



Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Flood and Water Management Scrutiny Committee
Date:	18 September 2023
Subject:	The Establishment of a SuDS (Sustainable Urban Drainage Systems) Approving Body (SAB) – Progress Update

Summary:

This report provides an update on activity being undertaken by Lincolnshire County Councils Development Management Team on the Establishment of the SAB.

Following an independent review for the arrangements for surface water assets, the government's key recommendation is that an approving body (SAB) be established.

The government is now considering how Schedule 3 will be implemented, subject to final decisions on scope, threshold and process. A public consultation this year will help to shape the new approach, with implementation expected during 2024.

Actions Required:

The Flood and Water Management Scrutiny Committee is invited to:

- (1) Note the current progress and the impact of the change to Lincolnshire County Council.
- (2) Highlight additional areas for consideration.

1. Background

The Flood and Water Management Act 2010 (The Act) established Lincolnshire County Council as a Lead Local Flood Authority. Schedule 3 of the Act (SuDS), was not implemented by government, as the government's intention was to increase the use of SuDS through planning policy from April 2015. However, Schedule 3 was implemented in Wales in January 2019.

Schedule 3 provides a framework for:

- The approval and adoption of drainage systems.
- Establishment of an approving body (SAB)
- National standards on the design, construction, operation, and maintenance of SuDS
- The right to connect surface water runoff to public sewers conditional upon the drainage system being approved before any construction work can start.

In October 2019, the Secretary of State for Environment, Food and Rural Affairs (DEFRA) commissioned an independent review of the arrangements for determining responsibility for surface water and drainage assets. The findings of the review set out clearly why government should reconsider implementing Schedule 3. The government response was published in July 2021 and committed to review the case for implementation.

Government has now completed the review, with its findings and recommendations laid out in a report published 10th January 2023.

Government's key recommendation is that SuDS be mandatory, the approving body (SAB) should be set up within the unitary authority or, if there is not one for the area, then the county council, and should progress with the necessary implementation phase.

The Government is now considering how Schedule 3 will be implemented, subject to final decisions on scope, threshold and process. A public consultation this year will help to shape the new approach, with implementation expected during 2024.

1.2 – Progress

In advance of the government's public consultation later this year, Lincolnshire County Council have taken a pro-active approach in commencing its consideration of likely impacts to the council. Officers are conscious of the risk in undertaking abortive work, but feel that in order to be ready for the establishment of the SAB in 2024, that certain areas need to be considered in advance of the governments consultation, to allow adequate lead in times for future work.

To date we have drafted a Pathway to SAB implementation, assuming that the establishment date will be April 2024. The Pathway has been split into the following four tranches:

- Tranche 1 (months 1-3 | July - September 2023) which focusses on information gathering. We have been and continue to work with affected LCC service areas through the recently established Project Team and work to create the Project Steering Group is in progress. We are also liaising with all other risk management authorities within Lincolnshire's Flood Risk Partnership and other stakeholders. To date meetings have been held with representatives of the:
 - Internal Drainage Boards,
 - Water & Sewerage Companies,
 - District Councils,

- Welsh Authorities,
 - Welsh Local Government Association,
 - Chartered Institute of Water & Environmental Management,
 - Association of SuDS Authorities,
 - DEFRA.
- Tranche 2 (months 4-6 | October - December 2023) will focus on the development of processes, systems and working practices)
 - Tranche 3 (months 7-9 | January - March 2024) will focus on implementation of the required processes, systems and working practices.

1.3 – Key Challenges

Whilst we await further consultation and information from the government, we anticipate that the key challenges to the authority will be:

- Policy requirements,
- National standards and guidance requirements,
- Cost and funding,
- Future working with partners,
- Skills, capabilities, and recruitment,
- Balancing local SAB development with rate at which government information becomes available,
- Lack of precise timing of government key milestones and outputs.

2. Conclusion

Lincolnshire County Councils Development Management team will continue to work on preparing for Schedule 3 implementation and the Lincolnshire SAB “going live” sometime during 2024. We will be utilising the existing Lincolnshire Flood Risk Partnership structure (Local, Management & Scrutiny Groups) to ensure that we engage effectively with local stakeholders, and will provide regular reports to this committee for the necessary political scrutiny to ensure that the impact to the council and our customers are appropriately considered.

3. Consultation

a) Risks and Impact Analysis

n/a

4. Appendices

n/a

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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