacity of drainage networks. These issues were important enough to legislate for in 2010. They are even more pressing now.

Government's own Climate Change Risk Assessment recognises flood risk as the highest level climate threat to the UK. Flood risk managers fear it is only a matter of time until catastrophic floods seen in comparable countries like Germany, Italy and Canada over the past two years occur here.

At least 3.2 million properties are at risk of surface water flooding. Flooding is extremely costly to communities, business and government (costing on average £1.3 billion / year in damage). It is hugely traumatic for those affected, often involving relocation for months and sometimes years whilst repairs are undertaken.

Increasing climate and pollution risks

Both the Climate Change Committee and the National Infrastructure Commission (NIC) have recommended greater prioritisation for tackling surface water flood risk. More than 1000

properties were flooded in London during downpours in July 2021 dramatically highlighting the unpredictability and risk to life of such events. The NIC last week specifically recommended that Schedule 3 should now be commenced so that risk is not further exacerbated by new development.

Sewage pollution is a high profile problem with over 370,000 discharges from the storm overflows of sewage treatment works or combined sewers, for over a combined 2.8 million hours last year. For local communities, holidaymakers and voters this is unacceptable and government legislated in the Environment Act 2021 for water companies to dramatically reduce this pollution through a proposed £56 billion programme.

Managing water both around and from new developments is central to these challenges. SuDS are internationally recognised as the most effective way of managing both surface water flood risk and storm-related pollution.

Misconceptions on cost and complexity

SuDS are not a new or complex approach to drainage. Yet, for small parts of the development community in England they are perceived as unconventional, difficult and expensive.

This is not true. Professional drainage engineers, landscape architects and architects clearly understand SuDS are flexible to a wide variety of construction scales and contexts incorporating both major and minor development. But they are different to how some in the construction industry still understand drainage.

If well-planned and delivered, SuDS can be cheaper than conventional drainage to construct and maintain.

Wide-ranging benefits aligned to government policy priorities

Because SuDS should commonly use planted components they can deliver biodiversity benefits which contribute to BNG and water quality outcomes that support nutrient neutrality. Air quality, water resources, urban cooling and placemaking value are wider benefits. CIWEM and CIRIA already train drainage professionals and a range of organisations on good SuDS practice and can expand this to meet increased future need.

Effective delivery was the priority for Schedule 3: The replacement of an automatic right to connect new development to existing sewer and drainage networks with a conditional one, measured against provision of SuDS to a mandatory national standard. In return, SuDS Approving Bodies would adopt and maintain the features for the long-term once construction was completed.

The failing planning-led approach

Persistent misconceptions on cost and applicability meant that in 2014 it was decided that Schedule 3 would not be commenced. Instead, SuDS would be encouraged through the planning system, using minimal, non-statutory technical standards, for 'major developments' only.

Typically, some form of SuDS have since been delivered in most major developments. But often these are poorly designed and delivered, without arrangements for adoption and maintenance so often fail to perform as required or unlock potential wider benefits to communities.

Meanwhile, in minor developments (commonly below 10 homes), urban infill increases impermeable surfaces, raising both flood risk and stormwater volumes entering combined sewers, thus the chance of sewage spills.

A wasted decade

Since 2010 more than 1.5 million homes have been completed without SuDS of the standard recommended well over a decade ago. Meanwhile, climate change-exacerbated extreme weather, sewage spills and nature decline have worsened, whilst the 2014 decision to relax SuDS requirements had no impact on housing delivery pace.

We know environmental considerations such as BNG and nutrient neutrality are increasing for housebuilders at the moment. But this reflects growing and serious impacts of development on society and the environment. Well-delivered SuDS can help address these considerations at all development scales whilst fundamentally improving drainage in parallel.

12 years have been wasted failing to properly deliver SuDS as a highly beneficial solution: Not only to the challenge they were legislated for, but now for wider environmental needs and government policy ambitions.

The approach could have been normalised as standard good practice many years ago. Please do not waste any more time; implement Schedule 3 of the Flood and Water Management Act 2010 further to the current government review.

Your sincerely,

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Cc :

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The Rt Hon Jeremy Hunt MP
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