



The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs

The Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities and Local Government

[sent via email]

Friday 2nd July 2021

Dear George, Robert,

Flooding and Planning

We are writing to you following conversations that have been taking place in Norfolk as a result of the significant flooding that affected parts of the county over the Festive period and the early months of this year.

There is no doubt that flooding, and the associated management of water more generally, has become an increasingly serious issue for the county over the past decade or so. What were once considered once in 10 year rainfall events are now considered common each year and anger is growing rapidly. Residents, businesses, community groups, councillors and council officials and MPs have all been united in their frustration.

That is why Norfolk County Council commissioned the creation of the Norfolk Strategic Flood Alliance to oversee efforts to inject more energy into the response to flood events (which has been all too complacent in recent decades), as well as identify the causes of flooding in our towns and villages before working with stakeholders to try and develop a plan for improved mitigation. This follows the establishing of numerous community groups with a dedicated interest in flooding, and groups set up by local MPs – including the Mid Norfolk Flood Partnership.

While the NSFA has made significant progress in recent months (and has bold plans going forward), it has become very clear that significant challenges being faced are a consequence of our current planning system – and it is for that reason that we are contacting you today to highlight two particular problems that are being encountered locally (but, we know, generally across England too).

1. The automatic right for developers to connect surface water to the public sewer

England is an outlier in the UK. Only in England do developers have an automatic right to connect surface water to the public sewer.

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From our extensive conversations with the likes of Anglian Water, there is a strong belief that this automatic right should be removed and replaced with a more conditional approach that requires water companies, developers and authorities to work far more collaboratively to assess and approve connections to the foul water network – based on a full assessment of the drainage hierarchy and existing sewer capacity.

If water companies like Anglian Water had the right to withhold permission, only where necessary, for new developments, we would avoid made of the problems that are becoming more and more commonplace across England – where developers lazily say they are only liable for drainage and water management on their own development, pay little notice to whether their drainage system will compliment and work well with the wider drainage network in a community, but then deny any responsibility for subsequent flooding that occurs (including on their own developments) when the local drainage network is overwhelmed. There is no wonder so many people are outraged.

By taking a more conditional approach, not only would we significantly improve the management of surface water from new developments, we would also be able to maintain and restore the vital public confidence that is necessary for an effective planning system – allowing us to avoid widespread public opposition and instead continue supporting a green recovery and the house building we desperately need.

2. The ongoing responsibility of developers for drainage and water management on 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 the developments they have constructed – 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 Local Lead Flood Authority.

So often, we see developers doing the bare minimum with regards to drainage and water 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 Environment Bill, and forthcoming Planning reforms, 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 – incentivizing them to do a much better job, and significantly reducing the problems that are currently being seen down the line.

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It is unacceptable for the 'status quo' to continue – where developers use loopholes in the system to avoid remedial works to fix their inadequate drainage and water management systems, and instead wait for the situation to get so bad that the local authorities must step in and take measures: at considerable cost to the taxpayer. The taxpayer should not be paying for the negligence of developers.

Thank you for taking the time to read this letter. We would welcome the opportunity to discuss this very serious issues with you in greater depth, and look forward to hearing from you.

Yours,

George Freeman MP
Member of Parliament for Mid Norfolk

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

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