

Submission by Lancaster University for Defra consultation on the Draft Flood and Water Management Bill

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Further project details:

www.lec.lancs.ac.uk/cswm/hfp

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Introduction and summary

Our ongoing research in Hull is providing evidence about the prolonged impact of the flood recovery process, and the severe distress and disruption to communities and individuals that it entails. We therefore welcome the government's commitment to develop a more integrated approach to flood risk management with greater clarity and accountability for the organisations involved. This submission is a response to Defra's consultation on the Draft Flood and Water Management Bill. Drawing on our research findings, we comment on key issues highlighted in the consultation and suggest issues for consideration in the policy debate.

By way of summary:

Section 2.1 New approaches to flood and coastal erosion risk management

- **We agree that it is not feasible to protect every area from flooding and that some communities may need to learn to live with more frequent floods in future. However, in practice this is going to require a high level of support for householders that minimises the impact of flood and reduces the likelihood of protracted flood recovery.**
- **It is vital for the government to rethink the recovery process to ensure that better, more long-term support is available for residents affected by flooding. The draft bill makes very little reference to this longer-term process and yet learning how to provide better support for people during flood recovery must form a vital part of managing flood and coastal erosion risks successfully.**
- One suggestion could be that local authorities – in cooperation with other relevant organisations at the local and national level – are required to develop a plan for how residents could be supported during the long-term flood recovery process. This plan could be included as a chapter in the local flood risk management plans that authorities will be called upon to produce as part of the bill.
- A shift also needs to take place in the leadership and organisational cultures of the companies involved in flood recovery so that builders, insurers and utilities companies are encouraged to see themselves as agents of recovery (in much the same way as police, firemen and other emergency response workers are deemed to be). If this disaster recovery role were to be encouraged and legitimised, it might be possible to start a cultural shift whereby firms come to see themselves as having a constructive role in aiding people's recovery.
- Resilient repair is also vital. The consultation document on property-level flood resistance and resilience measures mentioned a number of possible avenues for encouraging resilient repair, including a possible revision of the Building Regulations – we would argue that the government should think seriously about this and other options for promoting resilient repair as the current consultation document is unclear about how this could be achieved.

Section 2.2 Future roles and responsibilities

- We agree that the existing legislative position provides insufficient clarity as regards the roles and responsibilities of the various organisations involved in managing flood risk and we welcome the government's proposals to develop greater clarity and accountability from the national to

the local level. This move towards greater clarity and accountability should also be extended to cover the management of the longer-term flood recovery process because, at present, there is no consensus or coordination around what different organisations should be doing to help and support residents during this time.

Section 2.4 Local flood risk management

- We agree that the current situation – whereby no one organisation is required to carry out a comprehensive assessment of local flood risks, needs and priorities, and where there is no duty on organisations to cooperate or share information – is ineffective and in need of transformation. The suggestion of an enhanced role for local authorities, combined with a new duty on all partners to cooperate and share information, would seem to be a sensible one.
- Having some form of effective public consultation in place is essential in order to ensure that local people are able to get involved in decisions around drainage management. This is particularly important in areas like Hull which have experienced flooding as residents have amassed much valuable information about the drainage issues that affect their locality. A good communication strategy is also essential in order to ensure that local people are kept informed of the decisions that are made.
- As well as being included in the list of organisations required to cooperate and share information, IDBs and water companies should also be included in the list of bodies required to cooperate with overview and scrutiny committees.

Section 3.2 Current funding structure

- We agree that funding should be aligned with responsibilities to ensure that those accountable for delivery have the resources to achieve what is required. Channelling money to local authorities to spend in order with their local flood risk management plans would seem an effective means of doing this.
- By encouraging the public to become involved in local flood risk management plans and decisions on how funding is allocated, the government can ensure that there is greater transparency and – potentially at least – greater public understanding of what monies are being spent, and where. We recommend that the new legislation makes it mandatory for local authorities to provide some opportunities for the public to be involved in decisions on flood risk management and its associated funding mechanisms.

Background to our research

The aim of our research, *Flood, vulnerability and urban resilience: a real-time study of local recovery following the floods of June 2007 in Hull*, is to undertake a real-time longitudinal study using an action research model to document and understand the everyday experiences of individuals following the floods of June 2007 in interaction with networks of other actors and organisations, strategies of institutional support and investment in the built environment and critical infrastructure. Focusing on Hull, the project design adopts a tried and tested action research methodology previously used to investigate recovery following the 2001

Foot and Mouth Disease disaster (Convery *et al.*, 2008, Bailey *et al.* 2004, Convery *et al.* 2005, Mort *et al.* 2005, Convery *et al.* 2007). The research therefore involves a longitudinal qualitative diary-based method developed to capture peoples' everyday experiences as they move through the drawn out process of recovery.

A growing body of work has sought to better understand the social, economic and health impacts of flooding and the relationship between social and physical parameters of community resilience and preparedness (Twigger-Ross 2006, Thrush *et al.* 2005, Tapsell *et al.* 2005, Kirschenbaum 2002, Gordon 2004). However, there is a dearth of empirically-based understanding about the processes people go through in recovering from flood disasters in the UK and the role of institutional support and investment in the built environment within that.

The emphasis of this research is therefore on the “what, how and when” of people’s everyday adaptation during the flood recovery process, captured over time. The project started in October 2007 and will continue until September 2009.

Details of participants taking part in the study

The core method used in this study was the diary keeping of 43 residents in Hull. Participants kept diaries from October 2007 to April 2009 (some have kept diaries throughout this period, some have stopped early and some started later). The diaries were unstructured; leaving it up to the diarist to decide what they felt was important to record. Participants were also brought together at quarterly intervals to discuss collectively issues affecting the recovery process as they emerged during the research project.

We have also conducted interviews with the diarists and an additional 8 interviews with frontline workers¹ (10 of the residents are also front line workers).

Participants have been recruited from all areas of the city with a particular focus on West Hull, as this was the area most severely affected by the flooding. The following statistics provide a profile of our participants by age, tenure type and additional considerations.

Tenure

Of the 43 residents interviewed: 31 owner occupiers, 7 council tenants, 2 private rented, 3 housing association.

Age

Age profile of the 43 interviewees:

20s	30s	40s	50s	60s	70s	80s	90s
3	11	9	7	7	3	2	1

Disability

Number of interviewees with a disability in the family: 11

¹ Defined as those who may not have been flooded themselves but who have been working with flood victims as part of their employment. The 18 frontline workers we have interviewed comprise 2 teachers, 3 caretakers/community centre managers, 3 community wardens, 8 council/voluntary sector employees, 1 journalist and 1 district nurse.

Gender

32 women, 11 men.

Young families

14 participants have children under 10.

Insurance

7 participants were uninsured.

Response to consultation

Our research highlights some important issues that can be used to inform how flood recovery is managed and how flood risks are interpreted and understood by householders. Consequently we have chosen to comment on general issues outlined in the consultation rather than responding to the specific questions given in the document. For clarity purposes, our response is structured in accordance with the sections outlined in the consultation. The emphasis of our study is on understanding flood response and recovery from the perspective of those involved in the process. We therefore use extracts from interviews, diaries and group discussions with householders involved in our study to illustrate the points made. All names are pseudonyms to protect the anonymity of the participants.

Section 2.1 New approaches to flood and coastal erosion risk management

We agree that current flood legislation is narrow in its coverage and in the tools it provides to manage the risks. In particular, we welcome the decision to include all sources of flooding – particularly surface run-off and groundwater – in the legislation. Moves to introduce additional, more flexible flood risk management strategies to the traditional approaches of defence, drainage and protection are also to be welcomed. However, we have a number of queries/criticisms with some of the measures outlined in the draft bill. These points are summarised below and developed in more detail in the discussion that follows:

Government efforts to manage the risks of flooding need to pay more attention to improving support for residents during the long-term recovery process which follows a flood. In the wake of the 2007 floods, much consideration has been given to the question of how to improve the emergency response procedures that are put into place after a flood. However, the longer-term recovery process which follows this involves very different problems and challenges for residents. Our research shows that this more protracted recovery period is a frustrating – and sometimes traumatic – time for residents as they try to engage in a demanding series of tasks, from negotiating with insurers to project managing builders and coping with life in temporary accommodation. Indeed, for many people the recovery process is harder to deal with than the flood itself. Despite this problem, the question of how to provide better support for residents during longer-term flood recovery has been largely ignored by the policy makers. It is also unclear as to which organisations should be responsible for providing support to residents during this difficult time and, consequently, householders have to struggle through the process and negotiate with all the different agencies involved on their own.

The Draft Bill makes some welcome references to the importance of improving resilience to flooding. However, this is mainly discussed in the context of changes that can be made to people's homes to ensure the swift recovery of the physical environment. While these changes certainly have a very important role to play, our research shows that boosting resilience also involves helping people with more social aspects of flood recovery such as making insurance claims, finding temporary accommodation and dealing with builders and utilities companies. In the discussion that follows, we explain that an important part of doing this involves the recognition that the various organisations with which householders come into contact after a flood (including insurers, builders and council employees) have a duty of care towards the resident that they are dealing with. This duty of care acknowledges that these firms or organisations have an important role to play in the recovery process by helping residents to rebuild their lives and homes, and places an emphasis on them to behave accordingly.

A) Paragraph 65

We agree that it is not feasible to protect every area from flooding and that some communities may need to learn to live with more frequent floods in future. However, making this idea work in practice is going to require good communication with – and support for – the residents on the ground whose homes may be affected. This is because, at present, floods cause severe and prolonged damage and disruption to residents across all realms, from the emotional distress caused to the economic impact on homes and businesses. For example, on June 25th 2009, the second anniversary of the floods which affected the city, Hull City Council revealed that 300 people were still out of their homes. Our research also shows that even those who have returned home remain very anxious about a repeat of the floods because they feel they cannot face going through the same disruption – involving months or years out of their home and lengthy battles with builders, insurers and utilities companies – for a second time.

When it rains I suppose, yes, I feel quite depressed ... it maybe just triggers something in my brain. Yesterday it rained quite bad and I was coming in and the drain at the front is blocked and that was starting to fill and do you know, when you think - I just walk away and I don't know what I'd do, I'd rather just set fire to the house, walk away and just never come back I think. I couldn't do it again. (Abby, interview)

As we outlined in a response to the Defra consultation on property-level flood resistance and resilience measures (Sims *et al.*, 2008), few households in Hull have been repaired in a flood resistant or resilient fashion, largely because insurers will not pay for these measures. A repeat of the flooding in the city would consequently mean a repeat of the distress and disruption caused by the June 2007 event and, as Abby's comments show, this would be unthinkable for many residents.

Paragraph 65 of the consultation states that it will be important to “help communities to become more resilient and adapt to changing levels of risk” – however, the bill does not specify how this is to be achieved. **If the Draft Bill aims to move away from an approach based largely on defences towards a strategy where we accept that some places are going to have to live with**

flooding, it is vital that residents are provided with high levels of support and information to enable them to adapt their lives and homes accordingly so that floods do not result in the protracted and painful recovery process that people who are flooded currently experience. As acknowledged in paragraph 66, this will undoubtedly require both practical and financial assistance to help people make their homes more resistant and resilient to flooding and, as outlined below, a rethink of the way in which flood recovery is managed in order to make this process quicker and less disruptive for residents. Serious thought needs to be given to the practicalities of this process.

B) Paragraph 66

We agree that a more varied portfolio of measures of the kind outlined here has the potential to offer improvements to the ways in which flood risk is currently managed. As described in subsequent sections of this consultation response, the ability to deploy these measures in a flexible manner at the local level will also be important in ensuring that the most appropriate solutions are found for different areas. In particular, we welcome the inclusion in the list of suggested measures of a) help for householders with flood resistance and resilience measures and b) the reduction of the cost and time of recovering from flooding. Our study shows that efforts to improve the way in which flood recovery is managed will be crucial to the success of the government's efforts to widen flood risk management measures away from the traditional approaches of defence, drainage and protection. The floods of 2007 have resulted in serious attention being given to emergency planning procedures at the local and national level. For example, the recent Defra consultation on the National Flood Emergency Framework (Defra, 2008) is an attempt to ensure that the various agencies involved in flood response are clear about their roles and responsibilities in the aftermath of a disaster. However, far less attention has been given to the longer-term recovery process which follows the immediate emergency response phase. As Leanne described in her interview:

“So you see the flood doesn't happen in a few weeks, or a few days where it floods your house and this happens, it's all the knock-on effects of everything and it just goes on and on and on and every day there's something.”

Our research shows that, for people in Hull, the experience of the flood itself was not as bad as recovery process that followed as residents struggled to manage a long and complex repairs process involving a myriad of different agencies, from builders and insurers to landlords, utilities companies and removal firms. Diarists taking part in our project describe feeling frustrated and daunted by the nature of the process: many had never filed an insurance claim or project managed builders before and so all these skills had to be learnt by trial and error at the same time as they were busy coping with the demands of full-time jobs and family life in temporary or flood damaged accommodation. Consequently, the recovery process was made more difficult by the fact that they had to work out how to manage things themselves from scratch. For example, Amy felt that people who were flooded in future would benefit from having someone to give them advice and support with the process, so that they had confidence in what they were supposed to be doing:

“I don’t know about anybody else but we went into autopilot and there was quite a lot of numbness and not thinking on those first few months. And we’ve actually got to a stage now where we’ve realised where we probably made decisions six or seven months back where now we wouldn’t have agreed to the same things. Because it was all a lot of unknown, a lot of strange situations, something we weren’t in control of and if we could have had someone who had been through it at the time, who could help direct us and actually say, ‘Look you are going to go through this, you are going to go through that, you are going to go through the other, don’t just agree to it, or don’t just say yes to that, don’t just say no to that. What you need to think about is this, this and this’. That would really benefit for future events.”

The recovery process was also hindered by the unsympathetic treatment that many residents received from the companies they had to deal with. For example, Amy was unhappy with the standard of workmanship in her home. Her husband queried this with the builder and asked him if he would accept that standard in his own property, only to be told “not if I was paying for it, no”. From the builder’s perspective, it was the insurance company – not Amy and her husband – who was the client and, consequently, as long as his work was good enough to get him paid by the insurance company, he didn’t care what Amy thought of it. These kinds of examples are sadly all too common during the flood recovery process, as Melanie described:

“The infuriating thing is that when you ring the council – I mean our council has a call centre and... you just want them to understand what you are going through. And you constantly got a barrage or ‘Well it’s not really my problem is it?’”

Our research therefore shows the existence of what we have termed a ‘recovery gap’ whereby, once the initial emergency response phase is finished there is very little understanding of a) how to provide residents with the support that they need and b) who should be responsible for providing this support. Consequently, residents are left to fend for themselves whilst trying to fight their way through a complex and obstructive recovery process. The Pitt Review (The Cabinet Office, 2008) also contained a whole chapter on recovery– including a case study from this project – which was an important acknowledgement of the difficulties that residents have to go through after a flood.

In relation to the current consultation, therefore, we would argue that it is vital for the government to rethink the recovery process to ensure that better, more long-term support is available for residents affected by flooding. The Draft Bill makes very little reference to this longer-term process and yet, if we accept that climate change increases the likelihood of more floods occurring in future, learning how to provide better support for people during flood recovery must form a vital part of managing flood and coastal erosion risks successfully.

One suggestion could be that local authorities – in cooperation with other relevant organisations at the local and national level – are required to develop a plan for how residents could be supported during the long-term

recovery process. This plan could be included as a chapter in the local flood risk management plans that authorities will be called upon to produce as part of the bill (see section 4.2)². Our research also suggests that a shift needs to take place in the leadership and organisational cultures of the companies involved in flood recovery so that builders, insurers and utilities companies are encouraged to see themselves as agents of recovery (in much the same way as police, firemen and other emergency response workers are deemed to be). By getting them to place themselves in this disaster recovery position it could be possible to develop a culture where these companies are seen as having a helping, caring role for the householders that they come into contact with. If the government and the various professional bodies that represent these organisations could help sanction this disaster recovery role and encourage it to be seen as legitimate, it might be possible to start a cultural shift whereby firms come to see themselves as having a constructive role in aiding people's recovery.

A similar argument can be made for the need to help people install flood resistance and resilience measures in their homes. As described previously, few households in Hull had their homes repaired in such a fashion and we regard this as a missed opportunity as, by returning homes to their pre-flood condition, we are reproducing many of the factors which made that community vulnerable to flooding in the first place. Paragraph 66 of the draft bill recognises the value of “help being given to individuals to make changes to their properties to help protect the fabric, fixtures and fittings from flooding”. However, there is little indication of how property-level resistance and resilience measures could be employed during the repairs process for households affected by flooding. As outlined in our response to the Defra consultation on flood resistance and resilience measures (Sims *et al.*, 2008), the introduction of such measures during repairs could have many benefits for residents and the wider economy. However, if resilient repair is to become a reality there are many issues to be addressed, including the reluctance of the insurance industry to pay for such changes (Association of British Insurers, 2009) and the existence of sufficient expertise and materials within the building industry.

The consultation document on property-level measures mentioned a number of possible avenues for encouraging resilient repair, including a possible revision of the Building Regulations – we would argue that the government should think seriously about this and other options for promoting resilient repair as the current consultation document is unclear about how this could be achieved.

Section 2.2 Future roles and responsibilities

We agree that the existing legislative position provides insufficient clarity as regards the roles and responsibilities of the various organisations involved in managing flood risk and we welcome the government's proposals to develop greater clarity and accountability from the national to the local level.

² Elements of this plan could also be useful when thinking about how to support people recovering from other kinds of disasters that may affect the local area – such as a fire.

This clarity would provide considerable reassurance to residents who are, at present, frustrated by a situation in which they perceive that it is possible for organisations to evade taking action on drainage management issues.

- Anna See you can't really get anyone pinpointed down to say who is responsible can you? No one will say.
- Nigel I don't think they ever would.
- Anna You know, one says it's one body and another says it's another body and nobody ever says it was their problem.
- Elizabeth But that's dangerous isn't it; nobody is going to admit to be responsible are they?
- Nigel Whether it's Yorkshire Water or Hull City Council.

As this group discussion extract shows, residents are anxious about – and irritated by – a drainage management culture that they perceive to be, at best, overly complex and, at worst, all about 'passing the buck'. Consequently, the bill's promise of a simpler, clearer system of accountability – with a duty on organisations to cooperate and share information – would represent a major improvement.

However, our research shows that it is also important to develop clarity and accountability over the roles and responsibilities that different organisations have towards residents during the longer term flood recovery process. As described in the previous section, the present situation sees residents having to negotiate the recovery process on their own as there is no consensus over which organisations are responsible for providing much-needed support the public during this time.

Section 2.4 Local flood risk management

Effective flood risk management depends, to a large extent, on creating a situation where local areas have the flexibility to design and implement a flood risk management programme that is appropriate to their needs. **We agree that the current situation – whereby no one organisation is required to carry out a comprehensive assessment of local flood risks, needs and priorities, and where there is no duty on organisations to cooperate or share information – is ineffective and in need of transformation. The suggestion of an enhanced role for local authorities, combined with a new duty on all partners to cooperate and share information, would seem to be a sensible one.** The experience of Hull, where an independent report into the causes and consequences of the floods found what it described as "serious issues" with the design, maintenance and operation of Yorkshire Water's drainage system (Coulthard *et al.*, 2007), emphasises the importance of including both the relevant water companies and private landowners with a responsibility for parts of the drainage system into this duty of cooperation and information sharing.

Q27 in the consultation document also mentions the possibility of building a requirement for public consultation into the preparation and publishing of the local flood risk management strategy. **Our research suggests that having some form of effective public consultation in place is essential. This is particularly important in areas like Hull which have experienced flooding, as our research**

shows that residents – particularly those who have lived in the area for a long time – have amassed valuable local knowledge about the drainage issues that affect their locality. As a result of their experiences, they also have many questions about the way the drainage system is managed and they are eager to get involved in decisions about this, as the following extended extract from a group discussion shows:

- Leanne Again we need a body like an ombudsman, we need a body of people that can liaise with all these people, get the information and say, “Right you need to do that, you need to apply for funding for that, you need to do that and then we need to let the people know that this is all happening”. There isn’t such a body. How stupid all these however many grade of government, there isn’t such a body that deals with all that.
- Amy I mean the Internal Drainage Boards have gone, they used to be around because we had one in Hessle. And they need to bring those back because like Leanne said, the situation we have, we have the Environment Agency dealing with our open drains, which is classed as a river, we then have the Council dealing with gully drains and our sewers are all dealt with by Yorkshire Water, who the Environment Agency have been very good, they have representatives come to our meeting, they discuss with us the update, although things are moving slowly, they are moving but slowly. Yorkshire Water won’t actually come and actually get involved with us and that’s something, Alan Johnson is trying to get them involved for us. But we have all those different agencies that altogether, each of their little bits, have affected our flooding. So you can’t just go to one and say, “What’s happening and deal with it”. And things get passed back, “That’s not our responsibility, that’s not out responsibility, that bit is but that bit isn’t. We can do this but it won’t make any difference to all that stuff”. And I think that’s how it’s going right across Hull and the surrounding areas that little bits might be getting done but because it’s different agencies and communication.
- Researcher Do you think that body should also listen to groups like this?
Isobel Most definitely, yes. They need to talk to people that are living it.
- Jan Exactly, we’ve experienced the devastation it causes.
Researcher So they need to convince you that they are doing it?
Isobel Yes, exactly.
- Leanne Because when people pay their taxes and their wages and we are at the end of the chain, they need to feed the information down.
- Researcher Well you can ask the right questions because you’ve been through it.
- Amy Yes, they need to convince us with facts and figures and proof that things won’t work because just saying, “Oh no that isn’t going to work”, when we’ve been sat thinking about this for the last eight of nine months because of what’s happened. We’ve

worked things out in our heads, we see solutions, they might not be the right solutions but we can see you know, solutions to it working. We need to be told if it won't work and why it won't work.

Researcher Would it make you feel more secure if that happened?
Amy Yes, as long as it's not false promises.

As this example shows, residents who have experienced flooding have much to contribute to decisions around drainage management in their areas. Their involvement in this process is vital in restoring their confidence in their home neighbourhoods, as well as in the organisations responsible for drainage management at the local level. As a result, it is crucial that residents are given a proper opportunity to contribute to the decision-making process in their localities. This group discussion extract also shows how important it is for residents to be kept informed of the decisions that are being made. A good communication and public engagement strategy will therefore be crucial to the success of local flood risk management initiatives.

In relation to the overview and scrutiny issues raised in Q30-33 we would also argue that, **as well as being included in the list of organisations required to cooperate and share information, IDBs and water companies should also be included in the list of bodies required to cooperate with overview and scrutiny committees.** As the preceding quotations highlight, it is very important for residents' confidence in the drainage infrastructure to know that all the organisations responsible for its management are a) working together for the best outcomes and b) publicly accountable.

In its report into the causes and consequences of the floods in Hull (Coulthard *et al.*, 2007), the Independent Review Body also suggested greater regulatory powers for Ofwat as one mechanism for ensuring that the water companies design and maintain their infrastructure to particular standards, so we would suggest that it may also be possible to give Ofwat some role in this process of scrutiny.

Section 3.2 Current funding structure

As outlined in paragraph 414, **we agree that funding should be aligned with responsibilities to ensure that those accountable for delivery have the resources to achieve what is required. Channelling money to local authorities to spend in order with their local flood risk management plans would seem an effective means of doing this.** However, as described in section 2.4, it is important that some form of public consultation is involved in this process, so that local people can have some knowledge of – and involvement in – decisions about how the money is allocated. For example, in the aftermath of the floods in Hull, there were media reports that the council had saved money by cutting back on drain cleaning – needless to say, this allegation caused a lot of resentment amongst local people whose homes were affected, as Caroline described:

“This wasn't about... the river breaking it's banks, this was about bad planning and little or no maintenance of the drains and stuff. You know there's a lot being said that the Council have been patting themselves on the back the previous financial year because they'd saved X number of thousand pounds

through not doing drain cleaning and look where that got them. So I did feel resentful at the time when it was all going on, if the drains had been cleared, I'm not sure they could have taken the volume that fell from the sky, I don't know. But you know, people sort of get together talking and a lot of people have said in America they've got stones in drains you can drive cars in. So if we'd have something like that we wouldn't have been as devastated as we were."

By encouraging the public to become involved in local flood risk management plans and decisions on how funding is allocated, the government can ensure that there is greater transparency and – potentially at least – greater public understanding of what monies are being spent, and where. We therefore recommend that the new legislation makes it mandatory for local authorities to provide some opportunities for the public to be involved in decisions on flood risk management and its associated funding mechanisms.

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