

Response from Keswick Flood Action Group (KFAG) to the Consultation on the government's strategic priorities for Ofwat

Mrs Lynne Jones MBE, Chair of KFAG, September 24 2021

- Has the government identified the most relevant strategic priorities for Ofwat? If not, please provide details of the priorities that should be included.

Most of the objectives for flood risk reduction seem to be at Ofwat's discretion and this demonstrates that there is still little appreciation of the communities up and down the country who live in fear of the next storm/wet winter.

Climate change will increase the risks from both flood and drought, as evidenced in the UK Climate Risk Independent Assessment (CCRA3) technical report. Legislative requirements exist around drought risk management, but flood risk management is not well covered. For example, the use of reservoirs for storm storage could play a vital role in reducing flood risk to downstream communities from increasing storm severity, however the EA has no powers in this area.

The WISER document (mentioned in point 17 of the consultation document) states (page 6) "Our planet is experiencing a climate and biodiversity emergency". **Yet of the actions marked as statutory, the majority are about maintaining or improving situations in the short-term, whilst the longer-term actions, eg under security of supply and flood risk management, both key issues with climate change, are non-statutory.** Water companies will look to the strategic priorities as a lead as to how they act. **If we are to expect businesses such as the water companies to address the long-term challenges of climate change then there has to be incentive/direction for them to do so, and some (much?) of that will need to be legislative to drive speed of change required.**

Thankfully, reservoirs are mentioned as a means to provide greater flood resilience but this is by no means a clear, specific statement and falls far short of the overriding need for statutory duties placed on water companies to balance supply needs with flood risk to better protect communities downstream of such water company assets. We need to accept that, whilst the UK may do everything in its power to mitigate climate change, the impact is already being felt by some communities. This is a global issue and there needs to be a "hope for the best, prepare for the worst" approach to the future. Whilst we see document after document considering water shortages, the effects of hotter, drier weather and environmental assessments on that impact, there is a distinct lack of acknowledgement and ambition to deal with of the counter-side of climate change – flooding/extreme rainfall/periods of drought followed by inundation. Water companies, although FRMAs, seemingly only acknowledge their responsibility to manage flood risk from sewage and drainage infrastructure when they are also responsible for many large bodies of water, the management of which can have extreme impacts on communities and the environment.

We have, in the past (13/4/17), suggested to Ofwat that **there should be an amendment to the Water industry Act 1991 to include a requirement for water companies to take flood prevention into account when managing their reservoirs/assets.** This requires a change in legislation NOT reliance on goodwill.

It is completely unacceptable to expect communities to rely on, for example, Property Level Protection (PLP) when there are actions which water companies should be taking to reduce flood risk for many communities. Nobody wants to see water wasted but, by the same token, it should not be stored in such a way that it increases flood risk for those downstream of reservoirs. The flooding

in Europe during 2021 should be a wake-up call to everyone. For the UK, the recent evidence of extreme weather and the impacts on communities is also readily available:

Derwent & Don 7th & 8th November 2019 flood event: Prior to that date the following reservoirs in that upper catchment had been overflowing as follows:

- Wharnccliffe Side spilling since 17th September.
- Penistone: Bower Hill Bridge; Loxley Rowell Bridge; Sheffield Oakbrook Road; Sheffield centenary Works all from 24th September

Severn Floods February 2020: exacerbated by reservoirs in the upper catchment with no storm capacity eg. Vyrnwy

Thirlmere: Significant contribution to the floods in Keswick in 2005, 2009 & 2015. K FAG can evidence the levels of flood storage at Thirlmere which would have protected the community. All this has been put to Environment Agency (EA) and United Utilities (UU). Furthermore, the EA's own study had the same conclusions (albeit with slightly different reservoir levels).

K FAG are aware that there has been a National Reservoirs Review which includes the management of Thirlmere as an example. Despite the many years that we have worked with UU and the EA to try to get a management regime at Thirlmere to offer a better balance towards flood risk reduction, K FAG's requests for sight of that Review have repeatedly been refused. ("Working with the community" can often be just warm, and very hollow, words). However, the Review's existence must indicate that there is, at last, some recognition of the impact that full reservoirs can have on public safety, peoples' homes etc. **The findings of this review should form part of the future for water infrastructure.**

Water transfer – a national priority? The document references the EA's National Framework for water resources which acknowledges that "around 50% of the national need is in the South East" (page 4). On page 6 of that document the final role of much needed future planning is "moving water to where it's needed – by fully exploring all opportunities for water transfers, within and between regions, of different scales and lengths".

Water companies exist to make profits, not merely to supply clean water. Without enforcement such comprehensive – and expensive - alterations to infrastructure will not take place. Water companies already need a lead time of 5 years to adapt to government policies. **The need to concentrate on the changes needed for water transfer and increased storage capacity is immediate.**

So, whilst the national framework is looking towards 2050 to drive integration, look at shortfalls in water supply/transfer and recognises that that the country needs ~14 Thirlmeres (by abstraction licence – 3435MI/d /242MI/d) to satisfy demand. UU's 2019 Planning Report is totally diametrically opposed with an insular view (with an – understandable - eye to limit investment and protect profits) and which happily accepted a fine balance of 1% to 3% to 2045. UU intended to simply address the situation by reduced water leakage which seemed unplanned and unachievable although not exactly costly!

There needs to be a clear strategy to ensure water companies can raise any reasonable additional funds from customers to invest in (the soon to be urgently needed) additional storage/water transfer infrastructure.

The UU 2019 WRMP states that water transfers are not part of their plan as the north west (a water rich area) has not been selected by any other company for imports. There is also no UU plan to increase supply up to 2045, in fact it is decreasing slightly (by 2.6%) across the period. **There must be adequate**

controls to ensure national priorities are met when water companies are driven by their local situations and the requirement to maximise return to their shareholders

This should all be linked in to COP 26 but over-and-over **there seems to be no joined up approach, much buck passing between the EA, DEFRA and Ofwat, too many organisations involved with conflicting needs and no means of resolving these national issues which are already pressing.**

- Does the strategic policy statement effectively set out government's expectations of Ofwat in supporting delivery of our priorities? If not, please identify where these expectations could made clearer.

There are no statutes that allow FRM and Climate Change to be addressed. Statute change is required.

Given that we do not consider the Government's priorities comprehensive then the answer must be "No". **The statements are unspecific and the objectives need to be made clearer/quantifiable.** Reducing flood risk and water management does not appear to be given the importance it deserves, given the climate change forecasts. Could this be down to the fact that there is no one agency or voice which is solely responsible for considering the risks that the expected increased rainfall will create? The Environment Agency is not, in our view, fit for purpose as a Flood Risk Management Authority as its role is primarily environmental and all considerations for flood risk reduction rely on (often false or biased) assumptions about environmental impacts and are subject to numerous other factors to do with habitat and environment which seem to hold more sway.

As an example, despite the clear link between flood risk and storm capacity in Thirlmere reservoir, the EA has only been able to develop a new S20 based on habitat regs. There is, however, no consideration for the environmental impacts of excessive overflows. Whilst UU are paying for a catchment manager to oversee environmental impacts over the coming years when relatively insignificant trial releases are to made (545 MI/d when in overflow events in excess of 2000 MI/d can flow through the catchment, Storm Desmond was >10,000 MI/d, and bank-full is around 700 MI/d). K FAG and the community are the only witnesses to the destruction of land/the environment/homes when reservoir overflows occur and flood risk is exacerbated. Frankly there is far more to consider than waterlogged fields and the loss of habitats with destructive flood flows and yet there is no ambition to investigate this damage as a balance to additional releases for storm water storage.

The Environment Agency is trying to make itself "Carbon Neutral". We would suggest that there is no willingness to account for or take ownership of the further environmental damage which results from the vast amounts of property from a multitude of homes and businesses that goes into skips - and then landfill - from a major flood event, from the production and transport of replacement white goods etc., the impact on energy wastage from weeks of dehumidifiers and heaters working 24/7 in houses to circulate warm air in the drying process that can take many months. If the EA is to truly be a FRMA then all that carbon footprint should be firmly laid at their door.

Earlier in 2021 we understand that Steve Mogford, CEO of UU, wrote to Water Minister, Rebecca Pow to explain the complexities of the use of reservoirs for flood mitigation. Basically, whilst UU's operation of a number of reservoirs in the North West has the potential to play a part in flood mitigation downstream, this conflicts with their obligation to preserve water for public supply. If there is to be a future when this additional measure can be put into play – and we believe that climate change makes this an unavoidable part of our future then **flood risk management of reservoirs has to be uncoupled from financial drought penalties for water companies.** In this way we can all go forward with a better balance for reservoir management. However, this cannot be achieved with

vague statements and warm words. It requires acceptance, focus and **ultimately Ofwat needs authority to influence that change.**

Many water companies are relying on Victorian infrastructure. There has been no enthusiasm to address the lack of improvements in water transfer system which, in the case of Thirlmere and presumably many more reservoirs besides, relies on a limited capacity gravity feed aqueduct to supply most of its customers. There has been decades of underinvestment and this must be confronted.

The age and condition of the sewage and drainage system is similarly in need of upgrading. It is evident that the current capacity is woefully inadequate for the rainfall already experienced in the UK, even without the additional problems of collapse and blockages resulting from years of poor maintenance. **Again there is a reliance on aging infrastructure and no appetite – requirement or incentive – to act on this.** On a practical level when Keswick had a new waste water treatment works installed back in 2012 the whole design was based on 1:30 year event. The apparently accepted rationale for this was that when the system overspilled into a field, as designed, the foul water would simply be diluted by the river (in a National Park and with vast stretches designates as SSSI and SAC) which should have flooded the field by that time. **This was all the UU were required to do and, as a company needing to protect customers bills and shareholders profits, why would they do more? With Climate Change forecasts there is a need to recognise the inadequacy of these actions and instigate appropriate enforcement to ensure that sewage/drainage systems are created/upgraded with pipework etc. designed for a far greater storm capacity.**