

ANEC SuDS event

25 February 2010

Notes from workshop session

The following represents a summary of the key highlights and issues that emerged from the presentations and conversations at the workshop.

Question 1: What are the main barriers to the implementation of SuDs?

Draft Flood and Water Management Bill

There is a lack of understanding or awareness on the draft Flood and Water Management Bill. Particular concerns were raised in relation to the funding of the roles and responsibilities proposed in the draft Flood and Water Management Bill on local authorities. The draft Flood and Water Management Bill gives local authorities responsibility for leading the co-ordination of flood risk management in their areas. This includes responsibilities for the adoption and maintenance of SuDs.

SuDs approving body

The draft Flood and Water Management Bill establishes a SuDS approving body (the SAB). The SAB will have responsibility for the approval of proposed drainage systems in new developments and redevelopments. Approval must be given before the developer can commence construction. Concerns were raised in relation to the fact that the SAB is separate from the planning process, thus this could potentially delay planning permissions and could lead to confusion as to what standards are required for development proposals

Lack of funding

Funding for SuDs is being ring fenced for other forms of infrastructure. How can you obtain funding for SuDS schemes in a tight economic climate? Section 106 agreements can be used to assist in the implementation of SuDs. However, it is important to note that section 106 agreements are also used to provide other forms of infrastructure e.g. affordable housing or energy efficiency measures.

Lack of clarity on maintenance and adoption of SuDS

The responsibilities and ownership of SuDs is not defined. Clarity is needed in relation to who is responsible for the adoption and maintenance of SuDS. Local authorities need to make corporate decisions in relation to where the provision of SuDS is required.

Developers are not opposed in principle to the use of SuDs. However, the lack of clarity in terms of responsibility has made it difficult for developers to incorporate SuDS in new developments. Furthermore, stakeholders are unable to agree who will be responsible for the maintenance of SuDs once a development scheme has been completed. Is there a need to learn to develop negotiation skills?

Cost of SuDS

The cost of SuDS techniques varies according to the type and nature of the development. SuDS techniques such as swales and ponds are expensive in terms of their long term maintenance.

In order to achieve the principles of sustainable development, minimal maintenance costs need to be determined for developers. It is thought that ongoing cost figures for SuDS are currently guesswork.

Time taken to adopt SuDS

The length of time to get SuDS adopted varies. In some cases, they have taken years. Therefore, local authority officers are not motivated to tackle SuDS head on.

Complexity of the planning process

The process for adopting SuDS is very complicated e.g. applying for planning permission and consultation with the highways and development control departments. As there are so many different interests involved in this process, clarification on who is actually responsible for making the overall decision is needed. It was suggested that a template which captures this expertise should be developed.

Consistency within local authorities

In terms of adoption, there is a lack of consistency in the approach taken by development control department in local authorities.

Technical expertise

There is evidence of skills shortages in some areas e.g. within local authorities, there are plenty of planners, but few SuDS engineers.

There is a lack of understanding and technical skill on SuDS. For example, Northumbrian Water are consulted on numerous planning applications and it has become apparent that the local authorities, particularly development control departments have no or limited understanding on SuDS. Local authority officers and developers need to liaise with Northumbrian Water and the Environment Agency on matters related to SuDS.

A lack of experience or knowledge of SuDS could lead to a fear of signing up to SuDS schemes. Knowledge on SuDS will be critical once the draft Flood and Water Management Bill is enacted.

Competing standards

The Government's planning agenda to increase housing density requirements conflicts with the aspiration to implement SuDS, thus resulting in numerous landtake issues.

There is a conflict between biodiversity and flood risk. Who makes the final decision on which SuDS technique to use? How do they affect the maintenance arrangements and their associated costs? More communication and training is needed on this issue.

Lack of guidance and information sharing

There is limited sharing of evidence nationally and regionally. The Environment Agency currently do not have any examples of good practice on SuDS schemes. Furthermore, there is a lack of best practice reports in relation to the infiltration, percolation tests and ground investigation tests. The production of these best practice reports would greatly assist developers.

Education

It is apparent that there is a limited understanding and expertise on SuDS, Thus indicating that training needs to be provided for officers, developers and elected members. There is a particular need to raise awareness in relation to the different types of SuDS techniques and their suitability for particular schemes.

Historical behaviour

There is a lack of political will to implement SuDS. A cultural shift is needed within local authorities and development organisations, they need to adapt to new ways of working and be willing to learn new skills and take on new roles.

Local authorities in general need to seek to ensure internal consistency across departments.

Planning policy

There is a need for stronger policy direction. Current policies are not robust enough and do not cover a range of disciplines For example, terms of reference such as “where applicable” or “practicable” are used as a “get out clause”.

Verification of inputs

Local authority development control validation systems do not require the provision of SuDS. There is a need to establish a knowledge base behind this. Training for officers should be provided in order to help them understand whether the justification for the lack of provision of SuDS is robust enough.

In the context of flood risk assessments (FRAs), there is a need to establish a format that will bring together expertise and to enable both the Environment Agency and Northumbrian Water to verify the data that is included in FRAs.

No incentives for developers

There are no incentives for developers to provide SuDS. The only requirement is in the Regional Spatial Strategy. We need to sell the benefits of SuDS to developers.

Inappropriate use of materials

The use and types of materials used for development has significant implications on flood risk. Homeowners are using impermeable materials on their properties. Builders are unaware of the different approaches to constructing a driveway or other paved areas.

Question 2: what can we do to overcome these barriers?

Local management companies

There is potential for local management companies to assist in the maintenance of SuDS schemes. These have sometimes been successful in the south. However, there may not be buy in from residents who feel they are paying twice (a management fee on top of council tax).

Use of pre-planning advice

Pre-planning advice is free and should be used. It is recommended that developers speak to local authorities and Northumbrian Water prior to designing your development scheme.

Establishment of funding mechanisms

The whole life costing of SuDS need to be determined. There may be opportunities with CIRIA to achieve this task.

“Sustainable” funding streams need to be established. Funding needs to be allocated and used to help local authorities overcome the funding challenges.

Commuted sums can be used to assist in the long term maintenance of SuDS. However, there will need to be national support for this.

Priorities

It has become apparent that highways and affordable housing are the main priorities from a planning perspective. This would need to change to increase the use of SuDS.

Risk culture

Stakeholders are unwilling to take responsibility for SuDS and are reluctant to take institutional risks.

Education and training

Skills and training at all levels should be provided. Developers, local authority officers, elected members and the public all need to be educated and informed about SuDS. Education packs which highlight the do's and don'ts could be developed.

It was suggested that ANEC can play a crucial role in building up skills and knowledge through the use of events and sharing good practice.

Information sharing via meetings and events

In order to ensure the sharing of information, 'round table meetings' should be held involving key agencies and stakeholders should be held to discuss key issues at the application and design stage.

A SuDS focus group was established in Northumberland in 2000. It was suggested that this SuDS focus group be reconvened and should comprise of key stakeholders, including Northumbrian Water and the Environment Agency

Improvements to standards

It was suggested that retail developments should seek to incorporate green roofs and that the standard of techniques such as green roofs should be improved.

Establishment of clear guidance and information sharing

There is a need to build on existing studies and/or undertake further studies in order to get a better understanding of SuDS.

Other forms of guidance/ information include:

- design guidance which includes case studies from other regions. How have Scotland achieved success?
- practical advice on standards and maintenance standards should be developed;
- “crib” sheets which set out the criteria for design for the construction and maintenance of SuDS ;
- local authorities to develop in-house guidelines setting out the requirements for SuDS and where they apply;
- Supplementary planning documents on SuDS;
- guidance on infiltration, percolation tests and ground investigation tests
- a SuDS manual should be developed to assist local authorities and developers on the provision of SuDS;
- a template which identified which stakeholders should be involved and their specific tasks;
- guidance for developers in terms of what to put into viability tests: and
- validation checklists in development management to include consideration of SuDS.

There is a need for the centralisation of information, possibly through the development of a website. However, who would be responsible for taking this on?

Regional consistency

A list of requirements for SuDS should be set out for developers and local authorities at a regional context.

It was suggested that there needs to be a joint responsibility and consistency of agency responses to planning applications. An agreement (at a regional level) to enforce the provision of SuDS should be agreed. This should include the Leaders and Elected Mayors Board and the Planning Advisory Group members.

Requirements set out by statutory consultees

Statutory consultees within the region need to be clear about their requirements. It was suggested that statutory consultees should produce a template/standards detailing their requirements for SuDS at application stage. This will act as an important tool and aid training for local authority officers. Information is needed on the specific requirements by Northumbrian Water.

Influencing elected members

Elected members should insist that SuDS are covered in all planning committee reports. To achieve this, training and awareness training of SuDS should be provided for elected members.

Policy

Local authorities should develop “hard and fast” policies. These policies should highlight where SuDS is required and should be clearly stated in local development frameworks.

Collective and enabling approach

Stakeholders should take a holistic approach to SuDS. Local authorities will need to determine the direction and resources for the implementation of SuDS. This can be achieved by liaising with key stakeholders such as Northumbrian Water, Environment Agency and the House Builders Federation.

Stakeholder holder engagement

Based on the experiences of Newcastle Great Park, developers and local authorities need to engage with the community more effectively.

Opportunities through surface water management plans (SWMP)

There are opportunities through the production of SWMP to influence SuDS.

Use of Section 106 agreements

Given the current economic climate, there is a lot of pressure on developers to provide various forms of infrastructure. As a result, SuDS have had to compete at a section 106 level with traditional infrastructure. Therefore, the vast importance of SuDS must be demonstrated across the country including the insurance cost benefits. SuDS must also be treated as a key piece of infrastructure.

Question 3: What other stakeholder data/information is needed to assist in the implementation of SuDS.

Sharing data

Stakeholders need to understand the sensitivity of information and how it affects the community. The region needs to learn how we can use current information. Further information in relation to catchment areas, models for water courses and critical drainage area are needed.

Data protocol/ confidentiality issues

A better understanding is needed on why Northumbrian Water is sensitive in terms of the information they give out.

Climate Change

Future proof design that takes into account climate change

Stakeholder engagement

Points of views from the community and professional organisations such as the RTPI, RIBA and the Landscape Institute need to be obtained.

Public perceptions of SuDS

Due to the lack of information, the public are getting mixed messages about SuDS. There is a perception that certain types of SuDs are dangerous to their children. We need to make attractive and provide more information to the public about SuDS.

Best practice

Countrywide best practice examples which show what developers, planners and elected members have done, costs, procedures, processes and what has made it successful. Newcastle City Council and the Environment Agency already have good practice guidance on the Great Park project.

Setting up a partnership

A partnership approach which focuses on a wide range of things should be taken during the production of local development frameworks e.g. site allocations development plan documents. This doesn't necessary need to relate to the SuDS, but to the wider responsibilities for local authorities.

Resource sharing

There is a need to bring together the different skills sets e.g. planners, SuDS engineers, developers, the Environment Agency etc.

More ANEC events/workshops

It was felt that the event has been most useful and encouragement was given to further similar sessions to be organised by ANEC.

Draft Flood and Water Management Bill

If the Flood and Water Management Bill does not receive royal assent, what are the implications of this on the provision of SuDS? Will there be an appetite for partnership working between the key agencies?

Next steps

There is a desire ahead of legislation to get on with the business of promoting the successful implementation of SuDS schemes within the region. In order to do this, ANEC will produce a feedback paper on the outcomes of the event and work in partnership with stakeholders to move this important area of work forward.