

SUSTAINABLE DRAINAGE SYSTEMS ('SuDS') AND SURFACE WATER FLOODING

Defra has produced this newsletter to keep stakeholders up to date on the progress being made with the development of SuDS policy. The newsletter both provides the context of the policy, the progress made to date (August 2013), and how we got there. The next steps have also been set out for the continued development of this policy. Defra will look to produce newsletters in the future to keep stakeholders informed and expect to send the next one out before the end of September.

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1. Background information and what has been done.

The problem – ‘flash-flooding’

Surface water flooding is a serious problem in the UK. Typically it is caused by rain falling on land which cannot absorb it quickly enough. When this happens the rain will rapidly flow into the public sewerage and drainage system, which may become overloaded and may back-up to the surface. This is ‘flash-flooding’. Of the 55,000 properties flooded in summer 2007, two-thirds were flooded by surface water run-off overloading public sewerage and drainage systems.

The Pitt Review, what are SuDS and what do they do?

The Government enquiry into the causes of the 2007 floods (The Pitt Review) concluded Sustainable Drainage Systems (SuDS) were an effective way to reduce this risk of ‘flash-flooding’. SuDS do this by slowing the rate of surface water run-off and improving infiltration, thus replicating natural drainage in both rural and urban areas. SuDS features can include:

- basins and ponds to retain surface water runoff
- permeable surfaces to absorb the runoff, such as gravel or permeable block paving,
- infiltration spaces, such as soakaways and underground attenuation tanks

Apart from reducing the risk of flash-flooding, SuDS produce other benefits including:

- improvements in water quality increasing biodiversity and amenity.
- water resource benefits through the recharging of groundwater.

What the Government has proposed – Schedule 3, Flood and Water Management Act

Following the Pitt Review recommendations, proposals to increase the uptake of SuDS were included in Schedule 3 of The Flood and Water Management Act 2010 (FWMA). Once implemented, Schedule 3 will:

1. Establish a SuDS Approving Body (SAB) in county or unitary authorities.

SABs will:

- a. approve drainage systems before construction begins, according to new National SuDS Standards and
 - b. adopt and maintain SuDS that serve more than one property.
2. Amend the automatic right to connect surface water drainage to the public sewer, making it conditional on the SAB approving the drainage plans

The SuDS public consultation in 2012

Defra publicly consulted on Schedule 3 FWMA proposals during January – March 2012, and a summary of responses is available on the Defra website. The consultation posed 29 specific questions that covered technical issues, costs, and regulatory procedures. This produced over 300 responses from local authorities, developers, water companies, environmental interest groups, and many others. These respondents raised a number of issues that demanded more work and clarification before the policy can be implemented. Many respondents also called for an adequate lead-in period to prepare for implementation.

2. What Defra and the SuDS stakeholders are doing now

Given the time needed to effectively work through the variety of complex issues raised in the consultation, we aim to commence Schedule 3 FWMA in **April 2014**, subject to cross-Whitehall and Parliamentary approval. But before commencement can occur a number of other steps must be taken.

The stakeholders' 'Task-and-Finish' group approach

Given the complexity of several outstanding issues arising from the public consultation, Defra is working collaboratively with stakeholders to develop a policy that will work. Defra have set up a number of Task and Finish Groups for this approach, which are co-chaired by the key SuDS stakeholders; the developers, the local authorities and the sewerage undertakers. This structure provides an innovative and practical solution to resolving the issues through cooperative working between the sectors affected. Defra is confident that the Task and Finish Groups will deliver successful outcomes with meaningful buy-in from all interested parties, and develop good working relationships for the future.

The SuDS 'Task-and-Finish' group structure, and the Steering Group

In February Defra hosted a workshop for stakeholders on the implementation of the SuDS requirements provided for in Schedule 3 of the FWMA. The Task and Finish Groups were created on the day to look at specific issues, many of which had been raised in the consultation:

Group A - Definitions: this group were tasked with establishing clear, simple and workable definitions with cross sector approval of SuDS for adoption purposes. Additionally, this group will play the 'critical friend' role for Group B (below).

Co-chairs: Nick Humfrey (Camden Council); Brian Morrow (United Utilities); Bronwyn Buntine (Kent County Council).

Group B - Guidance: this group will develop guidance for the approach, including guidance around the process (from application to adoption) and guidance to sit alongside the National Standards.

Co-chairs: Kevin Tidy (Bracknell Forest Council); Ray Farrow (HBF); Daniel Hayes (representing the Peter Brett Associates and the British Property Federation).

Group C - Non-performance bonds guidance: this group will develop and review the guidance Defra has produced.

Co-chairs: Steve Wielebski (HBF) and John Rumble (Hertfordshire County Council)

Group D - Funding and Charging: this group will explore and develop a formula for SuDS maintenance funding and explore charging issues.

Co-chair: Andrew Leadbetter (Peterborough City Council); Paul Voden (HBA, PV); Mark Welsh (Lincolnshire County Council); Richard Whelan (Peterborough City Council).

Defra would take this opportunity to thank these individuals, and other stakeholders who sit on these groups, for the time and expertise they have already devoted to making this process work.

When the four Task and Finish Groups have reached their conclusions, they will feed back to an overarching **SuDS Steering Group**. The SuDS Steering Group will collate the recommendations and take the necessary steps to incorporate the outcomes within Defra's proposals to Parliament for Schedule 3 implementation. The SuDS Steering Group is chaired by Moira Redmond (Defra) and is comprised of all 4 task-and-finish group co-chairs, plus the following:

Lynn Fardon (Defra); Laura Martin (Defra); James Hampson (Defra); Louise Jackson (Defra); Jo Allchurch (Local Government Association)

3. What happens next . . .

The National Standards

National Standards are being developed to set out the requirements for the design, construction, maintenance and operation of SuDS. We have commissioned technical expertise from the Construction Industry Research and Information Association (CIRIA) to help develop these Standards. We aim to publish a final draft in Autumn.

Task and Finish Group work

Defra expect the groups to deliver their agreed recommendations to the SuDS Steering Group in the Autumn.

Cost of Building SuDS

Defra has commissioned further research to strengthen the SuDS evidence base. In view of the importance of the construction sector industries to the Government's economic growth agenda, and the potential cost implications for developers, it is vital that SuDS implementation proceeds with a robust evidence base.

Local Authority Capacity Building Workshops

Defra is developing the content and format for a set of workshops with local government representatives to ensure that local authorities will be best-placed to implement the policy. There will be 7 one day workshops taking place in October/November.

Phased implementation of SuDS measures

Although final details are yet to be established, it is probable that SuDS measures will apply only to major developments (10 or more dwellings and/or 0.5 hectares) and re-developments in the first 3 years following Schedule 3 implementation. In the 2012 consultation, Government proposed that developments of between 2 and 10 dwelling houses only become subject to SuDS measures after 3 years. The intention of such a phased introduction is to ease the initial burden on both developers and SABs, while allowing the market to adapt to the new SuDS regime.

Schedule 3 SuDS implementation – targeted for April 2014

Shortly after the work involving Task and Finish Groups, additional research, and local authority capacity building is complete, firm legislative proposals will be produced. These revised proposals will be submitted to two further levels of scrutiny; firstly by other government departments (OGDs) across Whitehall and then, subject to this OGD approval, the proposals will be set before Parliament for Schedule 3 implementation.

Defra anticipates that implementation of Schedule 3 will be effective **from April 2014**.

And finally. . . .

This newsletter reports progress of the SuDS policy in August 2013. Defra will provide progress updates as developments occur. However, in the meantime stakeholders are welcome to contact Defra at SUDS@defra.gsi.gov.uk.