

NAME OF SCRUTINY COMMITTEE	Communities Scrutiny Committee
DATE OF MEETING	11th October 2018
TEITL	Implementation of Sustainable Drainage Systems on New Developments
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PURPOSE	To highlight the obligations to the Council and developers from the implementation of Schedule 3 of the Flood and Water Management Act 2010

Background

The Welsh Government have announced that the Flood and Water Management Act 2010 (Schedule 3) will come into force on the 7th of January, 2019. In accordance with the Act new developments must contain Sustainable Drainage Systems (SuDS) which comply with National standards. It is therefore a requirement for all Local Authorities to set up a body which receives, approves, adopts and ensures compliance with the new Regulations, known as the SuDS Approval Body (SAB).

What are Sustainable Drainage Systems (SuDS)?

The SuDS approach mimics natural drainage, managing surface runoff at or close to the surface and as close to its source as practicable, controlling the flow (volume and rate of runoff) and providing a range of additional benefits. It contrasts with traditional drainage techniques, which are based on underground pipes to convey rainwater away from properties as quickly as possible. While pipes will often be used in SuDS drainage schemes, the construction of surface water drainage systems comprising solely of pipe sewers will become the exception. The most effective SuDS use a series of various drainage components (where possible vegetative units), operating as close to the source of runoff as practicable, working as a SuDS management train to control flow rates and reduce volumes of runoff, as well as to provide treatment thus protecting the receiving environment.

Well designed, easy to maintain SuDS will deliver a range of important benefits for the local environment, the development and local communities. Surface based sustainable drainage components are visible in their operation and performance and are generally simpler and easier to operate, monitor and maintain. These activities can normally be undertaken alongside or as part of routine landscape management operations for any site.

Process

Drainage systems should be considered at the earliest stages of site design to influence the layout of the roads, buildings and public open spaces. Planning of a new site layout should be informed by the topography and the requirements of surface water management systems to both effectively drain and treat the runoff. Where a development is phased, the design of the SuDS scheme should consider the effects of each stage as well the whole development on the performance of the surface water drainage system.

Whilst the Planning and SuDS approval process are two separate processes governed by separate legislation, they can influence each other. The requirements of the SAB have been set out in a way which mimics the planning process, meaning the two process can run in parallel. The Council will be preparing guidance for developers which outlines the relationship between the Planning Authority and SAB requirements with the intention on encouraging developers to undertake early discussions with the two bodies before submitting an application.

Any development which has drainage implications containing more than one property, or with a construction area with drainage implications of greater than 100m² will fall under the requirements of the Regulations, meaning that they will need to submit an application for approval to the SAB. It will be a requirement for the SAB to adopt the SuDS system if it serves more than one property and has been built in accordance with the National standards.

A simple flow diagram which outlines the SAB requirements is included in Appendix 1.

Council Obligations

Creation of the SAB is a new statutory duty placed on local authorities, but no additional funding will be forthcoming from the Welsh Government. In the long term the SAB should be self-funding, with the application fees paying the running costs. A significant investment in terms of staff time and effort has already been made, and needs to continue over the next few months, to establish the SAB and develop systems and processes which ensure that the Authority is in place to receive applications from January onwards.

Establishing the SAB is a statutory duty for the Council. In accordance with the new Regulations there will be several occasions where it will be necessary for the Council to adopt and maintain SuDS features. Without sufficient processes and systems in place to ensure the SuDS are designed, built and maintained correctly, there is a financial risk to the Council from having to adopt such features.

Appendix 1 – SAB Flow Diagram

Annex G – Diagram of the SuDS approval process

