

Environment Agency Challenges and Choices Consultation: Response from the Association of Directors of Environment, Economy, Planning & Transport

The Flood and Water Management Group (FWMG) of the Association of Directors of Environment, Economy, Planning & Transport (ADEPT) wishes to provide some comments on the *Challenges and Choices* consultation. The Flood and Water Management Group is a working group of the ADEPT Environment Board. These comments are to be read alongside those comments already submitted from the ADEPT Environment Board's Water Workshop that took place in October 2019. This submission comments on areas that we support and where we would like to work with the Environment Agency in the future.

ADEPT represents Place Directors from county, unitary and combined authorities, along with directors of local enterprise partnerships, sub-national transport bodies and corporate partners drawn from key service sectors. ADEPT members are at the very heart of delivering clean sustainable growth. We deliver the projects and programmes that are fundamental to creating more resilient communities, economies and infrastructure.

We would like to commend the EA for the effort that has gone into making this consultation more accessible to a wider audience, working to promote it via workshops, the Water Leaders Group and other measures. This is quite some achievement given what is a rather specialised sector, so the efforts are applauded.

Government policy, priority workstreams and delivery mechanisms

Climate change is one of ADEPT's strategic priorities and is an issue which cuts across the work of many of our boards and working groups. We therefore support the greater focus on climate change within this consultation than in previous RBMPs.

ADEPT wants to formally acknowledge, *in this context*, Defra's recently published Flood and Coastal Erosion policy statement, which is very welcome. If delivered with strong partnership working and engagement, the holistic (considering all forms of water management together) and catchment wide approach to water contained within this document will go a long way to bringing about significant improvements in the way we all work and therefore in the way we affect the environment. We note though that while there is evidence that government is making the policy links between flood risk and planning healthy sustainable places, there is still some way to go in recognising the important links between wider water (and indeed environmental management) issues and planning, and most importantly seeing this join up across Government departments such as MHCLG, DEFRA and DFT.

As large landowners, local authorities (LAs) see the approach that the new Environmental Land Management Scheme (ELMS) takes, as a fundamental part of supporting both a green recovery from COVID and a lasting strong economy, one which is resilient to change, produces healthy communities and allows the environment to thrive for and provide for future generations. The River Basin Management Plan (RBMP) will need to acknowledge this delivery mechanism. LAs look forward to embracing the 'public money for public goods' approach and seeing ELMS taking a major focus on water resources, water quality and flood risk. The benefits of and interventions for each area of water management need to be appreciated in their own right, as well as with strong holistic consideration.

Local authority engagement in the water environment

There are some excellent examples out there of LAs delivering improvements to the water environment. ADEPT is pleased to hear that CaBA might be looking to collate some of these, and happy to help collate

further case studies - the use of LA specific case studies would be a useful inclusion within the RBMPs to help drive action.

However, as a factor affecting a LA's day-to-day role in development planning, transport planning and management of highways, it appears that awareness of what constitutes good water management, and the need for it, has historically been low. Awareness of flood risk has increased hugely since the 2010 Flood and Water Management Act, but we have not seen the same increase in understanding of issues such as diffuse pollution and the importance of good water quality in rivers. Traditionally, an understanding of river management might sit with a LA's ecologist and be based around the impacts for aquatic ecology.¹ Knowledge of water issues is definitely improving and the role of Lead Local Flood Authorities (LLFAs) and the increased community awareness of local environmental issues, has helped a great deal with this. Understanding, however, is developing too slowly to meet the river basin challenges that England has and action can be piecemeal, related just to one specific issue arising in the interested parties area, rather than a LA having a broader understanding of the Water Environment Regulations 2017 or the impact of water quality on the Habitats Directive.

This has much to do with the number of stakeholders who play a role in influencing water quality and the lack of emphasis on water quality and water resource that LA legislation has had. LAs who have had to strictly prioritise resources in all areas have not often needed to have staff who understand this area of work.

In the last fourteen months ADEPT has published three policy documents that provide specific advice on flooding and other climate risks in relation to corporate plans, local businesses, infrastructure, natural capital, planning, the built environment and public health: July 2020 Active Travel, June 2020 Clean Growth and June 2019 Climate Change. These publications outline the actions that ADEPT will take, and the asks of government. Each policy document provides very relevant suggestions for improving environmental management, many of which will benefit 'blue infrastructure'. The water benefits, and next steps in water management, however, are not explicitly explained. Rather than being embarrassed about this, we point this out to demonstrate the crucial point about the need for greater awareness and how ADEPT could help in future with the development of guidance. We wish to learn more about water management so that we can ensure the issues, delivery mechanisms and multi-benefits are appropriately considered, assisting our members to act.

The Anglian 2015 RBMP includes the following statements, which may need to be revitalised and further supported to ensure they are effective delivery mechanisms:

"Managing pollution from towns, cities and transport - How the issue is managed

- *Local government uses planning conditions, legal agreements and enforcement powers under the Town and Country Planning Act 1990 to prevent or stop pollution from developments, roads and other infrastructure.*
- *Local government makes sure that new developments address potential pollution problems by using sustainable drainage systems to manage surface water.*
- *Local government uses powers under the Building Act 1984 to rectify misconnected waste water pipe work, and statutory nuisance powers under the Environmental Protection Act 1990 to stop water pollution from unauthorised operations such as transient car wash operations.*
- *Local government considers urban diffuse pollution pressures when developing spatial plans, determining planning applications and designing and constructing local authority owned buildings, infrastructure and*

¹ A good working partner might therefore be the Association of Local Government Ecologists or the Chartered Institute for Ecology and Environmental Management.

grounds. These should incorporate sustainable drainage schemes and water efficiency measures where practical and affordable.

Managing pollution from wastewater - How the issue is managed

- *Local government considers the impact on water quality in their preparation of spatial plans, decisions on spatial planning, development management, new buildings and infrastructure.”*

How could ADEPT help?

A selection of areas for future consideration might be:

- The National Planning & Policy Framework (NPPF) was updated in 2019 to provide high level guidance on water quality and make links with green infrastructure, sustainable drainage systems (SuDS) and nature recovery networks etc (in prior years the focus of the NPPF was only really on waste water treatment works). This is welcome but there is much more to be done to support the technical knowledge of LA and LLFA staff behind these high-level statements.
- A need for continued working with MHCLG, the Planning Inspectorate, TCPA and others to ensure that growing awareness of the importance of water quality and resources is not lost as part of implementing the current Planning White Paper proposals.
- The need to raise greater awareness of the environmental limit issues now arising in several locations across the UK. In terms of water, the Habitat Regulations implications in the Solent with nitrates, and the issues in Kent with phosphates, are a case in point. Whether one considers the significant risk to our environment or huge delays to house building to be the most significant issue here, the point remains that the best way to tackle these issues is proactively. LAs in this situation would benefit from support and direction. We understand that Natural England is looking to do some work around areas with environmental limits and the ADEPT is offering to work with them on relevant water cases.
- ADEPT would like to see a clear message about the importance of water quality in SuDS and surface water management through the update to the Non Statutory Technical Standards that LLFAs use. Apart from helping to address quality issues, this would also give LLFAs more hooks to see better SuDS being delivered by developments.
- Apart from its LLFA role, a county / unitary authority's greatest influencing roles are through Highways and Public Health. Should there be greater consideration in Highways Act or in the Control of Pollution Act or through training and guidance provided to those in transport planning and highway engineering of the impacts of diffuse pollution fed into rivers from roads? Perhaps ADEPT could assist with discussions with the DfT and professional bodies such as the Chartered Institution of Highways and Transportation (CIHT) to investigate how water quality can be considered through innovative highway design?
- Given the need to plan for climate change and the importance of adaption highlighted through the new NFCERM Strategy, should any future surface water connections be permitted to foul or combined sewers? Do LPAs and LLFAs understand enough about how to maximise opportunities associated with permitting new and re-developments in urban areas where combined sewers exist? Can ADEPT work with Water UK, the Consumer Council for Water and Ofwat to consider if more

needs to be done about the risks these connections raise to flooding of homes and to pollution of watercourses through Combined Sewer Outfalls.

ADEPT is keen to assist where it can with these gaps and has begun its journey of raising awareness by:

- hosting the October 2019 workshop for the Environment Board
- making a commitment from the Flood and Water Management Group to consider holistic water management (we have been predominantly flood focused in the past)
- providing ADEPT's first responses to a River Basin Management Plan consultation
- making an offer to support Natural England in developing guidance on environmental limit and development issues.

The importance of environmental monitoring

Environmental monitoring is a key tool, not just in understanding the environmental baselines for water resources and water quality but across all natural capital and biodiversity net gain ambitions. The ambitions of the 25 Year Environment Plan and of many LAs' climate change and environment strategies means that, following unavoidable budgetary cuts in previous years, a renewed focus on surveys and monitoring is needed by all partners. The need to better establish the condition of nature reserves and green spaces (from Local Nature Reserves and County Wildlife Sites to Natura 2000 sites) need to be factored into future public body spending allocations.

Co-ordination across government departments

ADEPT's policy documents call for ambitious cross-departmental leadership at a national level to deliver change. The need within water management is no different. The number of different parties who influence water resources and water quality mean that without a unified path, contradictions will continue to arise. Seemingly small issues such as the use of SuDS in highways can collectively have a significant effect on the country's ability to provide adaptive infrastructure to protect our communities. While budgets are tight LAs focus their activity on meeting statutory duties, by the direction indicated by government and by the requirements of our funding. To support ADEPT actions, a joined up top-down approach to infrastructure (Defra, DfT, BEIS, MHCLG etc) that takes into account water management (not just flood risk) is much needed.