

## **Delivering Sustainable Drainage Systems**

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

No

There is an apparent benefit in including the delivery and maintenance regime of Sustainable Drainage Systems (SuDS) through the planning system as these should be designed into development schemes at an early stage.

However, Sevenoaks District Council does not have the expertise to assess the drainage systems or ensure that the proposed SuDS are policy compliant. It is unlikely that any new planning guidance based on the draft sustainable drainage systems National Standards and Specified Criteria would be sufficient for Planning Officers to be able to make decisions on the effectiveness of a scheme without consulting a drainage expert. This is already highlighted by the contracting out of the sustainable drainage section of the Code for Sustainable Homes assessment by the qualified assessors within the Council.

There is also concern that by including the need for SUDs in planning policy and securing them through the development management process it will become just one of a number of issues that need to be considered. As the Government will be aware from its knowledge of the decisions made by local authorities, the Planning Inspectorate and the Secretary of State for Communities and Local Government, planning applications do not need to comply with all planning policies in order to gain permission, compared to the unambiguous requirement to comply with Schedule 3 of the WFM Act 2010. As such, the proposal could be seen as weakening the importance previously placed on SuDS.

**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?**

Individual Local Planning Authorities (LPAs) can obtain expert advice through in house drainage engineers. However, few LPAs have such experts and employing a specialist drainage expert has financial implications for LPAs at a time when grant funding is being cut and local authorities are under pressure to minimise increases in Council Tax. Therefore, funding would be required to create and retain this post.

Alternatively, in two-tier authority areas, the LPAs could consult a drainage expert employed by the County Council, in a similar way to that of a Highways engineer. This also has financial implications for the Councils and would require additional funding to maintain. If this were to be the Government's preferred approach then a statutory obligation should be placed on the higher tier authority to provide this advice.

A third option for LPAs is to consult independent private drainage engineer companies to assess the drainage schemes for each application. This solution is likely to be very costly, a cost which is unable to be borne by the LPAs, within the current planning fee structure, and could start to have viability implications if passed onto the applicant.

Another alternative is for Local Planning Authorities to consult a national centralised body (with local offices and staff) with drainage expertise. This or for upper tier authorities to be given a statutory role are the favoured options if the proposed changes are introduced as the financial implications are likely to be significantly lower than for the other options stated, particularly if the body is one which already has drainage responsibilities such as the Environment Agency.

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

Planning application consultees have a 21 day consultation period to consider and respond to planning applications, this could include consulting a drainage expert within the LPA, the county council or centralised body such as the Environment Agency. It is not clear whether this length of consultation period would allow for an adequate response and there may be implications for timescales in which planning applications are able to be determined. Alternatively, consulting external independent experts will have a significant impact on the ability of LPAs to determine planning applications within the accepted timescale and is not recommended.

Discussions on drainage proposals at the pre-application stage could help to reduce the time needed for the drainage experts to consider the acceptability of arrangements at the application stage. However, consideration would need to be given to the financial implications of this and whether there is a need for the relevant body to charge for advice.

**Q4. Do you agree that minor size developments should be exempt from the proposed revision to the planning policy and guidance? Do you think thresholds should be higher?**

The proposal to introduce a threshold to initially exclude minor developments is generally welcomed. However, LPAs will need to retain the ability to set local requirements for sustainable drainage in their Local Plans if evidenced as appropriate. Thresholds should allow either the number of dwellings or the size of the site to impose a requirement. Consideration should also be given on whether proximity to an area in flood zone 2 or 3 should introduce a requirement for SuDS.

**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?**

The Council does not have the required drainage expertise to provide an answer for these consultation questions. It does note, however, that in seeking to secure long-term maintenance through s106 agreements, LPAs would need to have regard to para 173 of the NPPF, which seeks to ensure that requirements are not imposed that threaten the viability of development.