

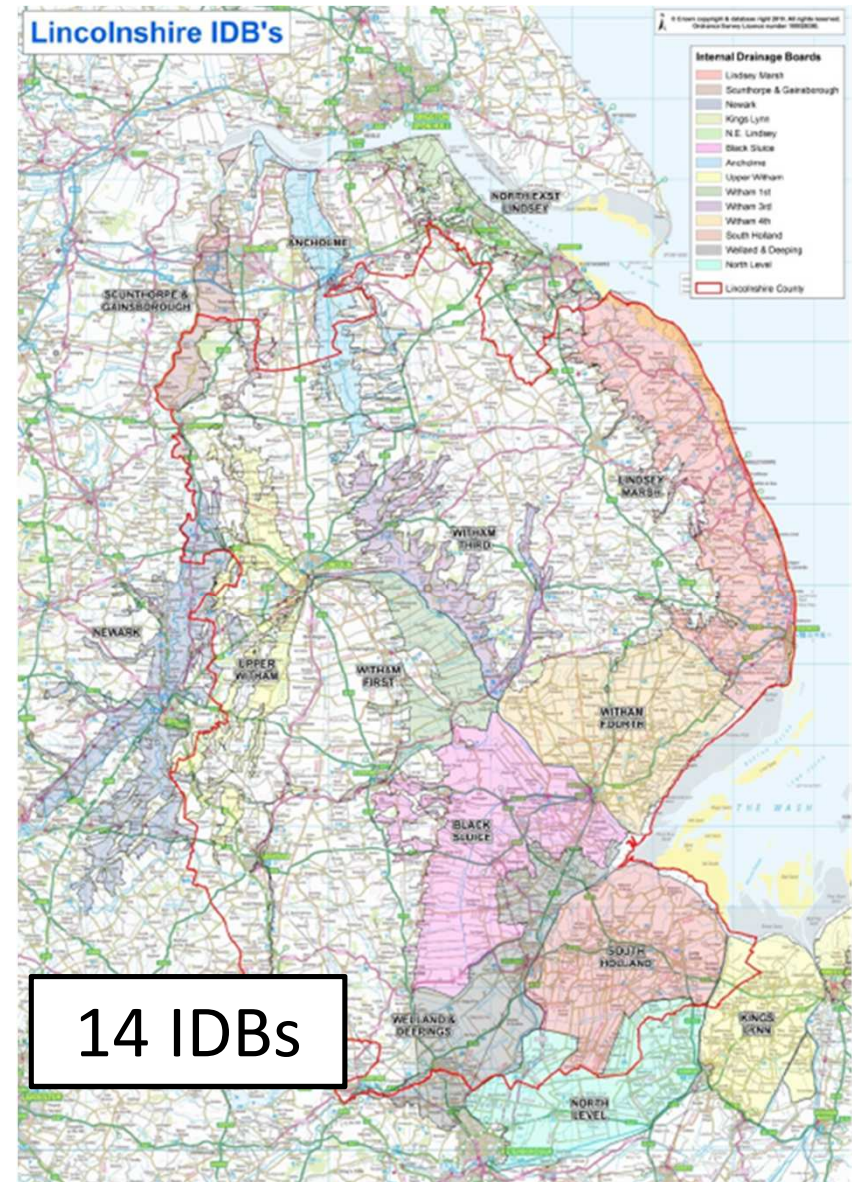
DELIVERING SuDS AND THE PLANNING PROCESS IN  
LINCOLNSHIRE

Mark Welsh - Flood Water and Major Developments  
Manager  
Lincolnshire County Council

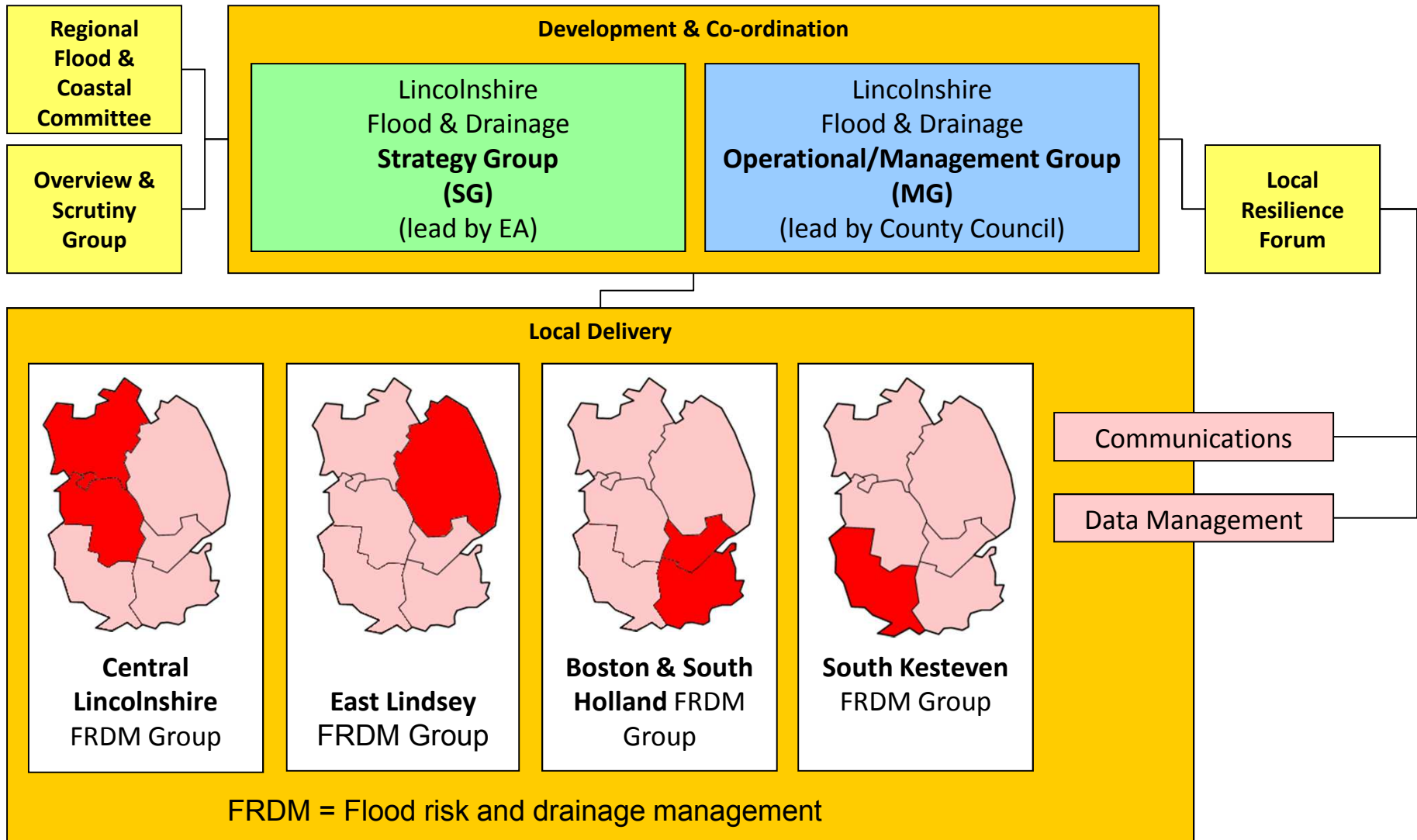
January 2014

# THERE ARE 26 FLOOD RISK MANAGEMENT AUTHORITIES IN LINCOLNSHIRE

- Lincolnshire County Council as LLFA
- Anglia Water & Severn Trent Water
- 2 Environment Agency Regions



# Lincolnshire Flood Risk & Drainage Management Framework



# Joint Lincolnshire Flood Risk and Drainage Management Strategy

*Joint Lincolnshire Flood Risk and Drainage Management Strategy, Part 1 of 3: Strategic  
Visions – ver 8.0, Final Draft*

**Lincolnshire Flood Risk and Drainage  
Management Partnership Framework**



**Joint Lincolnshire Joint Flood Risk  
and Drainage Management Strategy  
2012-2025**

**Part 1 of 3**

**Strategic Vision**

**Final Draft**

*Joint Lincolnshire Flood Risk and Drainage Management Strategy, Part 1 of 3: Strategic  
Vision – ver 8.0, Final Draft*

# SUDS AND THE DEVELOPMENT CONTROL PROCESS

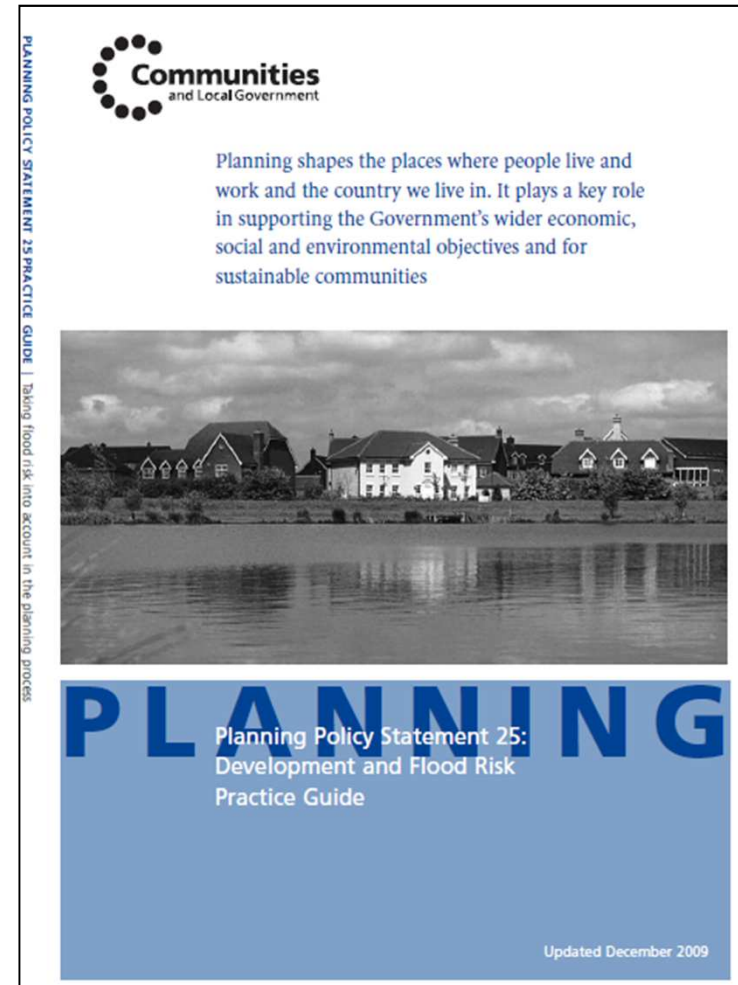


# Role of the Local Planning Authority LPA

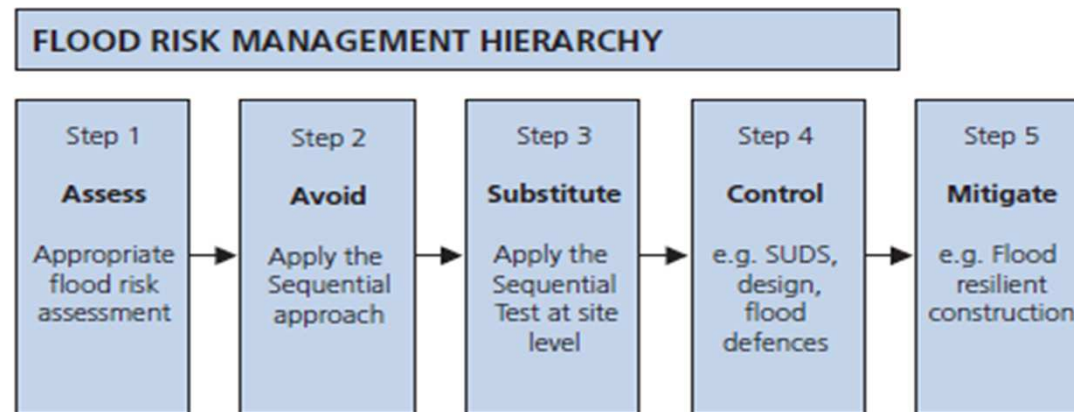
## PPS25 Practice Guide

The LPA is the principal decision-maker on applications for new development....Specifically the LPA should:

- **State where development would be acceptable on flood risk grounds;**
- **advise the developer on the need for a site specific Flood Risk Assessment (FRA) and consultation with the Environment Agency and/or other flood risk consultees;**
- **Encourage pre-application discussions with the identified flood risk consultees.**



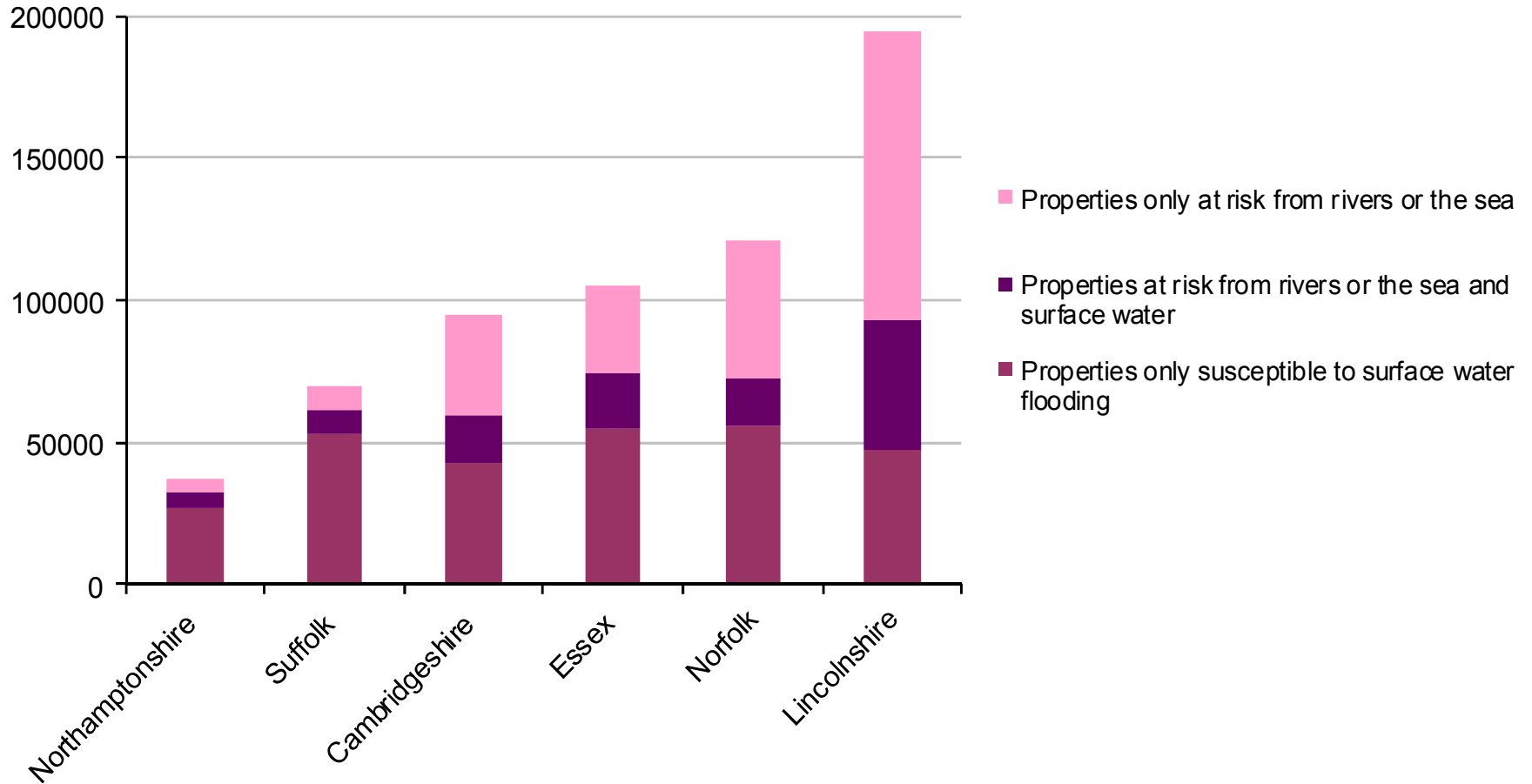
# SITE SPECIFIC FLOOD RISK ASSESSMENTS (FRAs) should establish:



- whether the proposed development is likely to be affected by current or future flooding from any source (**including surface water**)
- whether it will increase flood risk elsewhere
- whether the measures proposed to deal with these effects and risks are appropriate (drainage strategy - i.e. how it is to be protected and drained)

# The risk of surface water flooding

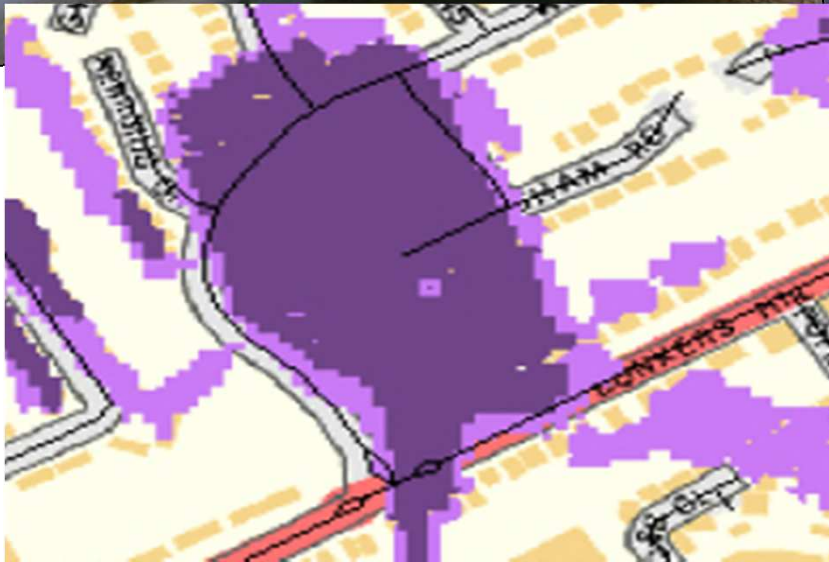
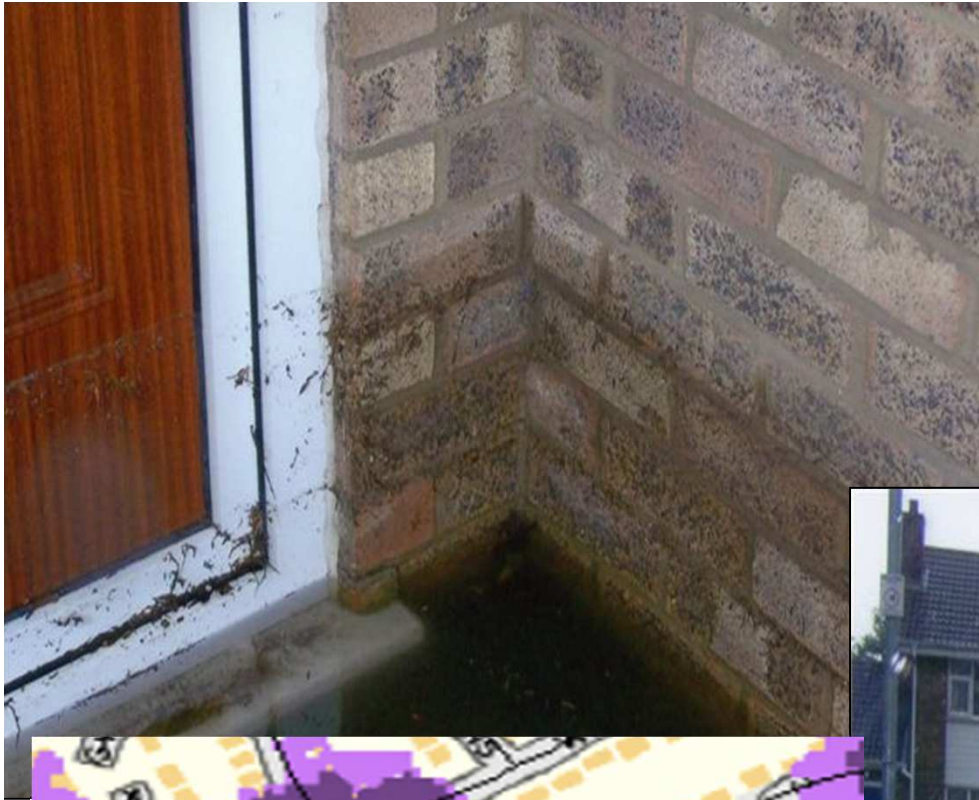
Properties at risk, comparison of our County Councils, December 2009





# FMFSW-To guide the planning process

Wolsey Way, Lincoln  
1980's development  
21<sup>st</sup> century flood map



# CONSULTEES TO THE PLANNING PROCESS

## Current

### Statutory:

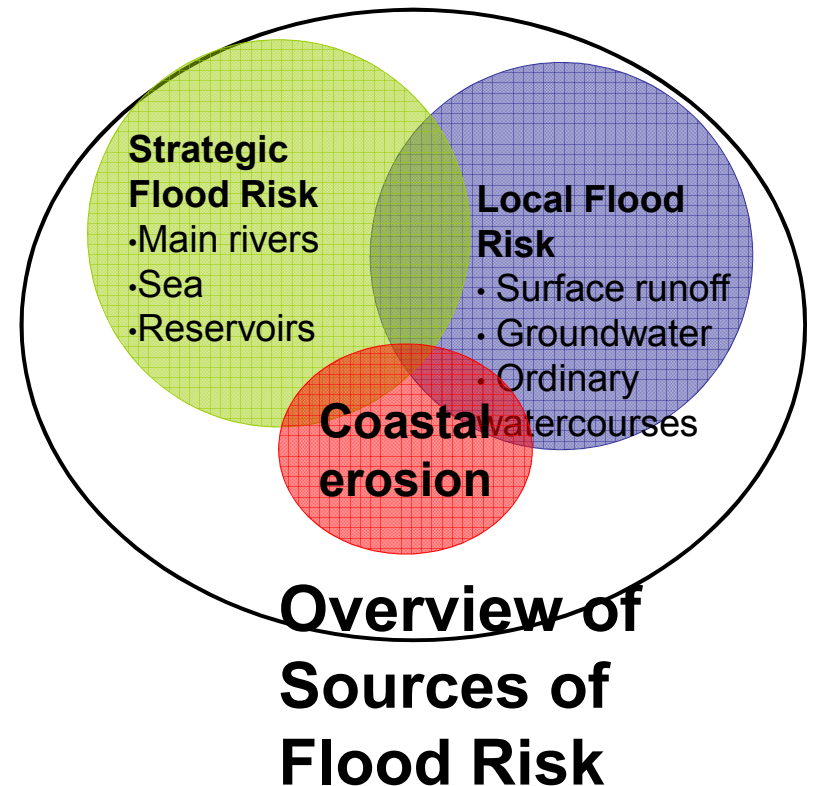
- Environment Agency

### Other Key Flood Risk Consultees:

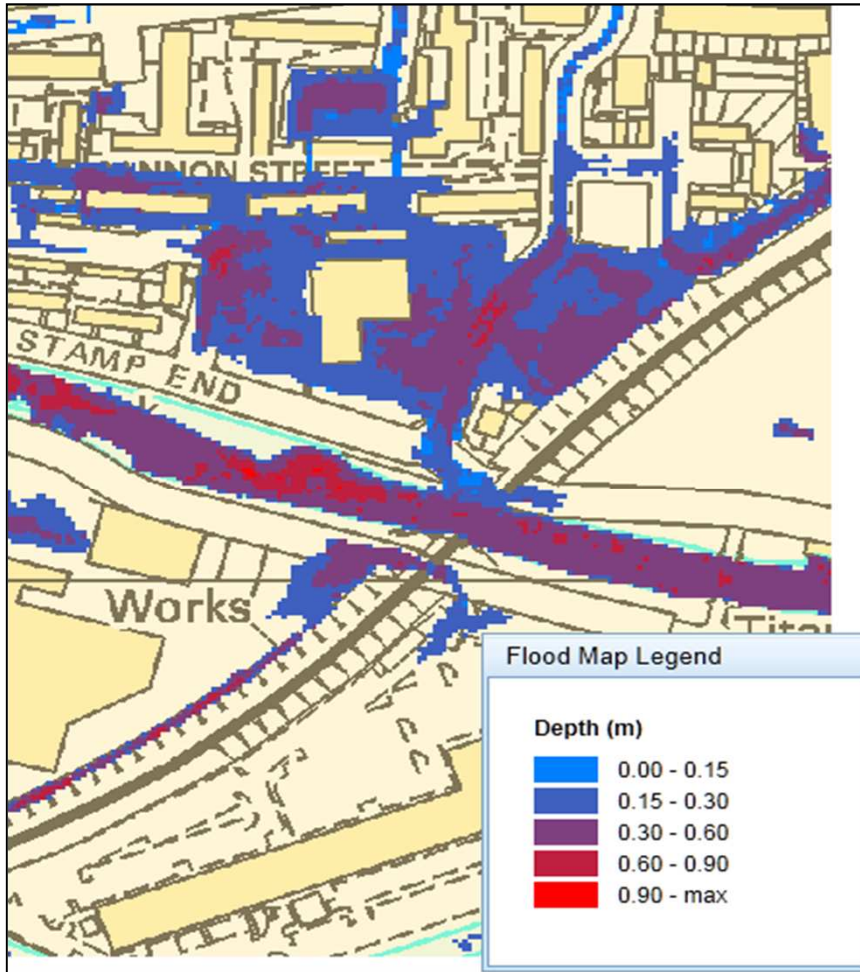
- Sewerage Undertakers
- Internal Drainage Boards
- The Highway Authority
- Emergency planning

## Future

- + LLFA as SAB (but not Surface Water?)



Need to agree with EA who gives definitive SW response  
SAB or EA ?



LPAs have requested only one response

**FUTURE SuDS & HIGHWAYS DEVELOPMENT CONTROL  
MANAGEMENT**



MARK WELSH  
FLOODS WATER AND MAJOR DEVELOPMENTS MANAGER



WARREN PEPPARD  
SUSTAINABLE DRAINAGE AND MAJOR DEVELOPMENTS TECHNICAL MANAGER



ANITA HARRINGTON  
(BUSINESS SUPPORT ASSISTANT)

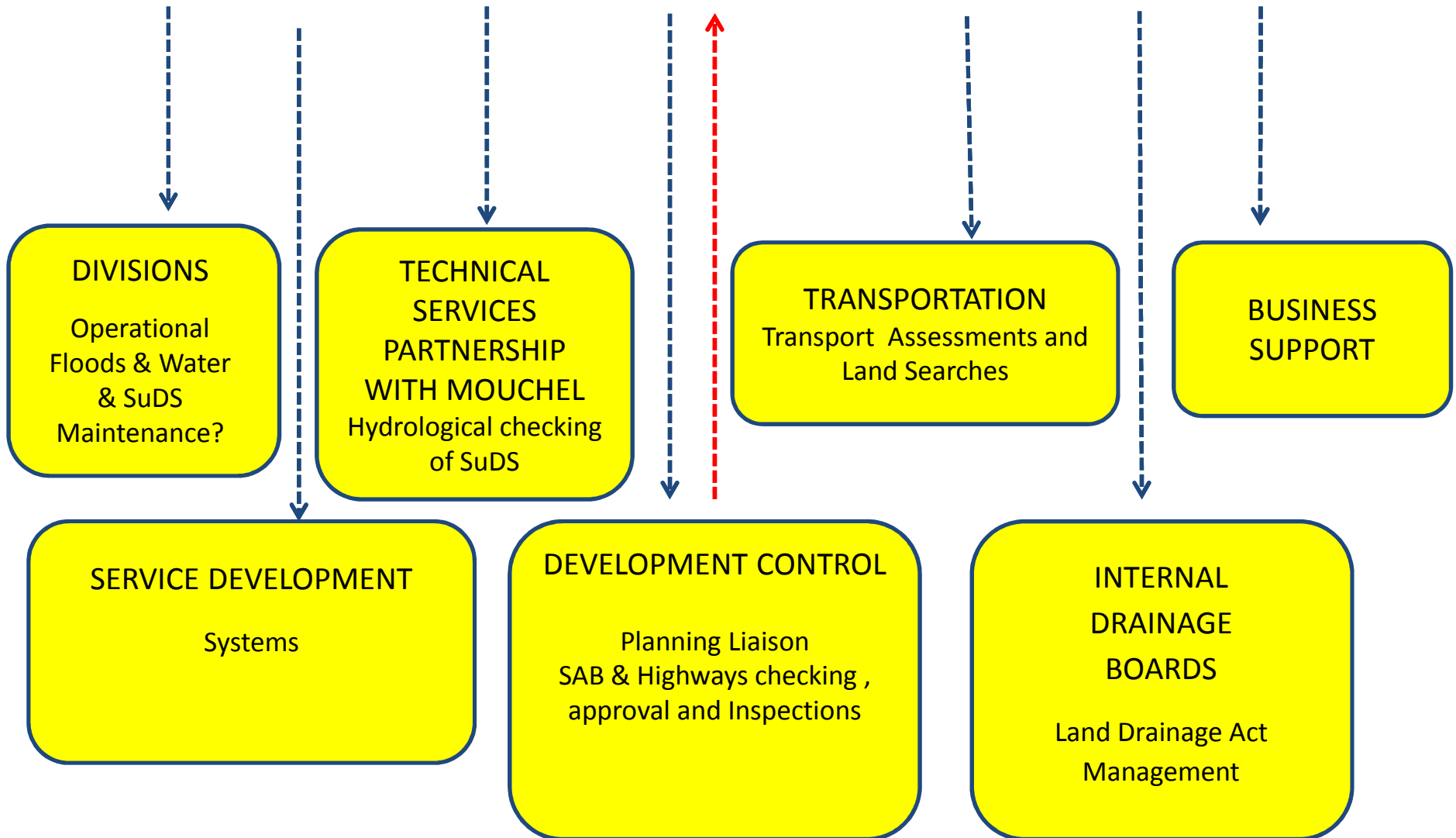


MERVYN PETTIFOR  
MOUCHEL SUPPORT



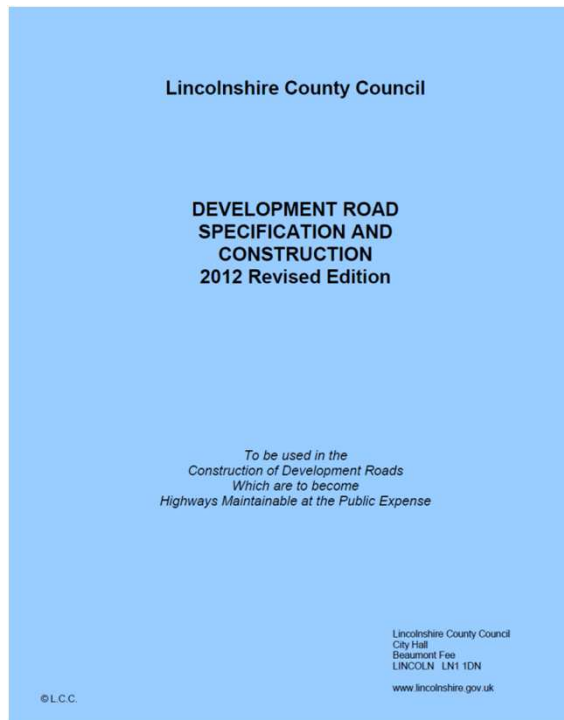
FIONA UNDERWOOD  
( ASSISTANT OFFICER)

# FLOODS WATER AND MAJOR DEVELOPMENTS MANAGEMENT TEAM



# INTERIM POSITION FOR SuDS ADOPTION

- The Partnership Framework has issued Interim Guidance and LCC works with – LPAs, Anglian Water, developers and other partners to deliver SuDS solutions to new developments.
- We employ and offer a design team approach for developers.



# SuDS - What is proposed? (1)



The Flood and Water Management Act – Schedule 3:

- Establishes a SuDS Approving Body (SAB) in county or unitary local authorities.
- Requires SAB approval, **before** construction can commence, of all drainage systems in new developments and redevelopments.
- Amends S106 of Water Industry Act 1991 to make the right to connect surface water run-off to public sewers conditional on SAB approval of drainage plans.

# SuDS - What is proposed? (2)



- Requires Minister to issue National Standards for design, construction, operation and maintenance of SuDS, supported by guidance.
- Requires SAB to adopt SuDS serving more than one property, where constructed as approved.
- To be brought in on a phased implementation for major developments only (10+ properties) for first 3 years
- Provision for appeals of approval and adoption.



# SuDS Approval Process (1)

- Two approval routes:
  1. With planning application (where planning permission required)
  2. Direct to SAB (where planning permission **not** required, e.g. permitted development)
- The **SAB** will be a consultee to the planning process. NB **we are not a statutory consultee as SAB and not per se in respect of surface water as a whole**. This will require careful consideration of how we interact with partners going forward and perhaps a “local” county agreement.

# SuDS Approval Process (2)

## With planning application:

- Pre-application discussion encouraged
- Planning application and SuDS application submitted to Planning Authority – through planning portal?
- Planning Authority forwards SuDS application to SAB
- SAB considers whether application meets **National Standards** and consults **its statutory consultees (WaSCs, EA, BW, HA and IDBs)**
- SAB can set conditions for approval
- SAB returns its decision to Planning Authority who, in turn, informs applicant of planning decision and SAB decision –including conditions.
- SAB decision **independent** of planning decision

# SuDS Approval Process (3)

- SuDS applicant charged a fee for costs of approval, e.g. consideration and inspection. The government to set fees (at least for first 3 years)
- Applicant may be charged a non-performance bond –up to 100% of the cost of bringing SuDS up to approved plan before adoption.
- If residual sewer connection is needed, this is allowed once SAB approval is given.
- WaSCs no longer able to provide traditional piped systems?
- Powers to carry out enforcement provisions that mirror planning enforcement.

# SuDS Adoption Process



- SAB required to adopt and **maintain** to National Standards SuDS that **serve more than one property.**
- Adopted SuDS are the responsibility of, but **not owned** by SAB.
- Adopt when satisfied surface water drainage system is constructed to National Standards.
- Designate SuDS (adopted or private) and place on register.
- **Charge for** and maintain adopted SuDs in perpetuity.
- Adoption is law not agreement!

# Issues going forward & impact on LCC



- **Timescale** - Legislation to go before Parliament in January with implementation date currently programmed for April, LGA/ADEPT/LCC all require minimum six months notice
- **Charging** – Government has yet to agree charging and funding mechanism but still pressing on with implementation. Collection for upper tier authorities will be a real challenge.

# Initial Annual Resource and Cost Estimates First 3 years



Rainwater garden



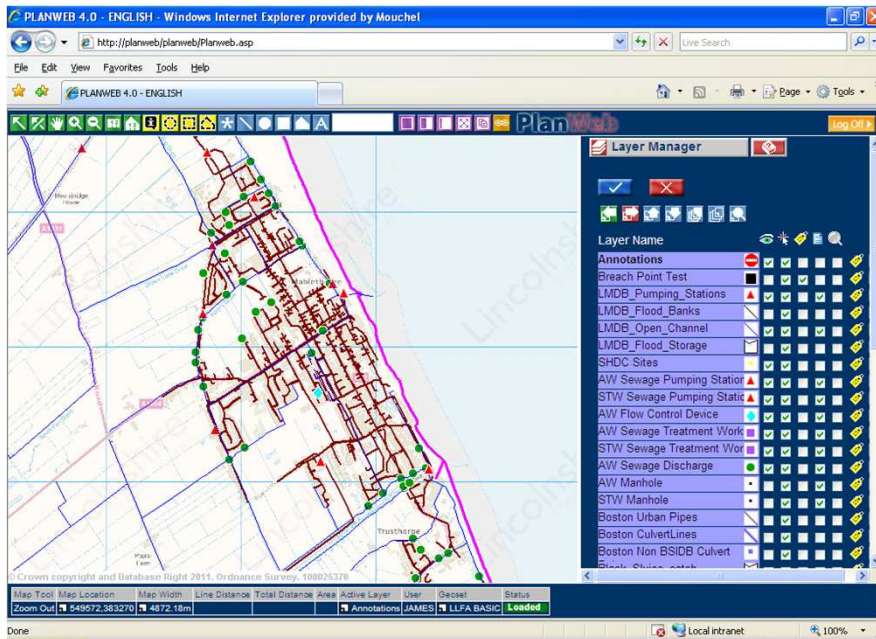
Canal with planting in a high density housing development, Stamford



Filter strip leading to Filter Drain

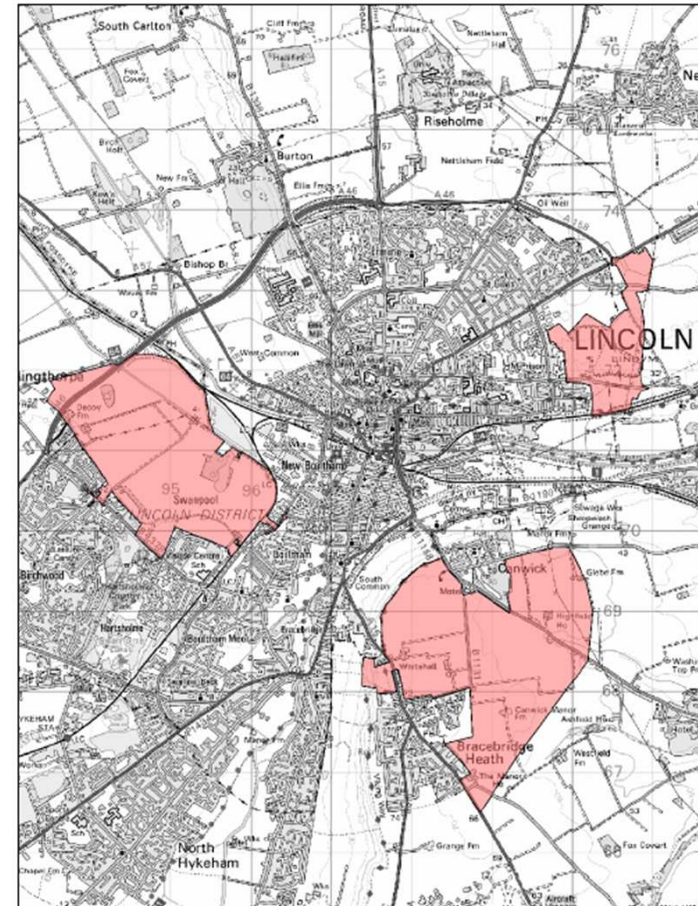
- **260 applications**
- **5 additional FTEs**
- **£300k income in fees - approvals/inspections**
- **Maintenance costs of £0.5m to £0.87m**

# Initial Annual Resource and Cost Estimates After 3 years full implementation



Asset Register

- **650 applications**
- **17 additional FTEs**
- **£700k income in fees - approvals/inspections**
- **Maintenance costs of £1.5m to £2.61m**



Lincolnshire has  
predicted growth of  
circa. 4000 properties  
p.a.

# Questions?

