

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY  
EXECUTIVE COMMITTEE**

Date: 8 December 2000

Subject: **Flood Defence**

Report of: Regional Liaison Officer, Environment Agency

**Recommendations:**

1. That the Assembly's Executive Committee notes the issues raised and expresses its support in principle of the Agency's position.
  2. That the Assembly considers how it may help to resolve those issues which impact on its own objectives and those of its members.
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**1. Introduction**

- 1.1 This paper follows and expands on points raised in the presentation made by David Jordan, Environment Agency Regional Director, Southern Region, to the Assembly plenary on 22 November 2000. It draws on the evidence submitted by the Environment Agency to the House of Commons Agriculture Select Committee inquiry into Flood and Coastal Defence, and the report of the Committee (HC 707-1), July 1998.
- 1.2 The paper is in response to Paul Bevan's letter to David Jordan of 23 November 2000 (attached herewith), in which a number of issues of mutual concern were identified for consideration by the Executive Committee. These are taken in turn.

**2. The need for clearer responsibility and accountability in flood defence investment**

The Issues

- 2.1 Funding of flood defence is a major issue. The complex mechanics of the system combine with complex administrative arrangements to reduce flexibility and prevent adequate funding being made available to flood defence. For example,

the Sussex Local Flood Defence Committee (LFDC) has been unable to fully support the Agency's request to the aggregate of £1M per annum over the last four years. The system is designed to avoid a conflict of interest by ensuring the funds are passed through to local authorities from central government funds in the following year.

2.2 The Select Committee recognised the most efficient arrangement would be to centralise all flood defence funding to the Agency, but that this would potentially lose the local democratic involvement of the Regional Flood Defence Committees (RFDCs).

2.3 MAFF capital grants are allocated accordingly to a strict set of MAFF guidelines on a scheme by scheme basis. This MAFF guidance can exclude some cost beneficial schemes but equally important it does not adequately take into account several extremely important factors:

- climate change is not fully considered (a nominal allowance for sea level rise is made);
- extreme events are largely ignored due to 'discounting' of damages;
- risks to life, health, quality of life and local issues are either not factored in or guidance as to how best to do so is not provided;
- wealthier communities can receive preference over impoverished locations;
- the guidance is more stringent than treasury guidance.

Recently flooding has affected numerous locations across the South East. The rarity of this event may mean it will not appear cost effective to put in place flood risk reduction investments at many of the places affected - using current Ministry guidance.

#### Environment Agency Recommendations

2.4 The Agency believes now is the time to take a precautionary approach to climate change, recognising that flood risks may already be greater than historically thought. Ministry guidance would need to be amended to enable investments to be made based upon such a precautionary approach. This approach would undoubtedly demand additional funding as it would more accurately reflect the need.

2.5 Capital Grants from MAFF are determined on a scheme by scheme basis. The Agency believes this is inefficient and would be better replaced by a single 'block grant'. This would rationalise decision-making, clarify accountability and reduce bureaucracy.

2.6 The Agency made a strong recommendation to the ASC that the majority of funding should be provided centrally. A Treasury-led root and branch review of these funding arrangements is now due to report by September 2001.

### **3. The need for more investment**

- 3.1 The expectation now exists that the Environment Agency will start to accelerate and grow investment in flood defence infrastructure. The funding of a precautionary, 'needs based' approach, referred to above, will require significant growth in investment. Over the next five years in Southern Region alone, an additional £20 - £30M per annum could be needed.

### **4. Better arrangements for reducing risk, and managing and responding to environmental crises**

#### The Issues

- 4.1 Coastal and fluvial issues must not be separated. The arrangements for the management of the coast, through Coastal Groups covering lengths of the coastline, are too fragmented both operationally and politically. The Agency in its flood defence role works closely with all District Councils who have the coastal protection (erosion) role. In the South East, the greatest threat of inundation is posed by the sea.
- 4.2 The organisational arrangements for rivers are the most confused and fragmented. If government decides to extend the Agency's responsibilities beyond the 'main river' to take on the responsibilities of local authorities, sufficient resources would be needed to enable delivery. Such a shift of responsibility would clarify the flood defence role of the Agency in the public mind.

#### Environment Agency Recommendations

- 4.3 The Agency wishes government policy to focus much more clearly on the reduction of risk to people from flooding - including risks to life and health. These risks are greatest during extreme/rare flood events. MAFF guidance needs to be clarified, as it does not deal clearly with these extreme events.
- 4.4 Internal Drainage Boards serve a useful function within low lying and flat parts of the country. The Environment Agency believes their evolution through amalgamation and the formation of consortia should continue, to reduce their overall number and increase their efficiency.
- 4.5 The Agency wishes to see a review of the Coastal Groups, their number, boundaries and membership.
- 4.6 The Agency believes its influence should be strengthened through the new PPG25 *Development & Flood Risk*. Flood risk should have greater standing in the planning process. Development decisions should be precautionary, taking into

account the potential impacts of climate change.

- 4.7 There needs to be consistency between DETR guidance, such as PPG25, and MAFF guidance to the Agency for flood risk investment purposes. For example, Ministry guidance may determine a 1:25 year protection standard to be appropriate for an urban (fluvial risk) area whilst under DETR guidance the Agency would object to developments in such a location on the basis that the risk was unacceptably high!

## **5. More flexibility to respond to regional and local priorities**

### The Issues

- 5.1 The Environment Agency believes the Flood Defence Committees continue to be relevant to the successful delivery of flood defence. However, in parts of the Region the number and scale of responsibility of Committees can limit flexibility in addressing priorities. It is time to develop, with MAFF, guidelines for the scale and role of Committees.
- 5.2 Flood defence legislation is permissive and persuasive whilst environmental legislation is precautionary and essentially mandatory. Consequently the potential benefits of the General Development Order and associated Permitted Development status of our flood defence investments can be largely lost. This creates indeterminate lead times of five years and more. A topical example is Chichester. A solution was conceived following the 1994 flood but the threat of public inquiry has continued to delay implementation. In 2000 the city yet again nearly suffered horrendous flooding and must continue to live with the threat until such time on the scheme is fully implemented.

### Environment Agency Recommendations

- 5.3 The Agency is sympathetic to the Select Committee recommendation that there should be a rationalisation to a single tier of Regional Flood Defence Committees. The Agency believes that once the root and branch 'Treasury led' funding review reports in September 2001, these flood defence committee arrangements could also be reviewed.
- 5.4 Sustainability, rather than cost, should be the driving determinant for flood risk management in the South East. In order to move to sustainability-based decision making the Agency believes the narrowly focussed benefit/cost approach needs to be broadened to include strongly and clearly social issues, including risk to life and health.
- 5.5 The Agency believes sustainable solutions will only be deliverable through a strategic approach taking into account the requirements of all stakeholders,

statutory and non-statutory. Unfortunately, such strategic plans are taking far too long to gain MAFF support. We need a more pragmatic approach to strategic planning and a broader set of criteria to be taken strongly and clearly into account - environmental, social, local and 'human' issues as referred to above.

- 5.6 If lead times are to reduce so enabling flood risk to be more rapidly reduced, we shall need strengthened powers to recognise the 'over-riding public interest' involved.

**David Payne**  
**Regional Liaison Officer**  
**Environment Agency, South East Region**

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