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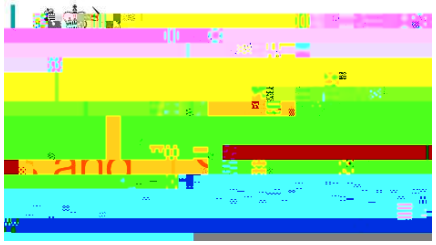

Delivering Sustainable Drainage Systems

September 2014

Contents

Part 1:

Purpose of the consultation

1.3 This consultation document sets out an alternative approach to the one envisaged in Flood and Water Management Act 2010 to deliver effective sustainable drainage systems that will be maintained for the lifetime of the developments they serve. The government has listened and in response, now wishes to consult on delivering sustainable drainage systems through changes to the current planning regime. We are seeking views on this approach.

Rationale

1.4 The system proposed by government builds on the existing planning system, which developers and local authorities are already using. Policy changes to the planning system can also be introduced relatively quickly ensuring that sustainable drainage systems flood risk benefits can be brought forward as soon as possible.

Coming into force date

1.5 Subject to the outcome of this consultation, any changes to planning policy would come into force in Spring 2015.

Geogr aphical scope

1.6 This consultation relates to England only.

2.4 We will also use the planning system to make clear the government ¶ V H [S HnF W D W L R that local planning authorities will put in place robust and sustainable arrangements for the maintenance of sustainable drainage system. Further details can be found under Conditions (on page 8).

Planning guidance

2.5 In support of the National Planning Policy Framework, the planning guidance[8] (March 2014) sets out the appropriate use of sustainable drainage systems as a way of using the opportunities offered by new development to reduce the causes and impacts of flooding, and explains why priority should be given to the use of sustainable drainage systems.

2.6 In support of the proposed policy change, amendments to planning guidance would set out what is expected of local planning authorities and developers when planning applications are submitted for new developments in relation to the provision of sustainable drainage systems.

2.7 The amendments to planning guidance would be based on the draft sustainable drainage systems National Standards and Specified Criteria which include a hierarchy of acceptable discharge solutions with infiltration to the ground the most preferred and connection to sewers the least preferred (but still permissible). The most recent version of the draft sustainable drainage systems National Standards and Specified Criteria (June 2014) can be found at the Annex.

2.8 We envisage that the draft sustainable drainage systems National Standards will be supported by partner-led guidance maintained as a stand-alone document. It is entirely open to other organisations to publish other independent guidance.

2.9 Furthermore, to support the local planning authority in their role as decision maker, the planning guidance would make clear that during the preparation of a Local Plan, the Strategic Flood Risk Assessment would be expected to include consideration of the provision and suitability of sustainable drainage systems across the local area.

2.10 The evidence base for the Local Plan including in relation to the provision of sustainable drainage systems would be informed by expertise from the Lead Local Flood Authority where there is already an expectation that they would be consulted on the preparation of local plans. The Strategic Flood Risk Assessment should take account of the latest evidence from Local Flood Risk Management Strategies,

[8] Planning Practice Guidance ±Meeting the challenge of climate change, flooding and coastal change section
KWWSV ZZZ JRY XN JXLGDQFH IORRG ULVN DQG FRDVWDO FKDQJH

Q1. Do you agree that the proposed revision to planning policy would deliver sustainable drainage which will be maintained? If not, why?

Q2. How should the Local Planning Authority obtain expert advice on sustainable drainage systems and their maintenance? What are the costs/benefits of different approaches?

Q3. What are the impacts of different approaches for Local Planning Authorities to secure expert advice within the timescales set for determining planning applications ?

Development size threshold

2.20 Most respondents to government ¶ V F R Q V X O W D W L R Q R Q W K H L P S O H P H (December 2011 to March 2012) were agreed on the benefits to developers and local authorities if smaller (minor size) developments were exempted from the provisions initially.

2.21 It is therefore proposed that any planning policy change to require sustainable

Part 3: Options for sustainable drainage systems maintenance and the funding options which could support them

Maintenance arrangements: an overview

3.1 Sustainable drainage systems must be maintained to ensure effectiveness. We are therefore proposing that conditions should normally be attached to a planning permission for a development requiring that provision is put in place so that the sustainable drainage systems to be constructed must be maintained to a minimum level of effectiveness. To be effective a maintenance option must:

- clearly identify who will be responsible for maintaining the sustainable drainage systems and funding for maintenance should be fair for householders and premises occupiers; and,
- set out a

Potential maintenance options

Service management c ompanies

3.4 Maintenance Companies are often set up to manage public spaces on new developments and maintenance of sustainable drainage systems could be added to their remit.

3.5 Under this option householders and premises occupiers would pay for sustainable drainage systems maintenance as part of the annual service charge or equivalent outdoor space service charges that they pay to cover a range of activities. Developers will need to ensure that any requirement to pay fees is binding.

3.6 Another potential funding path is a commuted sum paid by the developer to the Maintenance Company. Though this may be appropriate in a limited number of cases, in general, other options are likely to work better. Any commuted sums would need to be consistent with the need for the site to be viable overall.

3.7 Charitable Trusts could also serve as Maintenance Companies.

Water and sewerage companies

3.8 Water and Sewerage Companies already have duties and can make charges relating to water and there is an association between their current activities and any new arrangements relating to managing surface water from properties.

3.9 Water and Sewerage Companies may construct, maintain and operate drainage systems which relieve the public sewer. This includes sustainable drainage systems. The legal basis is set out in section 114A of the Water Industry Act 1991 (as amended by the Water Act 2014).

3.10 If a Company and a developer agreed, the developer could build (or contribute towards the construction of) a sustainable drainage system that the Company would subsequently own. The sustainable drainage system would be included within a : D W H U D Q G 6 H Z H U D J H & R P S D Q \ ¶ V R U G L Q D U \ F K D U J L Q J V would be funded through the surface water drainage element of household water E L O O V 7 K L V P H D Q V W K D W D O O W K R V H E L O O S D \ H U V L Q for surface water management would share the cost burden. Given that the cost of maintaining sustainable drainage systems is generally cheaper than traditional pipework, all bill payers would benefit.

services. Instead the beneficiaries of the service would be the ones billed and the amount would not be regulated by Ofwat.

Local government

3.12 Some local authorities may wish to take on responsibility for the maintenance of sustainable drainage systems as part of their wider public open space and amenity management function and/or where the sustainable drainage system provides advantages for the wider community. Under this option, local authorities would need to charge to fund their activities in maintaining sustainable drainage systems. We intend to consider over the course of consultation whether and in what form charging arrangements might be put in place.

Private Individuals: property owners or occupiers

3.13

Ensuring that maintenance costs are reasonable

3.16 Government intends to ensure that the cost of maintaining sustainable drainage systems not add to household bills or, when paid for upfront, to the costs of building and buying a new home. All the available evidence is that sustainable drainage systems are generally cheaper to build; and maintaining them will be cheaper (or need be no more expensive) than the same cost as is required to maintain conventional drainage at present. Ofwat has been given powers to require Water and Sewerage Companies to reflect in their charges schemes where measures have been put in place to reduce the volume of surface water entering the public sewer or the rate at which it does so (Section 143B Water Industry Act 1991 (as amended by Section 16 Water Act 2014[11])). This means that we will expect to see reductions in the surface water drainage element of household water bills for those households where sustainable drainage systems are managing their surface water run-off.

3.17 By taking a flexible and permissive approach to how sustainable drainage systems maintenance will be paid for, government intends to allow developers and communities to find the best solution to funding maintenance for a site, that will be transparent, good value and acceptable to homebuyers.

3.18 However, occasionally a sustainable drainage solution on a particular site might be exceptionally costly to maintain. Where the cost of on-going maintenance would impair the deliverability of the development, the planning authority may consider that a condition requiring the implementation of a sustainable drainage system is not appropriate.

3.19 * R Y H U Q P H Q W ¶ V L Q W H Q W L R Q L V W K D W W K H S R O L F \ D S S U safeguards applied, will meet the aim of ensuring maintenance is affordable. We would value evidence submitted in response to this consultation.

Q5. What other maintenance options could be viable? Do you have examples of their use ?

Q6. What evidence do you have of expected maintenance costs?

Q7. Do you expect the approach proposed to avoid increases in maintenance costs for households and developers? Would additional measures be justified to meet this aim or improve transparency of costs for households?

[11] http://www.legislation.gov.uk/ukpga/2014/21/section/16/enacted

Part 4: consultation process

Comments and views are welcome on the questions asked in this consultation (as listed again in Part 5).

How to contribute

The duration of this Consultation is 6 weeks and will take place from 12 September 2014 to 24 October 2014.

There are a number of ways to respond to the consultation:

Online survey

The questions contained in the consultation have been incorporated into an online survey. We would be grateful if you could complete this survey to enable us to analyse your responses efficiently and effectively.

Postal and email responses

Responses should be sent to:

SuDS Team
Defra
Area 3D
Nobel House
17 Smith Square
London, SW1P 3JR
Email: suds@defra.gsi.gov.uk

Confidentiality

Defra is proud of its policy of openness and at the end of the consultation period copies of the responses will be made publicly available at:

Defra
Information Resource Centre
Atrium
Nobel House
17 Smith Square
London SW1P 3JR

They may also be published in a summary of responses to this consultation. If you do not consent to this, you must clearly request that your response be treated as

Part 5: consultation questions

Q1. Do you agree that the proposed revision to planning policy would deliver sustainable drainage which will be maintained? If not, why?

Q2. How should the Local Planning Authority obtain expert advice on sustainable drainage systems and their maintenance? What are the costs/benefits of different approaches?

Q3. What are the impacts of different approaches for Local Planning Authorities to secure expert advice within the timescales set for determining planning applications?

Q4. Do you agree that minor size developments be exempt from th(h)6(e)- s>> BDC BT 1 0 0 1 56.64

Annex : draft national standards and specified criteria for sustainable drainage

National standards

These Standards are issued to set out the requirements for the design, construction, maintenance and operation of sustainable drainage systems (SuDS) in accordance with paragraph 5 of Schedule 3 (National Standards) to the Flood and Water Management Act 2010 (the Act).

Terms used in the Standards have the same meaning as those in the Act and supporting Statutory Instruments.

1. Design

Runoff destinations

Standard 1. Surface runoff not collected for use must be discharged to one or more of the following, listed in order of priority:

1) discharge into the ground (infiltration); or where not reasonably practicable,

2) discharge to a surface water body; or where not reasonably practicable,

3) discharge to a surface water sewer, highwa

Peak flow control

Standard 4. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must not exceed the peak greenfield runoff rate for the same event.

Standard 5. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event.

Volume control

Standard 6. Where reasonably practicable, for greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event.

Standard 7. Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but mu

Water quality

Standard 12.

Standard 21. Once constructed in accordance with the approved design, an approving body must presume that a drainage system is functioning in accordance with the approved design unless there is evidence to demonstrate that it is not.

Standard 22. Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

3. Maintenance

Standard 23. The drainage system must be maintained to ensure that it continues to function as designed.

4. Operation

Standard 24. The drainage system must be operated to ensure that it continues to function as designed.

Specified criteria by which judgments are to be formed

The specified criteria are published in accordance with paragraph 5(3)(a) of the Flood and : D W H U 0 D Q D J H P H Q W $ F W Z K L F K V W D W H V ³ 1 D W L R Q D O 6 W dards may permit or require approving bodies to form judgements by re I H U H Q F H W R V S H F L I L H G F U L W H U L D

5. Specified criteria to which regard is to be had

Criterion 1. The approving body may have regard to a technical standard or criteria submitted as evidence:

a) of the hydrological modelling of flood risk off and on the development,
b) of the hydrological modelling of flow rate and volume of water to be discharged,
c) of the water quality outcomes achieved by drainage components,
d) that components are designed to ensure structural integrity of the drainage system and any adjacent structures,
e) that materials, including products, components, fittings or naturally occurring materials are of a suitable nature and quality for their intended use.

Criterion 2. The approving body must have regard to the flood risk management and water quality requirements, if any, which apply to the provision of drainage systems, in:

a) the National Planning Policy Framework and its technical guidance;
b) up-to-date local and neighbourhood plans which covers the area of the development;
c) the National Flood and Coastal Erosion Risk Management Strategy;
d) the Local Flood Risk Management Strategy which covers the area of the development;