

<b>Subject:</b>	<b>Draft Sustainable Drainage Systems Supplementary Planning Document (SuDS-SPD)</b>		
<b>Date of Meeting:</b>	<b>27 September 2018</b>		
<b>Report of:</b>	<b>Executive Director of Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nick Bean</b>	<b>Tel: 01273 29 0227</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 When considering new development proposals as part of the planning application process, the city council as both Local Planning Authority (LPA) and Lead Local Flood Authority (LLFA) will consider the flood risk implications of the proposal and drainage provision. This will include the provision of Sustainable Drainage Systems (SuDS) and the SuDS maintenance strategy.
- 1.2 The council's adopted City Plan Part 1 sets out the overarching planning policy framework regarding flood risk (Policy CP11). The draft City Plan Part 2 sets out a proposed suite of detailed development management policies including a draft policy on Sustainable Drainage (Policy DM43) which indicates that the council will produce new guidance on Sustainable Drainage. This guidance will define how a developer or member of the public can make the right decisions in the provision of sustainable drainage.
- 1.3 This report seeks committee approval to undertake formal public consultation on the draft Sustainable Drainage Systems Supplementary Planning Document (SuDS-SPD). Formal consultation will be undertaken for a six week period and seek the views of stakeholders, developers, Councillors and residents.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee gives authority to consult on the Draft SuDS - Supplementary Planning Document which will inform the preparation of the final version of the document and to authorise the Head of Planning to make any necessary minor editorial/grammatical amendments to the Draft Supplementary Planning Document prior to consultation.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton and Hove city has been identified as one of the top ten Flood Risk Areas in England based on the number of people at risk of flooding. There has been a wide range of flooding events within Brighton and Hove over the last 20 years with surface and groundwater flooding being the most notable sources of

flooding. The autumn and winter event of 2000/2001 is the largest recorded event when extreme weather conditions caused flooding across the City. Followed closely by the rainfall events in July 2014 and August 2015, where the city experienced significant flooding. Due to the rainfall intensity, local sewers and drains were unable to cope with flows which resulted in over 100 properties flooding. The areas most affected were in low-lying urban areas where opportunities for natural drainage are limited.

- 3.2 Drainage systems can contribute to sustainable development and improve the places and spaces where we live, work and play by balancing the different opportunities and challenges that influence urban design and the development of communities.
- 3.3 Approaches to manage surface water that take account of water quantity (flooding), water quality (pollution) biodiversity (wildlife and plants) and amenity are collectively referred to as Sustainable Drainage Systems (SuDS).
- 3.4 SuDS mimic nature and typically manage rainfall close to where it falls. SuDS can be designed to transport (convey) surface water, slow runoff down (attenuate) before it enters watercourses, they provide areas to store water in natural contours and can be used to allow water to soak (infiltrate) into the ground or evaporated from surface water and lost or transpired from vegetation (known as evapotranspiration).
- 3.5 SuDS are drainage systems that are considered to be environmentally beneficial, causing minimal or no long-term detrimental damage. They are often regarded as a sequence of management practices, control structures and strategies designed to efficiently and sustainably drain surface water, while minimising pollution and managing the impact on water quality of local water bodies.
- 3.6 The adopted City Plan Part 1 at Policy CP11 recognises the importance of SuDS in managing flood risk through mitigation measures which can achieve a wider sustainability and biodiversity objective for the city as identified in City Plan Part 1 policies CP8 and CP10. For example green roofs can offer multiple benefits of helping to reduce surface water runoff, making buildings more sustainable, and enhancing biodiversity and the green network. Sustainable Drainage Systems (SUDS) can offer a similar range of sustainability benefits in addition to managing surface water. Solutions that offer multiple sustainability benefits will be encouraged.
- 3.7 National policy requires local authorities to include in their Local Plans strategic policies for the provision flood risk and coastal change management. Local Plans should take account of climate change over the longer term, including factors such as flood risk and coastal change.
- 3.8 New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by policies and guidance to manage flood risk from all sources. SPDs provide clarity and further detail on interpreting and implementing planning policies.

- 3.9 The Supplementary Planning Document (SPD) sets out a long-term vision for the implementation of sustainable drainage measures in the Brighton and Hove area and:
- supports the delivery of the City Plan Part One and Two
  - supports the delivery of City Plan Part One policy CP11: Managing Flood Risk
  - supports the delivery of City Plan Part Two policy DM43: Sustainable Urban Drainages
  - supports the delivery of City Plan Part Two policy DM42; Protecting the Water Environment
  - provides guidance for developers and planning officers for the incorporation of SuDS into developments
  - sets out national standards and local guidance and best practice for proposed SuDS
  - sets out supporting information to be submitted to assist the assessment of proposed SuDS measures included within planning applications
- 3.10 The draft SPD is structured around DEFRA's non-statutory technical standards for SuDS in conjunction with the National Planning Policy Framework and Planning Practice Guidance and identifies local guidance to meet local policy.
- 3.11 As part of the issues and options consultation on the City Plan Part Two undertaken during July – September 2016, the CPP2 Scoping Report included a question on Sustainable Urban Drainage and how this should be addressed in the City Plan Part Two. A bespoke Sustainability and Environment consultation event was held on 9 September 2016, targeted at a range of environmental and sustainability stakeholders. This allowed for detailed discussions on SuDS. A summary of the relevant responses to the CPP2 Issues and Options Scoping Report and feedback from consultation events is included in Appendix 1 for information.
- 3.12 The responses to the CPP2 Issues and Options Consultation helped inform the draft CPP2 Policy DM43 SUDs and the draft SPD. The SPD was prepared for the council by consultants Project Centre who were employed through the Transport Framework.
- 3.13 The draft SPD (included at Appendix 2) has also been informed by national policy (NPPF) and Planning Practice Guidance and Ministerial Statement on SUDs. The draft SPD has also been informed by the Strategic Flood Risk Assessment update.
- 3.14 Draft City Plan Part 2 Policy DM43 requires that details of the proposed SuDS should be submitted as part of any planning application including provision for arrangements for the whole life management and maintenance of the provided SuDS. The SuDS-SPD will encourage the prospective applicants to consider SuDS where reasonably practicable and submit a successful planning application by providing a set of locally specific guidance on:
- Design
  - Maintenance.

- 3.15 The outcome of the city-wide consultation will inform the final version of the SPD that is expected to be brought back to this Committee to seek its adoption in Spring 2019.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Options were fully considered during the preparation of the draft City Plan Part Two.
- 4.2 Do Nothing – To not undertake the consultation on the draft SPD would be to invalidate the work currently undertaken. An SPD which has not been through the appropriate preparation stages including consultation cannot be adopted. Without the SPD the Council would have to rely only on national and local policies which could result in developers only meeting the minimum drainage technical requirements.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The council's Statement of Community Involvement (SCI) sets out policy and standards for engaging residents, local groups, stakeholders and statutory consultees in the preparation of planning-related documents.
- 5.2 Subject to Committee approval, a formal six week consultation of the draft SuDS-SPD will be undertaken to seek further views on the proposals. The consultation will be carried out using the council's online Consultation Portal.

#### **6. CONCLUSION**

- 6.1 The main purpose of this report is to progress the preparation of the SuDS- SPD to ensure there is detailed, clear advice for future applicants and to assist the delivery of high quality and sustainable development of the City.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 The costs associated to the production, publication and consultation of the draft SuDS-SPD have been funded from existing resources within the Transport revenue budget. It is anticipated that any financial implications to the council expected to arise from complying and implementing elements of the Planning Document will be funded from existing revenue funding and monitored as part of the Targeted Budget Monitoring (TBM) process. Any capital expenditure would be subject to approval by Policy, Resources and Growth committee.

*Finance Officer Consulted:* Gemma Jackson

Date: 06/08/2018

##### Legal Implications:

- 7.2 The contents of SPDs are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012. SPDs cannot contain policy but can contain environmental, social, design and economic objectives relevant to the attainment of the development and use of land (Reg. 5).

- 7.3 SPDs must be subject to a period of at least 4 weeks' public consultation prior to adoption.
- 7.4 Once adopted an SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer Consulted: Hilary Woodward

Date: To Be Updated

Equalities Implications:

- 7.5 The Draft City Plan Part 2 was accompanied by a Health and Equality Impact Assessment (HEQIA). The HEQIA for the policy of relevance to this SPD, DM43 Sustainable Urban Drainage, found there to be no specific equalities implications and found it to be beneficial for the health of the entire population due to the protection of water resources and management of flood risk. The findings in relation to this policy are of relevance to the SPD.

Sustainability Implications:

- 7.6 SPDs do not require a Sustainability Appraisal, however may require a Strategic Environmental Assessment (SEA) if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. A SEA screening was undertaken in July 2018, taking into account the criteria specified in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, to determine whether the SPD was likely to give rise to significant effects. The screening concluded that the SPD was unlikely to result in significant adverse environmental effects, that the impacts should be largely beneficial and that the SPD supplements existing policy which has already undergone SEA. Potential benefits of the SPD were those relating to water management, water quality, reducing flood risk, climate change adaptation and supporting biodiversity.
- 7.7 As required by the Regulations, the SEA screening was sent to the Environment Agency, Natural England and Historic England for comments. The Environment Agency concurred that the SPD was unlikely to give rise to significant effects.

Any Other Significant Implications:

- 7.8 There are no other significant implications of this report in relation to crime and disorder, risk management and opportunity or corporate/citywide issues.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Draft Sustainable Drainage Supplementary Planning Document
2. Summary of consultation provided at the draft CPP2 Issues and Options Stage to the SuDS question

## **Documents in Members' Rooms**

1. None

## **Background Documents**

1. Adopted City Plan Part One
2. Draft City Plan Part Two
3. Draft Strategic Flood Risk Assessment (2018)
4. Defra Non-technical standards
5. Strategic Environmental Assessment Screening