

What does the Flood and Water Management Bill mean for individuals?

Introduction

Climate change and population growth projections point to future demand pressures for clean water, reductions in summer rainfall, and more frequent extreme weather. This could mean more water stress, more water quality problems and a greater risk of flooding.

The Flood and Water Management Bill will provide better, more comprehensive management of flood and coastal erosion risk for people, homes and businesses. It will also tackle bad debt in the water industry, safeguard community groups from unaffordable surface water drainage charges, protect water supplies to the consumer, and enable companies to bring forward social tariffs to protect the poorest in our community.

Managing the risk of flooding and coastal erosion

The floods in summer 2007 exposed significant gaps in the responsibility of different bodies to manage the risk of flooding. This Bill therefore puts in place changes recommended by Sir Michael Pitt in his review of those floods.

The Bill sets out responsibility for all forms of flooding for the first time. Building and maintaining flood defences will remain central. However, the Bill will require all the relevant bodies to work together to manage all sources of flood risk. For example, this might see more focus being placed on resilience measures for properties which are unavoidably or frequently flooded to allow for quicker recovery.

The Bill requires county or unitary authorities to work with other flood risk management bodies to put in place local strategies for managing local flood risk. As part of this, they will decide local priorities to improve protection of local communities and businesses.

Environmental works powers and duty to consult landowners

The Bill requires the Environment Agency, local authorities and internal drainage boards to consult the owners and occupiers of land likely to be affected before carrying out work in the interest of nature conservation, the preservation of cultural heritage or people's enjoyment or the environment or cultural heritage.

Drainage – the role of Sustainable Drainage Systems (SuDS)

The Bill will ensure that SuDS are included in new developments and redevelopments wherever practicable. SuDS include features such as ponds, ditches, soakaways and permeable paving and manage rain water more sustainably than conventional piped drainage, by storing it, slowing it down, or allowing it to absorb into the ground. SuDS reduce pressure on sewers, reduce the risk of flooding, and can improve water quality and public amenity.

The Bill amends the automatic right to connect to sewers for *surface water* drainage. Property developers will have to have drainage plans approved as meeting National Standards by a SuDS Approving Body (or the "SAB" – the county or unitary local authority for the area) before a connection to the public sewer can be given, and before construction can commence.

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Where new developments include SuDS that serve more than one property, these will be adopted and maintained by the SAB. Many of these will be in public spaces, such as parks. Highways authorities will maintain SuDS in and beside roads, to National Standards. If the local authority has responsibility for maintaining SuDS that are located on private property they will be able to enter the property to carry out the maintenance. This is to ensure the SuDS work effectively and continue to drain the homes and businesses they serve.

Some home owners will have SuDS features on their property that only drain *their* property. If they don't work as designed their own property could be flooded. If they cause a flooding nuisance to a neighbour, then the neighbour could instigate actions to get the problem resolved. It is in the property owner's interest to look after SuDS on their own property, and the Government intends to publish clear and simple guidance for homeowners on SuDS maintenance. Usually this might include fairly routine activities such as clearing out debris, mowing, and ensuring permeable driveways are free of silt.

All SuDS that are on private land will be protected from damage because they will be designated as a flood risk asset via a local land charge. This means they cannot be moved or interfered with, without permission from the SAB. It also means property owners will be informed about any SuDS on their property as part of the home buying process – including those that will be maintained by the SAB.

Reservoirs

The Bill will introduce risk based arrangements for reservoir safety. It will also introduce mandatory incident reporting for higher risk reservoirs, to fill gaps in the current law. Those reservoirs which pose a greater risk to surrounding communities will be subject to greater safety regulation.

Water usage

Climate change models suggest hotter, drier summers and more frequent droughts. There may well be times when water restrictions are needed to protect the public supply. The powers which enable water companies to restrict the use of hosepipes to water gardens or wash cars, have not been updated since 1945 and no longer reflect the way we use water, or how much of it we use. For example, they do not cover certain non-essential uses such as pressure washing patios or filling swimming pools.

The Bill will modernise water companies' powers by extending the list of water uses that can be restricted in times of water shortage and enable them to conserve water at an earlier stage during a drought.

Surface water drainage charges

Surface water drainage charges are the payments to water and sewerage companies for the removal and treatment of rain that falls on roofs, car parks and other non-permeable surfaces and drains into public sewers.

The Bill will provide a safeguard for scout groups, faith groups, amateur sports clubs and other community groups from unaffordable rises in bills for surface water drainage.

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Water companies would be able to operate a concessionary scheme for such groups. It would be up to the water company to decide which groups should receive the concessionary charge, although the Government will provide guidance.

Social tariffs

Similarly, the Bill includes a more general provision to enable water companies to take affordability into account more readily in their proposed charging schemes. This is partly because the increase in water metering in some areas can exacerbate the affordability problem for low income families who had previously been helped by the cross subsidy inherent in the charging system based largely on property rateable values.

The Bill will allow water and sewerage companies to put forward charges schemes which include social tariffs for customers who might have difficulty in paying their bills in full.

Bad Debt – Water and sewerage charges: non-owner occupiers

Since privatisation of the water industry and the ban on disconnection, bad debt in the water industry has increased significantly – to about three times as much as the energy industry despite bills being a third of the amount of energy bills, at a cost of approximately £12 per year for other bill payers.

The water industry estimates that 40% of the total debt is “leaver debt” when short term tenancies end. Where bills are not paid, whether by design or oversight, by providing details of tenants to water companies, they will be able to pursue those customers who have not paid their bills once they have left a property.

The Bill makes non-owner occupiers liable for water and sewerage bills, unless the landlord of a property does not arrange for the provision of tenants details within a set timescale (which will be set out in regulations, subject to public consultation). This will ensure that water companies are able to obtain details of liable bill payers in order to bill them and pursue debts where a tenant has left a property without payment.

And what else have we done?

Since the summer 2007 floods and in response to Sir Michael Pitt’s review, the Government has:

- Announced that local communities across England will benefit from £16million funding to help them tackle surface water flooding
 - £9.7million has been awarded to 77 local authorities for areas where the evidence shows that the risk and potential impact of surface water flooding could be highest.
 - Local authorities for all other areas will also be able to bid for a share of £5million to help them deal with known local flooding problems.
 - £300,000 has been allocated to six local authorities to develop trial surface water management plans. The lessons learnt from these have been used to develop a revision of the surface water management plan guidance.

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- Set up a Flood Forecasting Centre which will improve the way we predict potential flooding and the exchange of information between emergency services, so the right help can get to the right people quickly
- Announced a £5.5million grant scheme for householders for property-level flood protection like air bricks and door boards for communities at high risk of flooding
- Announced £2million for flood rescue capability such as rescue boats
- Published guidance on surface water management plans
- Provided funding to the Environment Agency for about 25 local authority participants on the flood management foundation degree programme
- Investment of £2.15 billion from 2008/9 – 2010/11
- Announced an £11million pathfinder programme for coastal authorities to explore new approaches to planning for, and managing, adaptation to coastal change in partnership with their communities

And the Environment Agency, local authorities and IDBs have:

- Completed and maintained 102 flood defence schemes, protecting over 63,000 additional homes in England. Operating authorities are currently on course to exceed delivery targets and provide better protection to 160,000 homes over the three years to March 2011
- Signed up 140,000 additional people to receive flood warnings in England and Wales
- Spent £5 million on repairing defences damaged during summer 2007. Current improvement schemes include a £5.9million project refurbishing the Hull barrier and remedial works to culverts in Gloucester