

Getting best value from SuDS legislation



In this briefing Ruth Newton, independent consultant and Bob Bray, Robert Bray Associates, examine how local authorities can capitalise from SuDS legislation

You are lying under a shady tree, listening to the sound of running water and watching dragonflies zipping overhead to a nearby wetland, while children play nearby...

Is this a heat-induced delusion of a tropical holiday or a premonition of a new development in your local area? With an announcement about the implementation of long-awaited legislation on sustainable drainage systems (SuDS) imminent, now is the time to start planning to make dreams such as these a reality.

New legislation as a force for change

The opportunity for local authorities to take a firmer stance on SuDS and enforce their widespread implementation using new legislation has been tantalisingly close since the Flood and Water Management Act came into being in 2010. Some lead local flood authorities have already begun setting up SuDS Approval Bodies (SABs) and developing policies and guidance to complement the National Standards for sustainable drainage systems in response to the legislation. Others will need to act quickly once the Government publishes the National Standards and announces the timetable for SAB implementation, which is likely to include a 2014 start date.

The legislation will lead to a step change for local authorities, as well as others in the development industry, in how drainage in new developments is dealt with. Local authorities will need to balance the real opportunity the legislation presents with the practical demands of developing the resources, skills, processes and systems needed to comply with the Act.

What are the final National Standards likely to include?

The National Standards will be high level ministerial standards for the design, construction,

operation and maintenance of SuDS. Together with associated guidance on the National Standards, key design criteria will be developed for managing peak flows and volumes from developments, as well as approaches to manage water quality and approaches to ensure robust construction, maintenance and operation of components.

What are the main requirements of the Flood and Water Management Act around SuDS?

SABs established in unitary and County Councils will have two key roles:

1. SuDS evaluation and approval – SABs must approve drainage proposals for all new developments and redevelopments before construction can commence. In order to give this approval, the SAB must evaluate SuDS applications to confirm that the proposed drainage system meets new National Standards covering their design, construction, maintenance and operation.
2. SuDS adoption and maintenance – SABs must also adopt and maintain approved SuDS that serve more than one property.

A box ticking exercise or a real opportunity?

Local authorities will need to be focused and co-ordinated if they are to get best value from the National Standards within their local areas. The National Standards are likely to focus primarily on quantity and quality objectives – with the aim of reducing flood risk and, in some cases, improving the quality of runoff entering local water bodies.



Figure 1 *Birchen swale with view of the green roof (courtesy Bob Bray, Bob Bray Associates)*



Figure 2 *Elvatham swale (courtesy Bob Bray, Bob Bray Associates)*

This will leave individual local authorities using other legislation and regulations such as the National Planning Policy Framework and green infrastructure strategies to highlight other priorities around biodiversity and amenity, which are crucial in achieving the kind of SuDS most of us want to see, where clean water is managed at the surface to be used for the benefit of people and wildlife.

To achieve the kind of SuDS depicted here, SABS are likely to need to work closely with the planning process, where necessary by filling gaps in the National Standards with planning policy and using planning powers to ensure these are delivered. The logistics of co-ordinating the SAB and planning processes are likely to be challenging, particularly in two-tiered authorities where this may involve 10 or more separate organisations, and will need a focused effort to ensure success. However, the benefits of such an approach could be huge, both in improving quality of life for residents and in reducing the lifetime cost and management demands of drainage systems.

Addressing the practicalities

Setting up a SAB and ensuring all new developments meet the National Standards will

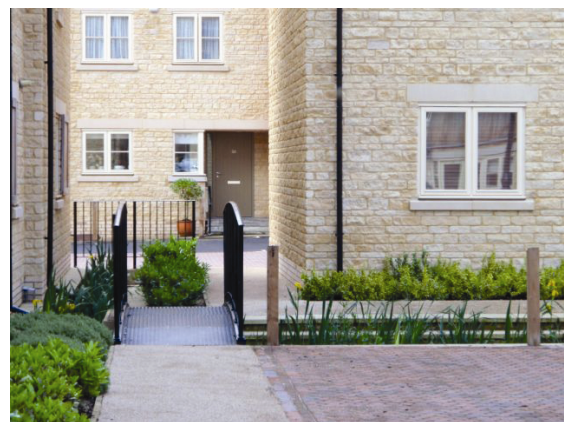


Figure 3 *Stamford canal to rill and out (courtesy Bob Bray, Bob Bray Associates)*

also demand a major practical effort in up-skilling staff and setting up new processes and practices across both county and district authorities. Key staff will need to understand how site opportunities can be fully exploited and exactly what to ask of developers – what calculations are needed and how information is to be conveyed – and developers will need to know what is expected of them. A shared understanding of requirements around SuDS will need to be developed including what ‘at or near the surface’ means, what ‘source control’ is and what SuDS in open space may look

like. Budgets, charging approaches and income will also need to be managed to ensure the operations of the SAB can be sustained over the long-term.

Best value for your local area

Although addressing these issues is likely to be a challenge, where this is done proactively, local authorities will be able to harness the new legislation to make a real difference in their local area. This will ensure new developments play an active role in reducing flood risk, while creating attractive, multi-functional landscapes for both residents and wildlife to enjoy.

To assist local authorities in preparing for their new roles, Ruth Newton and Bob Bray, in partnership with CIRIA, are offering tailored facilitation and workshop support that will enable local authorities to begin planning the delivery of their SAB requirements in the most effective way. Each facilitation day will be customised to individual needs, will support local authorities in bringing the right stakeholders together, and help to develop appropriate processes, skills and standards to ensure the greatest local benefit from the new legislation.

For further details on the SAB facilitation workshop for local authorities visit www.ciria.org/training or email Nipa Patel, CIRIA, on: nipa.patel@ciria.org

or visit www.susdrain.org

References

DEFRA (2011) National Standards for sustainable Drainage Systems. Designing, constructing, operating and maintaining drainage for surface runoff, Department for Environment, Food and Rural Affairs, London.
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Flood and Water Management Act 2010 (c. 29)