

REPORT TO DEVELOPMENT CONTROL COMMITTEE

7 June 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES BRIDGEND CBC LOCAL PLANNING AUTHORITY –

SCHEDULE 3 OF THE FLOOD AND WATER MANAGEMENT ACT 2010 – THE MANDATORY USE OF SUDS ON NEW DEVELOPMENTS AND THEIR APPROVAL AND ADOPTION BY THE SUDS APPROVING BODY (THE SAB)

1. Purpose of Report

- 1.1 The Welsh Government is proposing a policy objective to deliver effective, multi-purpose SuDS (Sustainable Drainage Systems) in new developments that will be maintained for the life-time of the developments they serve.
- 1.2 For every new development, the Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.
- 1.3 This report informs Members that Schedule 3 of the 2010 Act makes the use of sustainable drainage in all new developments (including re-developments) with drainage implications mandatory and provides a mechanism for their adoption and maintenance.
- 1.4 The SuDS Approval Process will be separate from, but coincidental with, the Planning Process but the developer will not be able to commence works until both forms of approval are secured. There is a separate fee for SAB approval of a SuDS scheme and the Council's Land Drainage Section has recruited a SAB Officer to process the applications although administrative support will be provided by the Planning Section.
- 1.5 The Commencement Order was signed 1 May 2018 which means that Schedule 3 becomes law as from **7 January 2019**.

2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage. Implementing effective SuDS on a development site will require a joined-up approach by the local authority across multiple disciplines and early involvement of drainage/flood risk engineers, landscape architects, highways engineers and planners is key to secure quality effective SuDS.
- 2.2 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 Surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding of

homes. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. In particular, local flooding, due to the overloading of volume constrained drainage systems and sewers, is of increasing concern. Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authorities (LLFAs) are responsible for managing local flood risk which includes that from surface water.

3.2 Uncertainty over the design and adoption of surface water drainage for new developments can hamper development. There are also lost opportunity costs where the drainage design fails to deliver multiple benefits (for example recreation and amenity) beyond simple surface water management.

3.3 Schedule 3 of the Act requires Ministers to publish national standards for surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS) on new developments. It also requires surface water drainage systems to be approved by the SuDS Approval Body (SAB) before construction work with drainage implications may begin for most developments. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDS that service more than one property, either at the request of the developer or on the SAB's own initiative.

3.4 The responsibility for delivery of the SAB functions rests with the 22 Local Authority's in Wales alongside their duties as LLFA.

3.5 The policy objective is to deliver effective, multi-purpose SuDS in new developments that will be maintained for the life-time of the developments they serve. To deliver this, it is vital that partnership working between those involved in the design, construction and maintenance of the SuDS is enabled.

3.6 For every new development, the Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.

3.7 Schedule 3 of the Flood and Water Management Act 2010 (the 2010 Act) provides a framework for the approval and adoption of surface water systems serving new developments. It does not apply retrospectively to retrofit existing drainage systems. The Welsh Government consulted on its implementation from May to August 2017. A further consultation on the Statutory Instruments required to deliver this followed the announcement in November 2017 by the Cabinet Secretary of the intention to introduce the Schedule 3 requirements for new developments.

3.8 The issues raised during consultation have been considered in finalising four statutory instruments, which deal with:

Approval and Adoption (The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018);

Procedural matters relating to approval and adoption (The Sustainable Drainage (Procedure) (Wales) Regulations 2018);

Enforcement of the requirement for approval by the SuDS Approving Body (The Sustainable Drainage (Enforcement) (Wales) Order 2018); and

Appeals against decisions of the SuDS approving body (The Sustainable Drainage (Appeals) (Wales) Regulations 2018.

3.9 Exemptions from the need for SAB approval include:

- Single dwellings and developments of less than 100 square metres will be exempt from the need for SAB approval and
- work requiring development consent as a nationally significant infrastructure project .

4. Wellbeing of Future Generations (Wales) Act 2015

4.1 The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4.2 The duty has been considered in the production of this report.

5. Recommendation

5.1 That Members note the content of this report and the implementation of Schedule 3 of the 2010 Act as law from 7 January 2019 onwards.

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Background documents
None