

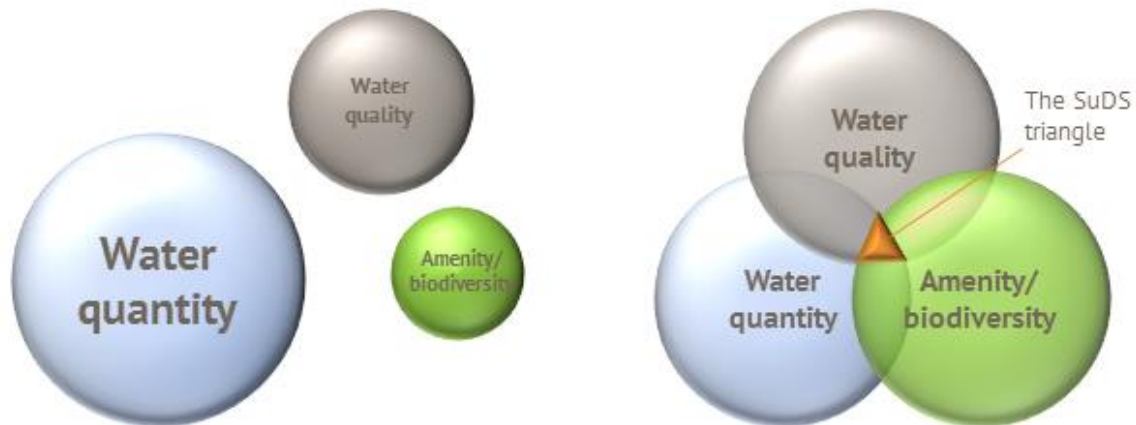
New Statutory Responsibilities for the Lead Local Flood Authority (and Local Planning Authorities)

Kat Goodyear

1st July 2015

Background

SuDS- Sustainable Drainage Systems



Why use SuDS?



Background

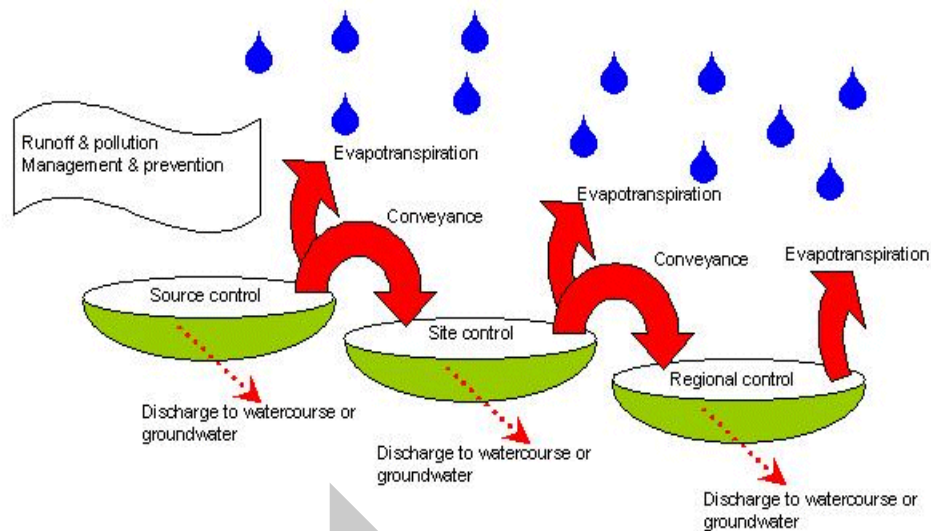
SuDS- Key principles

Water quality

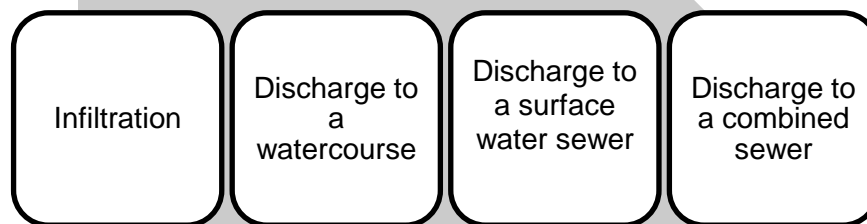
Source of Runoff	Treatment Stages*
Roofs, playing fields	1
Residential roads, parking areas, commercial zones	2
Waste and industrial sites, loadings bays and HGV parks	3 or more

*May need to be increased if discharging to sensitive groundwater/watercourse

Water quantity



Discharge hierarchy



Background

Examples:

Fifth Avenue, Harlow



Gershwin Boulevard, Witham



Background

Examples:

Archer's Field, Laindon



Beaulieu Park, Chelmsford



Legislation

Schedule 3 of the Flood & Water Management Act 2010

- SuDS Approving Body- duty to approve and adopt SuDS
- No longer being enacted by Government

Central government consultations

- Proposed to require SuDS on all major developments
- Proposed to make LLFAs statutory consultees

18th December 2014

- Announced SuDS required on all major development from 6th April

24th March 2015

- Announced Lead Local Flood Authority to be statutory consultee to planning applications from 15th April 2015



Guidance

Non-statutory technical standards for SuDS

- National set of standards for SuDS design
- Runoff restricted to greenfield rates, even on brownfield sites
- Storage volumes for a 1 in 100 year storm with climate change

Essex County Council SuDS Design Guide

- To supplement the national standards
- Fill in gaps in terms of water quality & amenity/biodiversity
- Preference for above-ground SuDS
- Adopted April 2015, available online (essex.gov.uk/flooding)

Department for Environment, Food and Rural Affairs

Sustainable Drainage Systems
Non-statutory technical standards for sustainable drainage systems

March 2015

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Process

Planning application submitted to Local Planning Authority (LPA)



LPA consult Lead Local Flood Authority (LLFA)



LLFA check on-site drainage and flood risk to and from site



Respond to LPA within 21 days supporting or objecting to proposals



LPA issues decision on planning application within 12 weeks



Role of LLFA

Will check

- That there is a **viable** drainage strategy
- Runoff rates
- Storage volumes
- Runoff destination
- Consents to discharge into public sewer
- Information held relating to flood risk:
 - Surface Water Management Plans
 - Environment Agency's updated Flood Maps for Surface Water & Areas susceptible to groundwater flooding
 - Flood Investigations
- Whether we can require contributions towards wider flood alleviation works



Role of LLFA

Types of response

- Objection- stating reasons why- must be related to planning policy
- Support- will usually attach conditions for full detail to be submitted at later stage

Services we provide

- Other statutory duties:
 - Watercourse regulation- consent for altering ordinary watercourses & enforcing against non-consented works and non-maintenance of Ows
 - Produce Flood Investigations where site meets certain criteria
 - Produce Surface Water Management plans to better understand risk
- Information requests:
 - Report summarising information we hold
- Pre-application advice:
 - Written advice or meeting with written advice
 - Price dependent on size of development
 - Response within 28 days



Role of LPAs

Consult other relevant consultees

- Environment Agency in Main River Flood Zone, Source Protection Zones & on contaminated sites
- Highway Authority
- Water and Sewerage companies

Determine the application

- Does not often go against LLFA advice
- Will often include LLFA recommended conditions:
 - Provision of SuDS
 - Construction of SuDS in accordance with approved details
 - Maintenance of SuDS for lifetime of development



Role of LPAs

Responsible for enforcing conditions

- If SuDS not constructed in line with approved drawings
- If SuDS not maintained in line with management plan

(Defra to keep under review as LPA does not hold technical capability or resources)

Potentially consider viability of SuDS

- Developer can argue viability:
 - Of discharge options against each other
 - Of maintenance costs against current sewerage charges
 - Of construction costs against conventional drainage including effect of extra land take

Determine minor applications

- May use the Environment Agency's Flood Risk Standing Advice



Summary

LLFA:

- Recently became statutory consultee on surface water drainage (replacing EA)
- Has a number of other duties under the Flood & Water Management Act, Land Drainage Act and Flood Risk Regulations

Environment Agency:

- Still statutory consultee on main river, source protection zones and contaminated sites
- Still holds national flood maps, updated with LLFA data

LPAs:

- Administer the planning process & therefore ultimately responsible for what gets approved & built

Overall aim- to reduce flood risk!



Questions?

Thank you- any questions?



Essex County Council