KENT FLOOD RISK MANAGEMENT COMMITTEE

Tuesday, 10th March, 2015

2.00 pm

Council Chamber, Sessions House, County Hall, Maidstone

Kent County Council
kent.gov.uk

AGENDA

KENT FLOOD RISK MANAGEMENT COMMITTEE

Tuesday, 10th March, 2015, at 2.00 pm Ask for: **Andrew Tait**

Council Chamber, Sessions House, County Hall, Maidstone Telephone **03000 416749**

Tea/Coffee will be available 15 before the start of the meeting in the meeting room

Membership

Conservative (4):	Mr M J Harrison (Chairman), Mr A H T Bowles, Mr L B Ridings, MBE and Mrs P A V Stockell
UKIP (1):	Mr D Baker
Labour (1)	Dr M R Eddy
Liberal Democrat (1)	Mr M J Vye

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

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1. Substitutes
2. Declarations of Members' Interest relating to items on today's agenda
3. Minutes of the meeting on 17 November 2014 (Pages 5 - 16)

4. Kent Resilience Forum Pan-Kent Flood Group (Pages 17 - 20)

5. Drainage Consultee Role (Pages 21 - 106)

6. Environment Agency and Met Office Alerts and Warnings and KCC flood response activity since the last meeting. (Pages 107 - 110)

7. Oral Update by the Environment Agency on Flood Risk Mitigation in Faversham

8. CPRE Flood Conference 2015 - Oral report by Paul Flaherty (Kent Fire and Rescue)

9. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
03000 416647

Monday, 2 March 2015

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KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, The Guildhall, Cattle Market, Sandwich CT13 9AP on Monday, 17 November 2014.

PRESENT: Mr M J Harrison (Chairman), Mr D Baker, Mr A H T Bowles, Dr M R Eddy, Mr C R Pearman (Substitute for Mrs P A V Stockell), Mr M J Vye, Mrs J Blanford (Ashford BC), Mr P Vickery-Jones (Canterbury CC), Mr A Hills (Shepway DC), Mr H Rogers (Tonbridge and Malling BC), Mr M Tapp (River Stour IDB) and Mr P Flaherty (Kent Fire and Rescue)

IN ATTENDANCE: Mr P Crick (Director of Environment, Planning & Enforcement), Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Resilience Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

15. Site Visit

Prior to the meeting, some Members of the Committee had participated in a site visit to the Sandwich Flood Defences which had been arranged by the Environment Agency.

16. Minutes of the meeting on 21 July 2014

(Item 3)

(1) Mr Vye asked in respect of Minute 12 (4) what mechanisms were in place to ensure that Members' views on the priorities within the list of drainage schemes were taken into account. He suggested that this question could be considered at a future meeting.

(2) RESOLVED that the Minutes of the meeting held on 21 July 2014 are correctly recorded and that they be signed by the Chairman.

17. Southern Water response to Winter 2013/14 Floods

(Item 4)

(1) Mr Paul Kent from Southern Water gave a presentation on Southern Water's response to the Winter 2013/14 floods. The accompanying slides have been incorporated with the agenda papers on the County Council's website:

(2) Mr Kent's presentation covered Southern Water's role in flood management, the impact of the 2013/14 flooding, general improvements such as flood alleviation schemes, infiltration reduction and total care plans. He also addressed Southern Water's role in the coming Winter, bearing in mind that the water levels were already higher than they had been at this point in 2013.

(3) Mr Kent said that Southern Water engaged with Lead Local Authorities such as KCC, the District Councils, the IDBs, the Environment Agency and local communities in order to develop holistic solutions to flooding problems instead of working in isolation as had been the case in the past. An example of close work with community organisations was that undertaken with the Stour and Nailbourne River Management Group. Southern Water also participated actively as a member of the steering group on flood and coastal erosion projects and was involved in Surface Water Management Plans.

(4) Mr Kent moved on to consideration of the Winter 2013/14 floods which had first impacted with the St Jude storm event of 28 October 2014 through tidal flooding, particularly in the Dover area where the sea wall had been breached. As the Winter progressed, the problems faced by Southern Water were the same ones faced by local authorities. There had been power outages as a result of trees and cables falling down, pluvial and fluvial flooding, tidal flooding.

(5) By far the biggest issue had been that of groundwater flooding, particularly at Nailbourne and Petham. This had been a very protracted process which had started in the New Year and, in some cases, lasted into May. The problems created by groundwater filling the sewage system were usually alleviated through the use of tankers. There was only a limited number of tankers that could be used in the South East (some 120 in total), and they were limited by the volume that they could take out of the sewer. This meant that over pumping needed to take place in order to alleviate sewage discharge.

(6) Mr Kent said that the response had been 24 hours a day at a peak cost of £150k per day. It had involved 330 staff and the total cost to Southern Water had been in the region of £15 – 20m. This money had come out of existing budgets rather than being charged to existing customers.

(7) Mr Kent went on to give some examples of issues that Southern Water had tackled. He said that one of the key priorities was to address those areas that were known to flood (particularly internally). These were delivered following a cost benefit analysis to those properties where the cost of protection was lower than that of the damage caused to them. In the five year period from 2010 to 2015 a total of 46 properties would be protected from internal flooding at a total cost of £7.5m.

(8) Another important area of work was infiltration reduction. Progress had been made in reducing the volumes of water that had got into the groundwater system. Over the previous few years, Southern Water had inspected 10km of sewers and 250 manholes. In 2014, 3.5km of sewers had been repaired, complementing the 4km of repairs in previous years.

(9) Mr Kent said that Southern Water operated 40,000 km of sewers in the South East which were regulated by 2,400 pumping stations. These were now the subject of a total care package whereby the pumping stations were inspected and everything that would shortly need replacing was done at the same time, rather than leaving parts of it to a later date. This had resulted in a dramatic improvement. To date, 1,000 had been repaired, having been prioritised in 2013.

(10) Mr Kent then gave examples of improvements that had taken place at Bishopsbourne and Bekesbourne before turning to the flooding issues which had

arisen three times in the previous 14 years in Canterbury Villages along the Nailbourne. It had also been necessary to tanker and over pump during three other winters during this period. Water along this river from the Village of Barham and those to the north was pumped pumped into Newnham Valley WTW. During the Winter floods of 2013/14, the tankers had been deployed in this area but had quickly run out of capacity. Over pumping had therefore been installed at Barham, Bishopsbourne, Patrixbourne, Bekesbourne and Littlebourne. Each of these locations had discharged between 20 and 50 litres per second. Even so, there had still been bottlenecks at some of these locations where tankers had needed to assist. This had also been the case in Bridge.

(11) Mr Kent said that the southern part of the Nailbourne between Elham and Ottinge was where water flowed towards the pumping station in Hythe from where it was discharged into the sea. This part of the catchment had not suffered as badly and there had only been two events over the past fourteen years. One of these events had been during the 2013/14 Winter Floods. Groundwater infiltration had led to restricted toilet use. It had also been necessary to protect the source of affinity water at Ottinge by over pumping. Southern Water would be undertaking some further work before the winter of 2014/15 including jetting, root removal, sealing/covering of manholes, and the protection of Water Farm.

(12) Mr Kent went into detail about over pumping, which was a last resort to be used when groundwater levels were very high that they were causing surcharge of the sewerage system, causing flooding and restricted toilet use. The water pumped out of the system was 90% clean water rather than the type of sewage that was usually found in the system. Permission was always sought from the Environment Agency before any over pumping commenced. The quality of the water was (due to the way it was treated) similar to some of the effluent that was found in the WTWs. This ensured that any adverse impact on the watercourse was minimal and of a purely temporary nature.

(13) Mr Kent described the Bio –treatment units, showing examples of units which had been delivered in Barham. They worked by pumping sewage across the top of the tanks and were filtered through bacteria which grew on the plastic media, treating the sewage. This process removed some 30% of the polluting load before discharge into the water course. This represented a big improvement over past practice which had seen sewage pumped direct into the water course.

(14) Mr Kent described two other methods of waste water treatment which had recently been utilised. These were suction screening and effluent screening. The main problem in respect of the latter was that the bags filled within half a day and were not re-usable. Consequently a new system had been developed with the supplier which did allow the bags to be used again.

(15) A great deal of time and effort had been spent on sealing the fluid along the Nailbourne. This had been effective as demonstrated by the graph entitled “Nailbourne Improvements”. During the winter of 2012/13, the pumps had needed to be turned on when the groundwater level had reached 78m AOD and had been turned off again when it had dropped to 75m AOD. In 2013/14, the pumps had been turned on at 81m and off again at 80m. This suggested that the sewage had been sealed and had been able to withstand a much higher level of ground water.

(16) Mr Kent said that Southern Water had often been asked how it measured success. He said that this would have been retrospectively achieved if over pumping had only been needed in 2000/01 and 2013/14 and not on the other three occasions in between. He was hopeful that the investment recently made by Southern Water would result in over pumping not being needed in the coming winter.

(17) At Petham Bourne, there had been problems in 2000/01 and again in the previous winter. Petham Bourne did not have a natural bed and therefore formed its own bed as it began to flow. The biggest problem had been the overflowing manholes in the grounds of the Stiener School which had resulted from water infiltration into the system. The manholes had been sealed and the pumping station had been refurbished with new pumps being installed. This meant that with a threefold capacity, pumping could now get rid of the water three times more quickly than before. Mr Kent said that he did not anticipate flooding at this location in 2014/15 but, if there was, it would be far less severe than in 2013/14.

(18) Mr Kent said that in Five Oak Green there had historically been a number of flooding instances as a result of the unreliability of the Larkfield pumping station. Southern Water had spent £300k refurbishing it and it was now working satisfactorily. In the winter of 2013.14 there had been other issues. The surface water system had suffered blockages by tree roots, whilst significant amounts of grit and sediment had built up in the attenuation tank. These issues had been fully addressed, as had the issue of the restrictions on surface water flowing into a ditch. This latter issue had seen a collaborative solution involving the EA and the local IDB.

(19) Mr Kent said that there had been significant flooding in Danvers Road/Barden Road in Tonbridge. This had mostly been due to the capacity of the road drainage. This was not the responsibility of Southern Water but the company had assisted by jetting the surface water sewers to remove sedimentation.

(20) Mr Kent briefly summarised work in other locations such as Alkham Valley (garden flooding and restricted toilet use), Preston and Elmstone (replacement of manhole covers), Ickham and Wickhambreaux (protection of Drill Lane pumping station from fluvial flooding).

(21) Mr Kent then set out how Southern Water was preparing for the winter of 2014/15. Consideration of the previous winter's lessons had now taken place and the outcome was that every area's potential problems had been centrally identified in Operational Incident Plans, which would assist greatly in the event that tinkering or over pumping would need to be deployed. Southern Water continued to work with the Management Group for the Nailbourne to ensure continuous improvement through the Infiltration Reduction Plan (IRP). This had come about because Southern Water had permission from the EA to over pump from the sewers into the watercourse provided that it set out how it intended to deal with the infiltration issue. The IRP was being shared with other parties, including the Management Group which demonstrated that progress was being made. Other work involved protecting properties through the installation of non-return valves, refurbishing pumping stations or replacing pumps (as at School Lane). This was essential as the data showed that water levels were as highj as they had been 6 weeks earlier in the calendar year of 2013.

(22) Mr Kent moved on to the topic of flood protection methods for properties. In some properties, the cost of providing complete protection could be as high as £1m. In these instances, flood mitigation methods were deployed. These included garden re-profiling, the installation of water tight doors, airbrick covers, purpose-made flood barriers such as wooden gates or non-return valves to prevent flood water flowing back into the property from the main sewer. These were not seen as a permanent solution as they could not permit water from the property to escape once the sewer was blocked. They were fitted on a priority basis and only when they would provide benefit. This meant that they should not be installed if the outcome was that the flooding problem was simply transferred to the neighbouring property.

(23) Mr Vye asked whether Southern Water could provide the Members of the Committee with a list of the improvements carried out in order that they could make any pertinent comment on the priorities identified. He then said that there were three concerns for Southern Water. These were reputational damage, legal requirements and financial considerations. He then asked what Southern Water's investment plans were for the solution of the basic problem, which was lack of capacity in the sewer due to water infiltration.

(24) Mr Kent replied that Southern Water was well aware of the risk of reputational damage. Its legal responsibility was to operate a sewage system that was fit for purpose. Groundwater infiltration was dealt with using the Best Available Technology Not Involving Excessive Cost (BATNIEC) Principle. This meant that it would not be possible to replace the entire system because this would cost between £50 – 60m and there were other competing major priorities. Had all the current measures been in place from 2000 onwards, three of the flood events would probably not have required tankering and over pumping, however the events of 2000/01 and 2013/14 would still have needed these measures because Southern Water could not invest against such extreme events. In fact, Southern Water's flood defence measures were effective for 98/99% of the time.

(25) Mr Vickery-Jones asked whether the biotanks were making a meaningful contribution. Mr Kent replied that analysis showed that there had been 30% reduction in the polluting load going back into the watercourse. Trials would be taking place at Aylesford WWTW to fully identify their effectiveness under test conditions. Southern Water had also lent some of its biotanks to Thames Water as they, too believed that they represented an effective way forward. Furthermore, the Environment Agency had assessed the quality of groundwater which had been through the biotanks and found it to be superior to water which had simply been over pumped without any further treatment.

(26) Mr Vickery-Jones then reported that he had attempted to contact a Waste Water engineer but had been told that there was a corporate instruction from Southern Water that engineers should not respond to Councillors. He had been informed two weeks earlier that Southern Water would return the call to Canterbury CC's Engineering Department but no response had yet been received Mr Kent replied that if an individual rang Southern Water's 0845 number they would get a response at any time of the day or night (24/7). If the issue was identified as requiring immediate attention, there was sufficient capacity (including engineers being on standby) for this to happen. If, however, someone was asking the backroom staff for a response on a technical issue, this would be more problematic.

He agreed that a response should have been made to the original call (as would normally be the case). He undertook to follow up the individual incident described.

(27) Dr Eddy noted that the slide on the Total Care Plans stated that they had commenced in 2013 "stripping and inspecting every pump and valve – repairing/replacing where necessary." He asked how many had been dealt with in this way so far. He then asked the more general question of what contingency plans Southern Water had in the event that groundwater levels continued to rise, potentially exceeding those of the previous winter.

(28) Mr Kent replied that Southern Water had 2,400 wastewater pumping stations. Just over 1,000 had been completed to date. These were the highest priority pumping stations. In response to the general question, monitoring of groundwater levels was taking place twice each week. Statistical modelling was also taking place to identify when pumping might need to commence. This model was updated on a weekly basis. Once the trigger level was reached, Southern Water would begin to talk to its contractors and partners so that pumps and tankers could be employed at the right time with the minimum of delay. Meanwhile standby rotas were being developed to ensure that sufficient numbers were available when they were needed.

(29) Mrs Blanford said that maintenance did not appear to be a high priority for Southern Water. She asked whether there was a programme to put things right before a major flooding event occurred. She said that another concern was that the EA often complained about the quality of water being pumped into the River Stour.

(30) Mr Kent replied that Southern Water did carry out a lot of maintenance work. There were 40k km of sewers, 2,400 pumping stations, 368 WWTWs. Southern Water annually spent some £20 – 30m on maintenance on sewers, £15 – 20m on pumping stations and £20 – 30m on WWTWs. In terms of water quality in the Stour, it was the EA which granted the permit to Southern Water, which was not allowed to simply discharge into the river without permission.

(31) Mr Pearman said that the Met Office's weather projections were not promising. It was essential that the water level data was accurate. He said that the Emergency Planning Committee in Edenbridge would have been far more prepared at this time in 2013 if it had been aware of the water table levels at that time. They had learned during the winter that responding to EA alerts needed to be supplemented by planning *before* the alerts were issued. He asked whether there was commonality between the water table levels identified by the EA and Southern Water.

(32) Mr Nunn said that the data was jointly complied by the EA and Southern Water. He added that since the 2013/14 flooding events, a great deal of additional maintenance work had been carried out by all the agencies. As a result, preparations were in advance of where they had been a year earlier. Although there had been a relative dry spell in September/October, groundwater levels were still higher than he would have liked them to be. The EA would be undertaking modelling on a daily basis to establish actual rainfall and groundwater levels as well as filtration rates. Meanwhile, all agencies were on a heightened state of alert. The EA had already prepared its Christmas "double up" rotas. He agreed with Mr Pearman that organisational preparedness needed to be communicated to the public and volunteers on the ground at the appropriate time.

(33) The Chairman commented that the Met Forecast was only available on mobile phones rather than on iPads.

(34) Mr Kent said that it was essential that all organisations were prepared and that none of them attempted to work in isolation.

(35) Mr Hills said that the work of the EA, Southern Water and the IDBs was very praiseworthy. The need was to ensure that communication between them and with the District Councils was effective in order to promote pre-planning. For example, there was a big capacity problem at the sewage works in Littlestone where there was nevertheless, a 400 house development plan.

(36) Mr Kent said that Southern Water recognised that this was a period of greater extremes of weather conditions. These were catered for in the design standards. An example of this was that whenever a new sewage pipe was laid, it was substantially bigger than it would have been five years earlier.

(37) Mr Kent added that Southern Water had a duty to allow all property owners to connect into the sewage system. This gave Southern an imperative to recommend to planning authorities where this connection should take place. In recent weeks, consideration had been given as to how this work could be undertaken more speedily and effectively.

(38) RESOLVED that:-

(a) Mr Kent be thanked for his detailed and informative presentation;

(b) the content of the presentation be noted, together with the letter from Southern Water set out in the Appendix to the report; and

(c) copies of the presentation be sent to all Members of the Committee.

18. Christmas/New Year 2013/14 Storms and Floods - Progress Report
(Item 5)

(1) The Chairman informed the Committee of correspondence from Mrs Brown, Chairman of Yalding PC giving her apologies for the meeting. She had written to say that the Flood Warning Areas had been launched, the communities were all working together, the Flood Warden scheme had been launched (Yalding PC had its own bespoke system). She, like a number of other Parish Councillors had acquired a power solar-powered mobile phone charger. Personal Emergency Plans were now being encouraged in addition to the Community Plans.

(2) Mr Crick referred to the report to Cabinet on 13 October 2014 (Appendix 1) which was an update to the more detailed report which had been endorsed by Cabinet on 7 July 2014.

(3) Mr Crick said that a series of internal and partnership debriefs had been carried out and that management structures had been established to implement the recommendations. KCC itself has set up a cross-directorate Corporate Resilience Steering Group (which he chaired). The object was to ensure that sufficient staff were available, trained and placed on a rota to cover any flooding emergency. The

Kent Resilience Forum (KRF) had established a Pan-Kent Flood Group chaired by the EA. The very recent KRF seminar in East Malling had covered a whole range of issues which would be taken forward by the Kent Resilience Team.

(4) The Chairman said that he had attended the seminar. He agreed that it had been very rewarding and that it had imparted a great of information. He asked how this information was to be disseminated to those who had not attended. Mr Crick replied that this would be one of the tasks of the KRF.

(5) Mr Flannery confirmed that every partner agency had been represented at the seminar. Each of the partners would be expected to ensure that it communicated the information internally.

(6) Mr Crick went on to say that there had been comprehensive reviews of the existing emergency plans, followed by their republication. A number of training sessions and exercises had been held during the year and 15,000 copies of the newly-published booklet "*What should I do in an emergency?*" had been distributed. Updated information was now available on all the partner websites. A series of "flood fairs" had been held across the County and a far greater number of people were now signed up to the EA's "Flood Warnings Direct." The rise had been very significant, seeing an increase from 25 to 90% in flood risk areas.

(7) Mr Crick went on to say that KCC, Maidstone BC and Tonbridge and Malling BC had contributed funding to a feasibility and design study for a Leigh flooding storage area. This scheme was being progressed with the support of the EA.

(8) Dr Eddy referred to Recommendation 9. He noted that work was being progressed "over the coming months" and asked which months were being referred to. He also asked in respect of Recommendation 16 how much the bid for European Funding was for and how close this bid was to submission.

(9) Mr Crick replied that, in respect of Recommendation 9, most of the websites had been updated, whilst the Flood Warnings Direct system was now far more widely used by local residents.

(10) Mr Tant replied to Dr Eddy's question on Recommendation 16 by saying that the Coastal Communities Project was looking to expand on its current remit. There was also a potential project for the River Beult. One of the criteria for European Funding was the establishment of partnerships, so the EA was leading on the process of identifying appropriate partner organisations. KCC was also looking at developing water resource projects which would have local flooding benefits.

(11) Mr Tant added that KCC was looking at other funding as well. An example of this was that KCC had put forward two bids to Local Growth Fund 2 (the Leigh Flood Storage Area and a scheme at East Peckham). All bidding deadlines would be met providing that appropriate partners could be identified.

(12) Mr Vye said that the EA's report on flooding in the Medway Valley was due to be published by the end of November 2014, together with an independent audit of the EA's performance during the winter of 2013/14.

(13) Mr Vye added that he had asked the Cabinet Member for Environment and Transport to list the measures already put in place by agencies, including KCC, to prevent flooding in each of the locations where it occurred last winter, and to also list those measures judged to be essential to prevent flooding in each of these locations. He had also asked which locations were considered to be important but for which the funding had not been identified, and for an assessment of risk of flooding, in terms of red/amber/green ratings, in each of them. He had received the response that it was extremely difficult to categorise these locations in this manner. The Cabinet Member had also provided a list which did not match that in the Annex to the report.

(14) Mr Harwood replied that he would be able to respond to Mr Vye's points at the next meeting.

(15) Mr Crick confirmed that there had been a second Appendix to the Cabinet report which had not been sent out with the agenda papers for this meeting. This Appendix had consisted of a list of 10 strategic flood defence schemes requiring partnership contributions at a total cost of some £113m (£26m of this to be provided by partners), protecting 922 businesses and 9,235 properties. It was agreed that this Annex would be sent to all Members of the Committee with the minutes.

(16) Mr Rogers said that out of the hundreds of properties in Tonbridge and Malling which had been flooded in 2013/14, 80 were still uninhabitable. This demonstrated the long term nature of each major flooding event.

(17) Mr Pearman said that there was a strong case for approaching the Housing Associations in respect of their responsibilities to protect their tenants from flooding. Mr Flannery confirmed that this had already occurred and that active steps were being taken to address the needs of vulnerable people in social housing.

(18) Mr Tapp referred to paragraph 23 of the report to Cabinet and asked for an update on the new consultation process in respect of Sustainable Drainage.

(19) Mr Tant said that Defra had released a new round of consultation on SuDs shortly after the previous meeting of the Committee. This was now looking at delivery exclusively through the planning system rather than by lead authorities such as KCC, as had previously been the case. This consultation had now closed and Defra's response was now awaited. KCC had misgivings about the proposal because it did not appear to address the long term maintenance problem.

(20) Mr Tant agreed to provide a copy of KCC's response to the consultation, together with an update on this before the next meeting of the Committee.

(21) RESOLVED that:-

(a) the report be noted; and

(b) the additional Annex to the Cabinet report be sent to all Members of the Committee together with appropriate details on the latest Defra consultation on Sustainable Drainage Systems.

19. Evacuation of Animals Task and Finish Group
(Item 6)

(1) Mr Harwood reported that the Kent Resilience Forum had formed a Task and Finish Group to produce an Evacuation of Animals Emergency Plan, using a document produced by Somerset CC as its template. The Plan was due for completion by the end of December 2014.

(2) Mr Harwood agreed to send Members of the Committee a copy of the Somerset document and the Kentish draft once it was finalised.

(3) Mr Flaherty confirmed that Kent Fire and Rescue had sufficient specialist equipment to enable its Water Resource Teams to fulfil the provisions set out in the Plan.

(4) RESOLVED that the establishment of the Kent Resilience Forum Evacuation of Animals Task and Finish Group be noted together with the timetable for the production of the emergency plan.

20. Environment Agency and Met Office Flood Alerts and Warnings and KCC flood response activities since the last meeting
(Item 7)

(1) Mr Harwood provided updated figures. Since publication of the report, the number of EA flood alerts had risen from 30 to 38. 1 warning had now been issued. The figure for yellow Severe Weather Alerts and Warnings had gone up from 10 to 11. The Thames Barrier had now been closed on 4 occasions for test and operational purposes. The total of flooding related incidents reported to the KCC Emergency Planning Duty Officer had risen from 18 to 21. The updated figures in the report demonstrated that groundwater levels were as high as they had been six weeks later in the calendar year of 2013. This meant that a smaller storm event than had occurred the previous winter would lead to the same level of emergency. It was therefore essential that vigilance was retained.

(2) In response to comments from Mr Bowles, Mr Harwood said that the figure of 21 flooding related incidents reports to the KCC Emergency Planning Duty Officer only took account of those where there had been significant consequences such as water ingress into properties or even evacuations, requiring multi-agency input. The overall figure for less serious flooding incidents reported to KCC as a whole would, of course, be considerably higher.

(3) RESOLVED that the level of alerts and operational response since the last meeting of the Committee be noted with concern, together with the need to maintain vigilance.

21. Environment Agency work on the Great Stour - Oral report by Max Tant
(Item 8)

(1) Mr Nunn reported that the EA had let a contract for tree works along the Great Stour between Fordwich and Sandwich at a cost of some £340k. Work was due to commence shortly following investigation of environmental concerns in respect of bats and explanatory meetings with local stakeholders.

(2) Mr Nunn then said that as a result of local concerns, research was taking place into historic water levels in the area. This research had indicated that the base flows were significantly higher than the EA would have hoped for at this time of the year. This meant that the risk of flooding was greater even than it had been at the same time in 2013.

(3) Mr Nunn added that some £3-4m of the additional £7m allocated by the Government had been spent on the Great Stour catchment area in 2014.

(4) Mr Vickery-Jones said that one of the biggest reasons for obstruction was the tide coming in. He suggested that the Sandwich area would benefit from the creation of a lagoon to return wastewater until the appropriate time came for its release. Mr Nunn replied that excess water in the Sandwich area was managed at Stonar Cut, which meant that a lot of the fluvial flow was not going through Sandwich at all. This had been operated 4 times since the winter floods when it had been in operation on 143 occasions.

(5) RESOLVED that the report be noted.

22. Dates of meetings in 2015
(Item 9)

The Committee agreed the following meeting dates:-

Tuesday, 10 March 2015;
Monday, 20 July 2015;
Monday, 16 November 2015.

These meetings would commence at 2.00 pm.

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To: Kent Flood Risk Management Committee – 10th March 2015

From: Michael Harrison, Chairman of Kent Flood Risk Management Committee

Subject: Kent Resilience Forum Pan Kent Flood Group

Classification: Unrestricted

Summary: To brief Kent Flood Risk Management Committee on role and responsibilities of the Kent Resilience Forum Pan Kent Flood Group

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1. Background

1.1 The Kent Resilience Forum was established in April 2005 to deliver upon legal duties enshrined within the Civil Contingencies Act 2004. The Forum ensures enhanced co-operation across resilience partners, including the emergency services, government agencies, local authorities and utilities. A number of working groups are operated by the Forum, with the latest to be launched being the Pan Kent Flood Group, in October 2014.

1.2 Terms of reference for the Kent Resilience Forum Pan Kent Flood Group are set out at appendix 1 of this report. The Group is chaired by the Environment Agency with Kent County Council in the vice chair role.

2. Work Programme

2.1 The Group has been meeting on a monthly basis to implement all outstanding actions arising from the Kent Resilience Forum winter 2013/14 severe weather debrief action plan.

2.2 The Group also organised a successful multi-agency flooding exercise (Exercise Wade) on 9th December 2014, which saw significant KCC engagement, including participation by Corporate Director for Growth Environment and Transport Barbara Cooper, and other senior KCC managers.

2.3 Training activity has been another key area of activity, including an innovative programme of flood warden training, underpinned by an agreed mechanism for alerting wardens and governance of the scheme.

3. Next Steps

3.1 The focus of the Kent Resilience Forum Pan Kent Flood Group is evolving from a focus upon actions arising from the winter 2013/14 flooding, towards enhancing planning and preparedness across the range of flood risk. A final progress report to 'draw a line' under the actions arising from the winter 2013/14 flooding is currently being compiled by the Group. It was agreed at the February meeting to prioritise planning for east coast tidal surge risk, and to this end a workshop is to be held on 24th March, with subsequent recommendations addressed by task and finish group meetings on the 28th April.

3.2 Members will continue to be updated on the activities of this Group.

4. Recommendations

4.1 That Members:

- Note the establishment of the Kent Resilience Forum Pan Kent Flood Group; and

- Contribute any additional matters arising from debate by the Committee.

Tony Harwood, Resilience and Emergencies Manager, Growth Environment and Transport 07850 907286 / tony.harwood@kent.gov.uk

Background documents: None

Appendix 1

KRF Pan Kent Flood Group

TERMS OF REFERENCE

Kent Resilience Forum

PREPARING FOR EMERGENCIES IN KENT AND MEDWAY

Purpose of the Group:

To ensure that Kent has appropriate emergency plans in place to deal with the range of flood emergencies set out in the Kent Community Risk Register and to ensure that there are the requisite multi-agency capabilities to respond to and recover from any such emergency. To identify and act upon lessons learned from recent tidal, fluvial, pluvial, ground and surface water flooding events in Kent and agree a structured prevention, response and recovery action plan.

Aim of the group:

Through effective partnership working between Category 1 and 2 responder agencies to ensure common understanding and execution of Emergency Planning, training and exercising responsibilities in order to achieve an integrated response and recovery process to any flooding emergency in Kent.

Objectives:

1. Ensure connectivity between the multi agencies within the group by supporting and assisting in the development of a bespoke Flood action plan to ensure gaps in capabilities are identified and mitigated against.
2. To collate, disseminate and understand recommendations from all agency flood reports and debriefs.
3. Produce an overarching action plan that seeks to resolve the recommendations and identifies any gaps / risks that may need further work.
4. Review / update the KRF Pan Kent Flood plan and District flood plans to incorporate recommendations as appropriate and highlight any risks through the KRF Executive Group.
5. To formulate Task and Finish groups as appropriate with a fixed end date to deliver a defined outcome to the group and make recommendations to the Executive Group as required.
6. Engage the KRF membership on key resource provision to assist in the delivery of the action plan.
7. To ensure timely highlight reports are presented to the Executive Group.
8. To ensure, once approved, the action plan and updated plans are entered and monitored on the KRF Register of Plans and Capabilities.

Priorities:

1. Delivery of debrief recommendations
2. Ongoing work from gap analysis

Membership: Chair: Environment Agency – Rob Wise
Vice Chair: Kent County Council – Tony Harwood
Appropriate representatives from Category 1 and 2 responders and DCLG (RED)

Frequency: As required (at least quarterly)

Links with: Kent Resilience Forum Risk Assessment Group
Kent Resilience Forum Training and Exercise Group
Kent Resilience Forum Public Warning and Informing group

Reports to: Kent Resilience Forum Executive Group

Secretariat: KRT

Date agreed: 07 January 2015

To: Kent Flood Risk Management Committee

From: Michael Harrison, Chairman of Kent Flood Risk Management Committee

Subject: Drainage consultee role

Classification: Unrestricted

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1. Background

1.1. The Pitt Review into the 2007 Floods identified that SuDS implementation was a necessary step to reduce the flooding impact of new development, but that it was not more widely implemented because of the lack of recognised long-term maintenance body. Recommendation 20 states:

> *The Government should resolve the issue of which organisations should be responsible for the ownership and maintenance of sustainable drainage systems.*

1.2. The Flood and Water Management Act 2010 delivered many of the recommendations of the Pitt Review and included Schedule 3 that set out proposals to make upper tier authorities, including Kent County Council (KCC), a drainage approving body (which became known as the SAB).

1.3. The role of the SAB would have been to approval the technical design of drainage in new developments according to government guidance (which prioritised SuDS), to inspect the construction of the approved drainage and where the new drainage served two properties or more to adopt the drainage and maintain it.

1.4. This role was never implemented. Defra was unable to resolve some of the issues that were required for full implementation to the satisfaction of all parties, in particular how the long-term maintenance would be funded. There were also concerns about how this detailed assessment would have worked alongside the planning system, where most major planning applications are submitted as outline and the detail is provided at a later stage.

1.5. In September 2014 Defra consulted on a different approach to the issue of SuDS. It proposed changes to the planning system to incorporate SuDS, which include the use of planning conditions to implement long-term maintenance of SUDS, with planning authorities responsible for enforcing this. The consultation document can be found in Appendix 1.

1.6. KCC supports the enhanced use of the planning system to help to deliver SuDS. However, we do not agree that it will resolve the issue of long-term maintenance, which is the key aspect for long-term sustainable SuDS implementation. We do not agree that planning enforcement is an appropriate mechanism to enforce maintenance of SuDS. Further, this proposal will not lead to an increased delivery of SuDS as it does not remove the automatic right to connect to the public sewer.

1.7. KCC's response to this consultation can be found in Appendix 2. Defra's response to the consultation responses can be found in Appendix 3. It can be seen from Defra's response that they believe the proposed changes can deliver long-term maintenance of SuDS.

2.0 Current Position

2.1. With the outcome of this consultation supporting the use of the planning system, the responsibility for delivering this new proposal transferred from Defra to CLG.

2.2. CLG released a further consultation on the role of the Lead Local Flood Authority (LLFA) in planning. KCC is the LLFA for Kent, at present we are not statutory consultees in planning for flooding or drainage. The proposal would make LLFAs statutory consultees for surface water drainage for major planning applications, with the intention to support the planning authorities to deliver this new planning role. The consultation document for this proposal can be found in Appendix 4.

2.3. KCC supports the proposal to make LLFAs statutory consultees for surface water drainage for major planning applications. However, we are concerned about the lack of specific guidance on the role we will be given and what flooding matters we will have a consultation role over. The specific nature of our role and what we are to cover will affect the burden placed on us.

2.4. KCC's response to this consultation can be found in Appendix 5. At the time of submitting this paper CLG was still considering the consultation responses it has received and has not yet given a response to this consultation or announced that it will implement it. An update will be provided at the committee meeting, if CLG has given a response or made an announcement.

2.5. CLG has also prepared a New Burdens Assessment for this new role in preparation for implementation. The assessment sets out what it believes this will cost to implement and what it will give in revenue support for it. The burdens assessment can be found in Appendix 6.

2.6. KCC has grave concerns over this New Burdens Assessment. It is based on the assessment for the original SAB role, which was a stand-alone function separate to the planning system. This assessment does not take account of the needs of the planning system. In particular the following areas are of concern:

- no consideration of the additional time required to assist with the discharge of conditions
- no additional funding for planning authorities for the additional burden on them
- no consideration of the costs of undertaking the enforcement proposed
- an assumption of cost savings in future that are not realistic.

2.7. CLG is expected to make an announcement for this to be implemented in April 2015. An update on the position will be provided at the committee meeting.

3.0 Preparation

3.1. In anticipation of this new role Defra is providing half-day capacity building workshops for LLFAs and planning authorities to attend. KCC has also provided three one-day workshops for planning authorities to help prepare for this new role. We will be providing more training in the coming year.

4. Recommendations

That Members:

- Consider any matters arising from the paper and subsequent announcements.

Michael Harrison, Chairman of the Kent Flood Risk Management Committee

Contact Officer: Max Tant, Flood Risk Manager 03000 413466 max.tant@kent.gov.uk

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www.gov.uk/defra

Department
for Environment
Food & Rural Affairs

Department for
Communities and
Local Government

Delivering Sustainable Drainage Systems

September 2014

This document/publication is also available on our website at:

www.gov.uk/defra

Any enquiries regarding this document/publication should be sent to:

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17 Smith Square
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Contents

Part 1: Background and purpose of consultation

Background

1.1 The independent review into the causes of the 2007 floods (The Pitt Review) concluded sustainable drainage systems (commonly known as SuDS)[1] were an effective way to reduce the risk of 'flash-flooding' which occurs when rainwater rapidly flows into the public sewerage and drainage system, causing overloading and back-up of water to the surface. Typically, sustainable drainage systems slow the rate of surface water run-off and improve infiltration, thus mimicking natural drainage in both rural and urban areas.

1.2 Following the Pitt Review, proposals to increase the uptake of sustainable drainage systems in new developments were included in the Flood and Water Management Act 2010[2]. Schedule 3 to the Act introduces a regime for the approval and adoption of sustainable drainage systems for construction work which have drainage implications. Government consulted on the implementation of Schedule 3 from 20 December 2011 to 13 March 2012[3]. In response to that consultation, and in discussions to date, local government and housebuilder representatives identified a number of issues. These included the impact on development of approving sustainable drainage systems under a separate consenting regime from that to approve planning applications, and the fact that these regimes were to have been run by two different parts of local government, rather than just the one. Respondents to that consultation were also concerned about further risk of delay if local authorities were not fully prepared to take on their new duties, including a new duty to maintain sustainable drainage systems that had been approved. Additional concerns were also raised by local government about the mechanism for charging householders to pay for sustainable drainage systems maintenance.

[1] National Archives version of Pitt's Annexes (in Glossary at Annex G) http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/_/media/assets/www.cabinetoffice.gov.uk/flooding_review/pitt_review_annexes_web%20pdf.pdf

[2] http://www.legislation.gov.uk/ukpga/2010/29/contents

[3] https://www.gov.uk/government/consultations/implementation-of-the-sustainable-drainage-provisions-in-schedule-3-to-the-flood-and-water-management-act-2010

Purpose of the consultation

1.3 This consultation document sets out an alternative approach to the one envisaged in Flood and Water Management Act 2010 to deliver effective sustainable drainage systems that will be maintained for the lifetime of the developments they serve. The government has listened and in response, now wishes to consult on delivering sustainable drainage systems through changes to the current planning regime. We are seeking views on this approach.

Rationale

1.4 The system proposed by government builds on the existing planning system, which developers and local authorities are already using. Policy changes to the planning system can also be introduced relatively quickly ensuring that sustainable drainage systems flood risk benefits can be brought forward as soon as possible.

Coming into force date

1.5 Subject to the outcome of this consultation, any changes to planning policy would come into force in Spring 2015.

Geographical scope

1.6 This consultation relates to England only.

Part 2: Strengthening the planning regime for sustainable drainage systems

Planning policy

2.1 The National Planning Policy Framework[4] sets out the expectation that local planning authorities, as part of their function of determining planning applications, should avoid flood risk to people and property and should manage any residual risk. Paragraph 103 states that:

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test[5], and if required the Exception Test[6], it can be demonstrated that:

- *Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and*
- *Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*

2.2 This consultation document contains proposals to strengthen planning policy to make clear that the expectation is that sustainable drainage systems will be provided in new developments (subject to the threshold referred to in paragraphs 2.20 to 2.22 below).

2.3 This would give scope for decision-makers to give increased weight to the provision and maintenance of sustainable drainage systems for the management of run-off, alongside other **material considerations**[7] during the determination of a planning application. Planning applications that fail to meet a policy requirement to normally deliver SuDS first over conventional drainage could be rejected.

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[4] NPPF https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

[5] http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/the-aim-of-the-sequential-test/

[6] http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/the-exception-test/#paragraph_023

[7] A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Definition from Planning Portal http://www.planningportal.gov.uk/general/faq/faqapplyprocess#Whatarematerialconsiderations

2.4 We will also use the planning system to make clear the government's expectation that local planning authorities will put in place robust and sustainable arrangements for the maintenance of sustainable drainage system. Further details can be found under Conditions (on page 8).

Planning guidance

2.5 In support of the National Planning Policy Framework, the planning guidance[8] (March 2014) sets out the appropriate use of sustainable drainage systems as a way of using the opportunities offered by new development to reduce the causes and impacts of flooding, and explains why priority should be given to the use of sustainable drainage systems.

2.6 In support of the proposed policy change, amendments to planning guidance would set out what is expected of local planning authorities and developers when planning applications are submitted for new developments in relation to the provision of sustainable drainage systems.

2.7 The amendments to planning guidance would be based on the draft sustainable drainage systems National Standards and Specified Criteria which include a hierarchy of acceptable discharge solutions with infiltration to the ground the most preferred and connection to sewers the least preferred (but still permissible). The most recent version of the draft sustainable drainage systems National Standards and Specified Criteria (June 2014) can be found at the Annex.

2.8 We envisage that the draft sustainable drainage systems National Standards will be supported by partner-led guidance maintained as a stand-alone document. It is entirely open to other organisations to publish other independent guidance.

2.9 Furthermore, to support the local planning authority in their role as decision maker, the planning guidance would make clear that during the preparation of a Local Plan, the Strategic Flood Risk Assessment would be expected to include consideration of the provision and suitability of sustainable drainage systems across the local area.

2.10 The evidence base for the Local Plan including in relation to the provision of sustainable drainage systems would be informed by expertise from the Lead Local Flood Authority where there is already an expectation that they would be consulted on the preparation of local plans. The Strategic Flood Risk Assessment should take account of the latest evidence from Local Flood Risk Management Strategies,

[8] Planning Practice Guidance – Meeting the challenge of climate change, flooding and coastal change section http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/

Surface Water Management Plans and other locally held information. The Local Plan also remains the key document in relation to directing development away from areas of high flood risk wherever possible, including areas at risk of flooding from surface water.

2.11 When considering a planning application, the Local Planning Authority must determine the application in accordance with the Local Plan, unless material planning considerations indicate otherwise. The evidence supporting the Strategic Flood Risk Assessment can be used by the planning authority to inform their judgement both on the appropriateness of the proposed development and on the suitability of the proposed drainage system.

Conditions

2.12 Local planning authorities have a broad discretion to impose conditions on planning permissions providing they meet the legal and policy tests (as set out in the National Planning Policy Framework). Planning conditions can require the use of effective sustainable drainage systems to drain a development's surface water runoff, and also to ensure that the sustainable drainage systems will be maintained for the lifetime of the development. Any conditions imposed on the grant of planning permission run with the land and continue to apply so future land owners would be required to adhere to them. In some circumstances it may be appropriate for this to be delivered using a Section 106 (Town and Country Planning Act 1990)[9] agreement. Local planning authorities are currently using a combination of planning conditions and section 106 agreements to deliver sustainable drainage systems.

2.13 To ensure the delivery of effective sustainable drainage systems, conditions could require that the construction of the drainage solution be in accordance with a detailed scheme as agreed with the Local Planning Authority. In order to be effective, the conditions would need to provide that the sustainable drainage systems be maintained for the lifetime of the development.

2.14 Any breach of a planning condition can be enforced under existing planning enforcement regime. No changes to the current enforcement mechanisms are proposed.

[9] Town and Country Planning Act 1990 http://www.legislation.gov.uk/ukpga/1990/8/contents

Advice to the Local Planning Authority

2.15 To ensure the appropriate provision and maintenance of sustainable drainage systems, local planning authorities, in their role as decision makers on planning applications, need access to expert advice. There are a number of ways that the planning authority can gain this advice; they could seek independent advice, for example from another public body, or another public body could be placed under an expectation or duty to provide that advice.

2.16 We are interested in views on the best way to advise the local planning authority.

2.17 Whichever route is chosen, government accepts that the need to provide good advice on sustainable drainage systems is likely to give rise to a new burden, and will undertake a new burdens assessment once the best way forward has been agreed.

2.18 In addition, we propose that the following bodies are also consulted on a relevant planning application:

a) any sewerage undertaker with whose public sewer the drainage system is proposed to communicate;

b) the Environment Agency, if the drainage system directly or indirectly involves the discharge of water into a watercourse;

c) the relevant highway authority for a road which the approving body thinks may be affected;

d) Canal and River Trust, if the approving body thinks that the drainage system may directly or indirectly involve the discharge of water into or under a waterway managed by them;

e) an internal drainage board, if the approving body thinks that the drainage system may directly or indirectly involve the discharge of water into an ordinary watercourse (within the meaning of section 72 of the Land Drainage Act 1991) within the board's district.

2.19 We propose to amend planning guidance to recommend that the local planning authority invite these organisations to comment on planning applications where appropriate. Ideally, these organisations should already be working together on local surface run off issues, and there could be benefits for the Local Planning Authority if single contact points are set up.

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

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?

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

Development size threshold

2.20 Most respondents to government's consultation on the implementation of Schedule 3 (December 2011 to March 2012) were agreed on the benefits to developers and local authorities if smaller (minor size) developments were exempted from the provisions initially.

2.21 It is therefore proposed that any planning policy change to require sustainable drainage systems to be provided as part of new development would apply only to major development[10], excluding waste development and minerals development (i.e. residential developments of 10+ houses; equivalent non-residential and/or mixed developments) with drainage implications.

2.22 Minor development (developments 9 houses or fewer; equivalent non-residential and/or mixed developments) with drainage implications would continue to be subject to existing planning policy.

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

[10] See article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for a definition of major development. http://www.legislation.gov.uk/uksi/2010/2184/pdfs/uksi_20102184_en.pdf

Part 3: Options for sustainable drainage systems maintenance and the funding options which could support them

Maintenance arrangements: an overview

3.1 Sustainable drainage systems must be maintained to ensure effectiveness. We are therefore proposing that conditions should normally be attached to a planning permission for a development requiring that provision is put in place so that the sustainable drainage systems to be constructed must be maintained to a minimum level of effectiveness. To be effective a maintenance option must:

- clearly identify who will be responsible for maintaining the sustainable drainage systems and funding for maintenance should be fair for householders and premises occupiers; and,
- set out a minimum standard to which the sustainable drainage systems must be maintained.

3.2 In practical terms, a suite of viable maintenance options will need to be available to developers to ensure that at least one option is open to them in every case to enable them to satisfy a planning condition requiring effective sustainable drainage systems and sustainable maintenance. Where there is no viable option, a planning condition cannot be attached to a permission. We therefore propose to set out in the planning policy options for delivery of long term maintenance of sustainable drainage systems. The list would not be exhaustive as we would not want to preclude innovation.

3.3 We are leaving it open to the developer to maintain the sustainable drainage systems themselves or to negotiate with, and secure the agreement of, a third party to maintain the sustainable drainage systems. This provides the developer with flexibility as there are a range of maintenance options available.

Potential maintenance options

Service management companies

3.4 Maintenance Companies are often set up to manage public spaces on new developments and maintenance of sustainable drainage systems could be added to their remit.

3.5 Under this option householders and premises occupiers would pay for sustainable drainage systems maintenance as part of the annual service charge or equivalent outdoor space service charges that they pay to cover a range of activities. Developers will need to ensure that any requirement to pay fees is binding.

3.6 Another potential funding path is a commuted sum paid by the developer to the Maintenance Company. Though this may be appropriate in a limited number of cases, in general, other options are likely to work better. Any commuted sums would need to be consistent with the need for the site to be viable overall.

3.7 Charitable Trusts could also serve as Maintenance Companies.

Water and sewerage companies

3.8 Water and Sewerage Companies already have duties and can make charges relating to water and there is an association between their current activities and any new arrangements relating to managing surface water from properties.

3.9 Water and Sewerage Companies may construct, maintain and operate drainage systems which relieve the public sewer. This includes sustainable drainage systems. The legal basis is set out in section 114A of the Water Industry Act 1991 (as amended by the Water Act 2014).

3.10 If a Company and a developer agreed, the developer could build (or contribute towards the construction of) a sustainable drainage system that the Company would subsequently own. The sustainable drainage system would be included within a Water and Sewerage Company's ordinary charging scheme, and maintenance costs would be funded through the surface water drainage element of household water bills. This means that all those bill payers in the Company's area paying the company for surface water management would share the cost burden. Given that the cost of maintaining sustainable drainage systems is generally cheaper than traditional pipework, all bill payers would benefit. These charges would be regulated by OfWat.

3.11 Alternatively a Water and Sewerage Company could offer its services as a Service Management Company (see above). In this instance it would not be exercising its statutory function so could not spread its charges amongst all its bill payers for those

services. Instead the beneficiaries of the service would be the ones billed and the amount would not be regulated by Ofwat.

Local government

3.12 Some local authorities may wish to take on responsibility for the maintenance of sustainable drainage systems as part of their wider public open space and amenity management function and/or where the sustainable drainage system provides advantages for the wider community. Under this option, local authorities would need to charge to fund their activities in maintaining sustainable drainage systems. We intend to consider over the course of consultation whether and in what form charging arrangements might be put in place.

Private Individuals: property owners or occupiers

3.13 It is reasonable to expect the owners/occupiers of properties drained by sustainable drainage systems that do not also drain other properties to maintain their own sustainable drainage system.

3.14 Where the sustainable drainage systems are simple systems involving minimal or no proprietary products, easy to maintain and serving only small numbers of properties, the owners of those properties could also agree to maintain the sustainable drainage systems collectively.

3.15 The developer would need to provide the owner or owners with full instructions on the maintenance of the sustainable drainage systems including repair and replacement requirements.

Ensuring that maintenance costs are reasonable

3.16 Government intends to ensure that the cost of maintaining sustainable drainage systems not add to household bills or, when paid for upfront, to the costs of building and buying a new home. All the available evidence is that sustainable drainage systems are generally cheaper to build; and maintaining them will be cheaper (or need be no more expensive) than the same cost as is required to maintain conventional drainage at present. Ofwat has been given powers to require Water and Sewerage Companies to reflect in their charges schemes where measures have been put in place to reduce the volume of surface water entering the public sewer or the rate at which it does so (Section 143B Water Industry Act 1991 (as amended by Section 16 Water Act 2014[11])). This means that we will expect to see reductions in the surface water drainage element of household water bills for those households where sustainable drainage systems are managing their surface water run-off.

3.17 By taking a flexible and permissive approach to how sustainable drainage systems maintenance will be paid for, government intends to allow developers and communities to find the best solution to funding maintenance for a site, that will be transparent, good value and acceptable to homebuyers.

3.18 However, occasionally a sustainable drainage solution on a particular site might be exceptionally costly to maintain. Where the cost of on-going maintenance would impair the deliverability of the development, the planning authority may consider that a condition requiring the implementation of a sustainable drainage system is not appropriate.

3.19 Government's intention is that the policy approach being taken, with these safeguards applied, will meet the aim of ensuring maintenance is affordable. We would value evidence submitted in response to this consultation.

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?

[11] http://www.legislation.gov.uk/ukpga/2014/21/section/16/enacted

Part 4: consultation process

Comments and views are welcome on the questions asked in this consultation (as listed again in Part 5).

How to contribute

The duration of this Consultation is 6 weeks and will take place from 12 September 2014 to 24 October 2014.

There are a number of ways to respond to the consultation:

Online survey

The questions contained in the consultation have been incorporated into an online survey. We would be grateful if you could complete this survey to enable us to analyse your responses efficiently and effectively.

Postal and email responses

Responses should be sent to:

SuDS Team
Defra
Area 3D
Nobel House
17 Smith Square
London, SW1P 3JR
Email: suds@defra.gsi.gov.uk

Confidentiality

Defra is proud of its policy of openness and at the end of the consultation period copies of the responses will be made publicly available at:

Defra
Information Resource Centre
Atrium
Nobel House
17 Smith Square
London SW1P 3JR

They may also be published in a summary of responses to this consultation**. If you do not consent to this, you must clearly request that your response be treated as**

confidential. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.

Compliance with the government's consultation principles

This consultation is being undertaken in accordance with the Better Regulation Executive guidance on written consultation as set out at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

If you have any comments or complaints about the consultation process, as opposed to comments about any of the issues in this consultation paper, please address them to:

Defra's Consultation Coordinator
Room 629
9 Millbank
17 Smith Square
London, SW1P 3JR

Email: consultation.coordinator@defra.gsi.gov.uk

Next steps

Government intends to place a copy of the responses together with copies of consultation responses to personal callers or in response to telephone or email requests in the Defra Information Resource Centre. This is so that the public can see them. Wherever possible, personal callers should give the Centre 24 hours' notice of their requirements. Also, members of the public may ask for a copy of responses under freedom of information legislation. All the responses received by the deadline will be analysed and a summary of the responses received will be placed on the Defra web site. To see consultation responses and summaries, please contact the Information Resource Centre at:

Defra
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Atrium
Nobel House
17 Smith Square
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Telephone: 020-7238-6575

Email: defra.library@defra.gsi.gov.uk

Part 5: consultation questions

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

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?

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

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

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?

Annex: draft national standards and specified criteria for sustainable drainage

National standards

These Standards are issued to set out the requirements for the design, construction, maintenance and operation of sustainable drainage systems (SuDS) in accordance with paragraph 5 of Schedule 3 (National Standards) to the Flood and Water Management Act 2010 (the Act).

Terms used in the Standards have the same meaning as those in the Act and supporting Statutory Instruments.

1. Design

Runoff destinations

Standard 1. Surface runoff not collected for use must be discharged to one or more of the following, listed in order of priority:

1) discharge into the ground (infiltration); or where not reasonably practicable,

2) discharge to a surface water body; or where not reasonably practicable,

3) discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

4) discharge to a combined sewer.

Flood risk outside the development

Standard 2. The design of the drainage system must mitigate any negative impact of surface runoff from the development[12] on the flood risk outside the development boundary.

Standard 3. Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control Standards (**Standard 4** and **Standard 5**) and volume control National Standards (**Standards 6 to 8**) do not apply.

[12] *In these standards 'development' means the area of land for which approval for work was required in accordance with paragraph 7 of Schedule 3 to the Flood and Water Management Act 2010*

Peak flow control

Standard 4. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must not exceed the peak greenfield runoff rate for the same event.

Standard 5. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event.

Volume control

Standard 6. Where reasonably practicable, for greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event.

Standard 7. Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Standard 8. Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with **Standard 6** or **Standard 7** above, the additional volume must be discharged at a rate that does not adversely affect flood risk.

Flood risk within the development

Standard 9. The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the development for a 1 in 30 year rainfall event.

Standard 10. The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

Standard 11. The design of the drainage system must ensure that so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

Water quality

Standard 12. The drainage system must be designed and constructed so surface water discharged does not adversely impact the water quality of receiving water bodies, both during construction and when operational.

Structural integrity

Standard 13. Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

Standard 14. The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.

Designing for maintenance considerations

Standard 15. The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

Standard 16. The drainage system must be designed to ensure that the maintenance and operation requirements are economically proportionate.

Standard 17. Pumping must only be used to facilitate drainage for those parts of the development where it is not reasonably practicable to drain water by gravity.

Standard 18. The drainage system must be designed so that the capacity of the drainage system takes account of the likely impacts of climate change and likely changes in impermeable area within the development over the design life of the development.

2. Construction

Standard 19. The drainage system must be constructed in accordance with the approved design such that materials, including products, components, fittings or naturally occurring materials, are adequately mixed or prepared and applied, used, or fixed so as to perform adequately the functions for which they are intended and constructed in a workmanlike manner.

Standard 20. The mode of construction of any communication with an existing sewer or drainage system must be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

Standard 21. Once constructed in accordance with the approved design, an approving body must presume that a drainage system is functioning in accordance with the approved design unless there is evidence to demonstrate that it is not.

Standard 22. Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

3. Maintenance

Standard 23. The drainage system must be maintained to ensure that it continues to function as designed.

4. Operation

Standard 24. The drainage system must be operated to ensure that it continues to function as designed.

Specified criteria by which judgments are to be formed

The specified criteria are published in accordance with paragraph 5(3)(a) of the Flood and Water Management Act 2010 which states “National Standards may permit or require approving bodies to form judgements by reference to specified criteria”.

5. Specified criteria to which regard is to be had

Criterion 1. The approving body may have regard to a technical standard or criteria submitted as evidence:

a) of the hydrological modelling of flood risk off and on the development,
b) of the hydrological modelling of flow rate and volume of water to be discharged,
c) of the water quality outcomes achieved by drainage components,
d) that components are designed to ensure structural integrity of the drainage system and any adjacent structures,
e) that materials, including products, components, fittings or naturally occurring materials are of a suitable nature and quality for their intended use.

Criterion 2. The approving body must have regard to the flood risk management and water quality requirements, if any, which apply to the provision of drainage systems, in:

a) the National Planning Policy Framework and its technical guidance;
b) up-to-date local and neighbourhood plans which covers the area of the development;
c) the National Flood and Coastal Erosion Risk Management Strategy;
d) the Local Flood Risk Management Strategy which covers the area of the development;

e) IDB, EA and Local Authority Bylaws where a drainage system discharges to a relevant watercourse.

Where a drainage system is designed, constructed, maintained and operated in accordance with the National Standards, would in the opinion of the approving body, not meet a requirement of the above criteria the approving body may refuse the application.

Criterion 3. In the National Standards **Standards 1 to 24**, geology, geography and costs associated with construction of a drainage system are relevant criteria which must be considered in determining what is reasonably practicable.

Criterion 4. This criterion requires an approving body to form its judgement of what is reasonably practicable in **Standard 1** by special reference to construction costs. If, in an application for approval of a drainage system, it is demonstrated that it would cost more to design and construct a drainage system which discharges to a higher priority discharge destination rather than to a discharge destination which is lower in the order of priority, it is not to be considered reasonably practicable to achieve the higher discharge destination. The calculation of construction costs may include the opportunity cost of providing land for a drainage system above ground where the land utilised for the drainage system is not also utilised for another land use. Each movement down the hierarchy must be demonstrated.

Criterion 5. This criterion requires an approving body to form its judgement of what is reasonably practicable in **Standards 5, 6, 7, and 11** by reference to the construction cost of an effective drainage system which would not require approval. If, in an application for approval of a drainage system, it is demonstrated that the design and construction costs of a drainage system in accordance with the **Standards 5, 6, 7, and 11** would be more expensive than an effective drainage system which would be built but for these Standards, then it is not to be considered reasonably practicable to achieve the full requirements of those Standards. The calculation of construction costs may include the opportunity cost of providing land for a drainage system above ground where the land utilised for the drainage system is not also utilised for another land use. To be considered reasonably practicable, the drainage system proposed must demonstrate it complies as far possible with those National Standards, without exceeding the design and construction costs of the alternate system.

Criterion 6. This criterion requires an approving body to form its judgement of what is economically proportionate in **Standard 16** by reference to the costs that would be incurred by consumers for the use of an effective drainage system, connecting directly to a public sewer, which would have been built but for these Standards.

Criterion 7. Where a drainage system is partly in the area of one approving body and partly in the area of another approving body or bodies, each approving body must form judgements having regard to the existence and effect of the parts of the drainage system in the area of the other approving body or bodies.

Consultation Response – Defra 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?

Kent County Council strongly disagrees that the proposed revisions will deliver sustainable drainage which will be maintained.

The proposal ensures strengthened consideration of sustainable drainage, within the context of a Strategic Flood Risk Assessment and adopted Local Plan which is appropriate and a positive reinforcement; however, strengthening planning policy is not sufficient to increase the inclusion of SuDS within development schemes and ensure they are maintained in good working order in perpetuity. Defra's own consultation document for SuDS issued in December 2011, said: "Government policy already encourages developers to build SuDS. However, we estimate that as few as 40% of new developments and redevelopments are drained by SuDS of some sort; and uptake has been slow." The proposed changes to planning policy are unlikely to change this.

By not providing a statutory requirement to include sustainable drainage, leaving the automatic right to connect and by not designating an adopting authority, all of which are proposed in Schedule 3, there will not be an environment that encourages sustainable drainage and the current problems will continue.

For example, within Southeast England, if a developer wants to ensure an adopted system by a WASC, the system proposed would usually include an off-line below ground attenuation on a conventional piped sewer system prior to connection to the public sewer system. No open features in the adopted drainage is justified by Southern Water as they require that no land drainage (e.g. from a pond or vegetated surface drainage measures) is accepted within the adopted system. Though this provides attenuated flow it cannot be considered a fully a sustainable drainage system and it has many of the disadvantages of both types of drainage (high cost of installation and maintenance with no benefits of amenity or habitat of a conventional system and a multi-part system that is more complex to design of a SuDS scheme). The WASC will only adopt the system which serves the 1 in 30 year storm event with any attenuation storage, to provide up to the 1 in 100 year storm, will be managed by a private management company or be provided in private areas.

Sewerage Undertakers are unlikely to promote SuDS with multiple benefits, as would be promoted by the planning authority. SuDS differ significantly from the core assets sewerage undertakers currently maintain that they are unlikely to universally promote open, vegetated SuDS or soakaways.

The maintenance conditions as proposed cannot guarantee maintenance into the future if there is any involvement of a commercial non-regulated entity. Of the options proposed:

a) Management companies are not regulated, audited or have any government over-sight. There is no certainty over any particular company continuing into the future

in perpetuity from a financial perspective and no backup provided for any commercial failure. LPAs have indicated to KCC that additional bonds would be required within S106 payments to insure against any maintenance failure on significant schemes.

b) Charitable trusts, applicable only to development of significant scale have been pursued as an option by one Kent borough council. The future sustainability of the organisation and business case are very delicate, dependent upon S106 contributions with key concerns on how maintenance for piped systems or any complex measure would be funded.

Therefore third party adoption is likely to increase costs of the development and potentially add delays to planning.

The proposal does not provide sufficient detail on how these sustainable drainage systems may interact with highway systems. If the proposed system is to be adopted by a service management company, Kent County Council will be unlikely to adopt any associated highways within the proposed development due to the potential risk to the highway system of the failure of the management company to undertake necessary maintenance and therefore result in ongoing costs to the developer more than any costs associated with drainage.

There are significant caveats throughout the proposal which mean that sustainable drainage would not be included within development design or delivered either due to costs or an inability to identify an adopting body. In a worst case scenario, the proposal will lead to a proliferation of piped systems with below grade attenuation tanks adopted by a sewerage undertaker, which is more costly in the long term.

The current proposals do not make any significant changes from the current regime in respect of maintenance. If the planning system was capable of resolving the issue of the long-term maintenance of SuDS it would have already done so in Kent's district councils and boroughs where the planning authority actively promotes SuDS. In these localities the primary obstacle to the provision of SuDS is the lack of effective long-term maintenance, not the willingness of the planning authority or the lack of planning policy to promote it.

The Pitt Review made specific recommendations to deliver SuDS and ensure that the systems were recorded and maintained. The intent was to address the flooding problems which arose through lack of maintenance and lack of accountability for particular measures. The consultation proposal does not address these concerns. This is a major concern for Kent County Council as a county with one of highest number of houses impacted by surface flooding and where growth is looking to deliver a substantial number of housing in the coming 20 years. The lack of inclusion of SuDS and the lack of ensuring appropriate maintenance has the potential to increase the flood risk for residents within our communities through inadequate design, construction and maintenance of new drainage systems.

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?

Local planning authorities within Kent could seek advice from Kent County Council as they are the Lead Local Flood Authority (LLFA) and the Highway Authority. It would be advisable that we are consulted on new drainage, as being the body with responsibility for local flooding and the highway, drainage provision is one of the most significant factors that affect us. No other consultee provided within the consultation proposal has responsibility for surface water flooding and ground water flooding.

The planning and policy work that Kent as the LLFA has already undertaken with the PFRA, LFRMS, SWMPs and our role as Highway Authority, means that Kent County Council holds the latest information on local flood risk within our communities and has the best understanding of the potential effects of new drainage.

Consulting KCC would ensure that appropriate technical review is provided from a drainage and flood risk perspective and could be considered in connection with any highway adoption. If KCC provided expert advice, it would ensure there is a consistent approach across Kent to drainage provision and also ensure compliance with a satisfactory standard of design and construction.

Costs associated with Kent County Council providing this technical advice would be recovered through charging of the applicant. Kent County Council currently provides advice on an ad hoc basis to councils who request support and for developers who seek adoption of drainage through Section 38 highway adoption. Staffing for this advice is absorbed within our LLFA role but we do not have sufficient resources to serve the anticipated 540 major applications that occur across Kent annually.

This service would need to be funded in order for KCC to provide the service and it would represent a new burden. It would be possible to charge the applicant for advice as was originally proposed under the drainage application fee for Schedule 3 at both a pre-application stage, for review at technical approval and inspection with construction.

With the exception of Internal Drainage Boards (which only have a small national coverage), none of the proposed consultees would be able to provide practical advice about the long-term maintenance required for these systems, which was the primary barrier the Pitt Review identified for the widespread use of SuDS.

Other parties within the development industry have suggested:

a) utilisation of WASCS – the limitation of WASC adoption has been discussed in our response to Question 1; and,
b) utilisation of building control – which has specific experience only in relation in and around individual buildings and would have experience on site or regional facilities or in relation to highways and does not have experienced in responding within planning timeframes.

For any proposal of technical review, the review advice must bear weight if it is applied in the context of a planning decision, must be mandatory for approval and provided for all applications. Within Kent, we have recent examples where approval has been granted for a planning application, and where it is now apparent drainage may be inadequate with a potentially high impact to downstream flood risk. The LLFA were not consulted on the planning application and though the EA did not object, they highlighted the lack of information provided and the importance of ensuring this information was provided. This has been conditioned but the assumptions which have been made inappropriately about drainage design have significant ramifications for the site design.

It is clear that this example will be a common occurrence going into the future, if Defra does not address the need for appropriate technical review within planning. Approvals in relation to a drainage system are not subjective and the failure of any system may pose significant risk to public safety in the immediate vicinity of the proposed site as well as significant impacts to flood risk within the wider community. The community, the developer and the government will bear these costs if appropriate technical review is not considered in any decision.

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

LPAs must make a determination within 8 weeks for minor applications and 13 weeks for major applications. Within this time frame, consultees need to be contacted and their responses considered.

If an LPA has internal drainage resources to provide advice, it would be able to control timeframes within the planning process and pick up questions on drainage where input is needed at an early stage of planning; however, this is reliant on LPAs having an internal resource. In recent years there has been a continual loss of drainage engineers from local councils, with only three district councils of the 12 within Kent maintaining drainage expertise. This would result in a significant resource commitment for each district council to address the lack of internal experience.

The Environment Agency are likely to be able to respond within the timeframe, however this response will only be for sites in excess of 1 ha, which will exclude many major developments and for sites less than 5 ha the response will be standing advice not bespoke to the site and development in question. The Environment Agency's advice will also only be on the flood risk aspects of the proposed development, they do not have the expertise to provide detailed advice on drainage or maintenance. This will not affect planning delivery but it will affect the quality of the drainage.

WASCs will provide advice if they are adopting the drainage or it is discharging to the public sewer, but their advice is likely to promote a scheme that is compliant with sewers for adoption and not necessarily sustainable drainage. If they are adopting the scheme it is

possible that the negotiations will continue after the planning decision has been made, so they may not be an opportunity to influence the final scheme.

Kent County Council as LLFA and highway authority has the expertise to provide technical advice to the district councils on drainage applications and has experience on specification and maintenance through highway drainage maintenance. Kent County could provide review of a drainage strategy to support a planning application within the timeframes excepting it would be challenged by the facts that:

a) this review would be dependent upon the level of information submitted and at present it is common that drainage submissions planning applications are strategic, outlined and not fully detailed; and,
b) pre-application discussions which can promote SuDS and overcome issues with initial concepts, have not been mandated within the consultation proposal and will likely absorb periods of time within the determination period.

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

It is appropriate that planning policy changes in the first instance apply to major development, but Kent County Council disagrees that all minor development should be exempt given impacts which could occur to local drainage systems.

There is currently provision in planning policy for critical drainage areas to be identified where a flood risk assessment is then required for all developments, irrespective of their size. We suggest that a similar provision is made for the provision of SuDS, as these areas are particularly vulnerable to drainage problems and sustainable drainage is the only way to ensure that new development does not exacerbate the existing problems.

Q5. What other maintenance options could be viable? Do you have examples of their use?

The original consultation on implementation of Schedule 3 of the Flood and Water Management Act provided a body to undertake on-going maintenance. As a public body the Sustainable Drainage Approving Body would be sustainable, regulated, and be responsible to the community. Funding could be provided as originally proposed within the consultation in December 2011 that in the short-term maintenance of any adopted SuDS is funded by Government. This would allow an assessment of costs to be undertaken and a suitable charging regime and process identified.

The adoption of sustainable drainage need not follow a rigorous statutory approval process. As a highway authority we adopt highways, including highway draiange that can include SuDS elements, through a process that runs in parallel with planning process. Likewise the WASCs adopt new sewers through a similar process. A similar approach could be taken with SuDS, where an adopting authority is designated and they have to negotiate, against agreed

standards, with the developer the most appropriate drainage system for the site. This would provide a long-term maintenance regime for sustainable drainage that minimises costs.

The only other maintenance options available to developers have been available for some time, including at the time of the Pitt Review. If these could provide a sustainable solution for SuDS maintenance, the Pitt Review would not have recommended that the government resolve the issue of long-term maintenance of SuDS. Changes to planning policy are unlikely to change the maintenance options available, to do this other changes will be needed.

Q6. What evidence do you have of expected maintenance costs?

Kent County Council does not have any direct experience of SuDS adoption in larger schemes. To date we have been adopting SuDS (e.g. permeable pavements and soakaways) under S38 agreements and where necessary have been charging commuted sums. Commuted sums calculations have been based on day rates as specified through our technical framework and assessed against information provided within Cambridge City SuDS Adoption and Design Guide.

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?

Much debate occurs as to whether SuDS cost more than conventional piped drainage. Maintenance is required for any system operation. The maintenance advantage for surface systems is that the need for maintenance can be assessed visually and undertaken as needed. Any failures are more easily investigated and corrected without substantial disruption or costs. The assessment of total costs therefore needs to include all actions and all parties who undertake maintenance activities. Some authorities perceive increases in charges because the transfer of cost applies to their own specific activities e.g. from sewer or drain maintenance to landscape maintenance.

Without removing the right to connect there will not be much incentive for developers to deliver genuinely sustainable drainage, as WASCs will continue to adopt drainage. Currently the WASCs only charge for a system which conveys the 1 in 30 year storm event and greater storms are managed through attenuation storage which is not maintained by the WASC but normally by a private management company. Therefore there will need to be two adopting bodies in order to achieve drainage that provides protection for the 1 in 100 year event and is acceptable to the highway authority. Residents are therefore charged by two entities, with associated administration charges.

Sustainable drainage that is adopted by a single body should not result in any increase to maintenance costs for householders. There may be efficiencies given the multiple benefit of some SuDS measures. For instance maintenance related to landscape areas can be associated with other maintenance requirements such as verge maintenance or amenity spaces. It would be difficult to separate costs in this instance and may be unnecessary.

If the highway authority was the same as the sustainable drainage adopting authority there would be an incentive to combine surface water and highway drainage in one system that would lead to savings for the developer in capital costs and reduces overall activities for maintenance to one system.

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Department for Environment Food & Rural Affairs

Department for Communities and Local Government

Consultation on delivering Sustainable Drainage Systems

A summary of responses to the consultation and the government response

18 December 2014

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at

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Contents

Introduction

This is a summary of the responses to the public consultation on an approach to deliver effective sustainable drainage systems, which ran for 6 weeks from 12 September 2014 to 24 October 2014.

The consultation sought views and evidence from a wide range of partners on an alternative approach to the one envisaged in the Flood and Water Management Act 2010, specifically to deliver sustainable drainage systems through changes to the current planning system. Through 7 questions, the consultation set out four key areas for discussion: whether the planning system would deliver sustainable drainage systems; local planning authorities' ability to obtain appropriate expert advice; appropriate thresholds for the proposed policy; and the maintenance of sustainable drainage systems. In this document, a summary of the general themes and concerns raised is provided on the four key areas together with the Government's response.

402 responses were received, from local authorities, unitary (19%), district/borough (23%) and county (7%); water companies (3%); property developers and builders (4%); regulators (10%); academics, consultants and research organisations (9%); professional and trade associations (8%); individuals and community groups (14%); and non-declared respondents (2%).[1]

The Government is committed to addressing the concerns raised in the Pitt Review. It was therefore satisfying to see recognition from respondents of the strength of a single consenting regime for the delivery of sustainable drainage systems. Concerns raised about the capacity and technical expertise of local planning authorities are, however, appreciated, and the Government proposes to address these concerns via a capacity-building programme and by consulting on making Lead Local Flood Authorities statutory consultees in planning, for surface water management. The Government also agrees with respondents that long-term maintenance must be guaranteed. It will be the responsibility of local planning authorities to impose effective planning conditions that require effective maintenance arrangements to be put in place. The Government will continue to encourage local government to use the powers provided to it to enforce these conditions, to ensure that sustainable drainage systems are effectively maintained in the long-term.

The consultation was conducted jointly by the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government.

[1] Figures are rounded.

Strengthening the planning regime for sustainable drainage systems

The consultation explored the possibility of strengthening the planning system as a way of delivering sustainable drainage systems. This would be done principally by amending planning policy so that local planning authorities could give increased weight to the provision and maintenance of sustainable drainage systems, alongside other material considerations, during the determination of a planning application. The consultation also proposed that the use of conditions attached to planning permissions and section 106 agreements[2] be used to ensure the construction and maintenance of the drainage system in accordance with a detailed scheme as agreed with the local planning authority.

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

Nearly all respondents offered comments on this question, even where a direct yes/no answer was not provided. 71% of respondents expressed the view that the proposed revision to planning policy, as set out in the consultation and without amendment, would not deliver sustainable drainage which would be maintained. A significant number of local authorities, water companies and developers nonetheless did recognise the merit in streamlining the approval of sustainable drainage systems into a single consenting regime and strengthening the National Planning Policy Framework.

Reservations derived largely from uncertainty about the way in which sustainable drainage systems would be maintained and the lack of technical expertise and capacity currently held by local planning authorities to approve and inspect sustainable drainage systems. Some respondents suggested the amendment of building regulations to deal with this, and others noted the need to ensure a consistent approach to available guidance.

Government response

The Government remains committed to addressing the concerns set out in the Pitt Review, published following the 2007 floods. We welcome the support of so many respondents for streamlining the approach to deliver sustainable drainage in a way which balances clear local coordination and responsibility with the needs of business and local communities.

The Pitt Review identified that there were too many organisations involved in surface water flood risk management, creating a fragmented approach in 2007. Since then, the National Planning Policy Framework (2012) has prioritised the use of sustainable drainage systems (paragraph 103) for areas at risk of flooding and the guidance stipulates that developers need to ensure their design allows for maintenance of the system, so that it continues to

[2] Governed by the Town and Country Planning Act 1990 (as amended).

provide effective drainage.[3] This has undoubtedly contributed to the increased uptake of sustainable drainage systems and played no small part in ensuring that developers "stop and think" about whether there are alternative solutions for surface water drainage to old-fashioned solutions, thereby addressing another concern in the Review (paragraph 5.46 of the report).

The proposed amendments to planning policy will strengthen that requirement by making sustainable drainage systems a material consideration in planning for major development.[4] The use of appropriate planning conditions will require that sustainable drainage systems and long-term maintenance arrangements are put in place. Local planning authorities already possess the powers needed to enforce against non-compliance with those conditions.

The Government recognises the importance of having one clear set of National Standards and supportive technical guidance. The Government also recognises the large amount of work that has already gone into the production of National Standards and supportive guidance under the Schedule 3 approach. Therefore the Government will utilise this existing work to produce clear and straightforward planning practice guidance based on the National Standards.

The Government appreciates concerns about the capacity of local planning authorities to approve sustainable drainage systems and plans to put in place a capacity-building programme to be delivered with trusted partners before any change comes into effect in order to address concerns expressed by consultation respondents.

The Government has also noted concerns raised about the technical capability in local planning authorities to inspect the construction of sustainable drainage systems and the suggestion made by many respondents that building regulations is a more suitable consenting regime for this purpose. The Government proposes to monitor the issue and keep the option of amending building regulations under review.

Advice to the Local Planning Authority

The consultation sought views on the best way for local planning authorities to seek the expert advice they need to effectively assess the suitability of proposed drainage schemes in planning applications. The Government gave a number of options by which the planning authority could gain this advice, including the seeking of independent advice, or putting another public body under an expectation or duty to provide advice.

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[3] National Planning Policy Framework: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

[4] See article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for a definition of major development: http://www.legislation.gov.uk/uksi/2010/2184/pdfs/uksi_20102184_en.pdf

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?

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

The widely held view was that local planning authorities do not presently have the technical expertise necessary to determine sustainable drainage proposals. The overwhelming majority of respondents identified this lack of technical expertise; and the certainty of obtaining the right expert advice, and in good time, from a third party, as the two main issues likely to impact upon the timescales set for determining planning applications. It was noted that retaining a variety of options for obtaining advice could exacerbate uncertainty and delay. Local authorities also felt that sourcing expert advice, even from Lead Local Flood Authorities, could lead to delay unless a consultee was legally required to provide advice; the importance of having clear lines of responsibility and timings for when advice is required was particularly highlighted and some explicitly suggested it would be highly desirable to ensure there was a statutory consultee for local planning authorities to consult on sustainable drainage systems.

Government response

The Government has noted the concerns expressed by many of the respondents that local planning authorities need the technical expertise to approve the sustainable drainage systems proposed in applications and would therefore require expert advice to ensure that effective sustainable drainage systems are delivered within the statutory timeframes in which to determine planning applications. The Government also agrees with many respondents that Lead Local Flood Authorities should be best placed to give such advice due to the recent provisions in the Flood and Water Management Act 2010 that have given these bodies overall strategic responsibility for local flood risk management including surface water.[5]

The Government has also noted the concerns regarding possible delay at approval stage caused by a lack of a consistent and guaranteed source of advice. We plan to consult on an option to make Lead Local Flood Authorities a statutory consultee for planning applications on surface water management. Statutory consultees are under a duty to respond to the local planning authority and report on their performance on providing a substantive response within deadlines set out in legislation. Such an arrangement with the Lead Local Flood Authority would ensure that appropriate technical advice was available at approval stage. The consultation will also seek views on the instances where it might be

[5] S. 9, Flood and Water Management Act 2010: http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

appropriate for local planning authorities to consult the Lead Local Flood Authority and how existing flexibilities can be used to ensure a proportionate approach. Government will undertake an assessment of any costs incurred by this approach at the time of consultation.

Development size thresholds

The consultation proposed that the proposed revisions to planning policy outlined in the consultation document would apply only to major development[6] (i.e. residential developments of 10+ units; equivalent non-residential and/or mixed developments) with drainage implications.

Minor development (residential developments with 9 units or fewer; equivalent non-residential and/or mixed developments) with drainage implications would continue to be subject to existing planning policy.[7]

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

62% of respondents were not in favour of an exemption for minor size developments, and 63% also stated that they did not want a threshold higher than that suggested. A large number of respondents underlined that multiple small-scale developments could have a cumulative, detrimental impact on flood risk and some respondents queried whether this would mean Pitt's recommendations were not fulfilled.

However, a number of respondents who acknowledged this risk went on to express concerns about the capacity of local planning authorities to apply the new policy to all development and thought that a threshold was necessary to avoid an intolerable burden on local authority resources.

Government response

The Government acknowledges concerns raised about the need to avoid excessive burdens on local planning authority resources and agrees with those respondents who made the point that a threshold exempting minor developments from the proposed revisions to planning policy may help to mitigate this risk. The Government is also mindful

[6] See article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for a definition of major development: http://www.legislation.gov.uk/uksi/2010/2184/pdfs/uksi_20102184_en.pdf

[7] See paragraph 103 of the National Planning Policy Framework: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

of the importance of keeping the regulatory burdens on smaller businesses at an appropriate level.

The Government has, however, noted the concerns raised on the question of exempting minor development from the change in planning policy (although not from the existing requirement to prioritise the use of sustainable drainage systems in areas at risk of flooding); including concerns about the potential cumulative impact of minor development on flood risk.

On balance, and given the existing requirement on sustainable drainage systems in planning policy, the Government is minded to proceed as set out in the consultation document and apply the changes in planning policy to major development only. The Government would keep the effectiveness of this approach under review, and consider making detailed adjustments where necessary. Local planning authorities would continue to ensure that flood risk is not increased by any new development and that sustainable drainage systems are considered for all new developments.

The Government considers that this represents a proportionate response to the concerns expressed in the Pitt Review.

Maintenance of Sustainable Drainage Systems

The consultation proposed that conditions would normally be attached to a planning permission requiring that any sustainable drainage systems to be constructed are maintained for the lifetime of the development. It was proposed that developers would be free to choose from a suite of different maintenance options, including the use of service management companies, agreements with water and sewerage companies or with local government, or the transfer of responsibility for individual household drainage systems to the householder.

In addition to seeking evidence of expected maintenance costs, the consultation proposed allowing developers and communities to find the best solution to funding maintenance for a site that would be transparent, good value and acceptable to homebuyers. Where the cost of ongoing maintenance would impair the deliverability of development, the planning authority might consider that a condition requiring the implementation of a sustainable drainage system would not be appropriate.

Q5. What other maintenance options could be viable? Do you have examples of their use?

The majority of respondents answering this question focused on the options presented in the consultation. There was strong support across sectors for allowing developers to choose from a suite of maintenance options, provided there were clear arrangements in place to ensure that maintenance took place. In particular, respondents wanted to be sure

that sustainable drainage systems would be maintained to a satisfactory standard for the lifetime of the development. It was the opinion of a number of local authority respondents that penalties for failing to comply with planning conditions are not heavy and that there can be difficulties in securing compliance.

In terms of alternative options, some respondents suggested the use of community trusts such as wildlife trusts where the sustainable drainage system promoted a new or existing ecosystem. A few responses suggested that internal drainage boards, where they exist, could be suitable organisations to maintain sustainable drainage systems.

Government response

The Government welcomes recognition of the advantages of the flexibility in allowing developers to put in place a maintenance regime that is best suited to the local flood risk, locality and type of development. Further, it is the Government's view that everyone has a part to play in ensuring effective surface water management. All parts of local government, as Flood Risk Management Authorities, have an interest in ensuring that planning conditions on maintenance are fulfilled. The Government has given local government authorities the tools necessary to enforce the conditions they attach to planning permissions and local government would reasonably be expected to use those tools to ensure that sustainable drainage systems are effectively maintained long-term. Equally, communities will be alert to the risk of property flooding if systems are not properly maintained and will have an interest in reporting any non-compliance with planning conditions.

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?

Only a small proportion of respondents offered a view on likely costs of sustainable drainage systems, with a significant number indicating that the evidence compiled by the Department for Environment, Food and Rural Affairs likely offered the most accurate picture. Those offering further comment underlined that maintenance costs had the potential to vary depending on the type of scheme in place and the topography, geology and geomorphology of the area. Figures offered were almost always the total general cost of maintaining an open space, rather than the cost of maintaining the sustainable drainage system within that open space. Where disaggregated costs were provided, there was no indication of the size of system, number of properties served or what the system actually comprised.

No respondents disputed the contribution sustainable drainage systems make to reducing flood risk. Furthermore, although 51% of respondents did not anticipate that this policy would avoid increases in maintenance costs, a significant number raised the monetised

and non-monetised benefits of sustainable drainage systems, such as reduced insurance premiums, suggesting that these could offset any perceived increase in maintenance costs. There was a keen emphasis on the importance of transparency of costs.

Some respondents to the consultation expressed concern as to how the costs of maintenance would be funded. There was a general assumption from local authority and developer respondents that commuted sums would be the norm. Respondents were concerned at the potentially large costs of such a sum and the difficulty of estimating a sum that was appropriate.

Government response

The Department for Environment, Food and Rural Affairs commissioned independent research[8], which has found that maintenance costs on average are no higher than the average charge for conventional piped surface water drainage. In addition, informal and limited discussions with developers and their service managing agents revealed that the actual figures for maintenance of some sustainable drainage systems within managed open spaces can be much, much lower (a typical example was circa £6 per property per annum). It is accepted, however, that maintenance costs might vary somewhat, owing to the type of system used, the drainage capability of the land and the extent of the maintenance required.

For the success of sustainable drainage systems, long-term maintenance arrangements need to be assured; developers will have responsibility for ensuring such arrangements are secured as a requirement of their planning conditions. Commuted sums paid by developers for maintenance of sustainable drainage must not be the default option; they do not provide a long term solution and we would expect this route to be appropriate only in a limited number of cases. Where local authorities opt to take on the long term responsibility, we would expect them to use their existing powers to charge for maintenance at cost recovery only. Where water companies take on responsibility for maintenance, the sustainable drainage system could be included either within their ordinary charging scheme or outside this scheme were the water company to offer its services as a Service Management Company.

Next steps

The Government will make a Written Ministerial Statement to Parliament setting out next steps and the date that changes to planning policy would come into effect.

[8] http://randd.defra.gov.uk/Document.aspx?Document=11852_FinalIssueSWDReport_November2013.pdf

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Department for
Communities and
Local Government

Further changes to statutory consultee arrangements for the planning application process

Consultation

December 2014
Department for Communities and Local Government

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at http://forms.communities.gov.uk/ or write to us at:

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Contents

The scope of the consultation

Topic of this consultation:	**Measures aimed at ensuring more effective provision of advice to local planning authorities in relation to surface water drainage management.** **Part A: proposal to introduce the Lead Local Flood Authority as a statutory consultee on major planning applications with surface water drainage implications to ensure technical advice is available to local planning authorities.** **Part B: proposal to change the thresholds for the Environment Agency's statutory consultee involvement in a planning application to achieve a more proportionate approach in light of changing responsibilities.** **Part C: whether to make water companies statutory consultees in respect to planning applications for shale oil and gas development.**
Scope of this consultation:	This consultation seeks responses to both detailed proposals, as well as open ended questions.
Geographical scope:	England
Impact Assessment:	A summary of the impacts and benefits can be found in the consultation paper.

Basic Information

To:	**Anyone with an interest in the planning application process.**
Body/bodies responsible for the consultation:	Department for Communities and Local Government Planning Application Process Team
Duration:	18 December 2014 to 29 January 2015
Enquiries:	For enquiries please contact: **planning.applications@communities.gsi.gov.uk**

How to respond:	You can either respond to the consultation using the online Survey Monkey form at: https://www.surveymonkey.com/s/7NNZ9XJ
	
	• Or you can email your response to the questions to **planning.applications@communities.gsi.gov.uk**
	
	• If you need to provide a written response, please make it clear which questions you are responding to.
	
	  • Written responses should be sent to:
	  Planning Application Process Team
	  Department for Communities and Local Government
	  Third Floor
	  Fry Building
	  2 Marsham Street
	  SW1P 4DF
	
	When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:
	• your name,
	• your position (if applicable),
	• the name of organisation (if applicable),
	• an address (including post code),
	an email address, and a contact telephone number

Introduction

1. In September 2014 the Government consulted on Delivering Sustainable Drainage Systems through changes to the planning system. We received over four hundred responses to the consultation and the Government's response was published on 18 December 2014.

2. On the same day, the Government announced that we would be strengthening the planning system to expect the installation of sustainable drainage systems for major development[1]. In addition local planning authorities are expected to ensure that arrangements are put in place for the ongoing maintenance of sustainable drainage systems.

3. The responses to the consultation highlighted the importance of ensuring that access to technical expertise is available, if local planning authorities are to play a greater role in determining sustainable drainage proposals. It was widely considered that Lead Local Flood Authorities, as local level experts on surface water drainage, were best placed to provide technical advice on developments which propose sustainable drainage systems.

4. In response to the consultation, the Government noted the views raised and said that a subsequent consultation would be launched on an option to make Lead Local Flood Authorities a statutory consultee for major planning applications with surface water drainage implications.

5. The Flood and Water Management Act 2010 assigned the responsibility for local flood risk including flood risk from surface water to Lead Local Flood Authorities in upper tier authorities (county and unitary councils). The role of the Lead Local Flood Authority includes assessing the risk of surface water flooding across its boundaries as well as working with organisations responsible for water management across the authority, so that resources can be more effectively brought together to reduce the likelihood of flooding, and coordinate when it does happen. The Environment Agency is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion.

6. In light of these changes in responsibility and the proposed increased involvement for Lead Local Flood Authorities in planning applications, we are also consulting on a change to the Environment Agency's statutory consultation arrangements to ensure that local planning authorities have access to appropriate technical advice.

7. The Government is taking steps to ensure that the UK leads the way with shale oil and gas regulation. Reflecting this we are seeking views on whether to make water companies statutory consultees in respect to planning applications for shale oil and gas development.

[1] As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010

Background

What are statutory consultees?

8. Statutory consultees are those organisations and bodies, defined by statute, which local planning authorities are legally required to consult before reaching a decision on relevant planning applications.

9. It is important to recognise that statutory consultees are not the only organisations that local planning authorities engage with in reaching decisions on planning applications. Local planning authorities will consider whether there are planning policy reasons (national or local) to engage other 'non-statutory consultees', which although not designated in law, are likely to have an interest in a proposed development. For example, a local planning authority may consult with a local wildlife trust on applications in proximity to local wildlife sites. Similarly, there is nothing to stop an organisation such as the Environment Agency from commenting on a planning application for which it is not a statutory consultee.

10. Unlike non-statutory bodies, statutory consultees are expected to provide a substantive response to planning applications[2] on which they are consulted within 21 days. They are also required to report to the Secretary of State annually on their performance in relation to this.

11. The Government has undertaken a package of wider measures to improve the quality and timeliness of engagement by statutory consultees within the planning application process. The recent Technical Consultation on Planning, which ran from 31 July to 26 September 2014, we consulted on amending the statutory consultation requirements on the Highways Agency, Natural England and English Heritage to ensure they are able to make the most effective use of their resources. The proposals to change the role of the Environment Agency should be considered in this context.

Legal Context

12. Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (**"the Development Management Procedure Order"**) requires that local planning authorities must consult certain organisations (statutory consultees) before granting of planning permission. Schedule 5 to the Development Management Procedure Order specifies which statutory consultees local planning authorities must consult, depending on the type, location and scale of the development proposed. Under article 20 of the Development Management Procedure Order, statutory consultees are expected to provide the consultor with a substantive response within 21 days. Article 21 of the Development Management Procedure Order requires statutory consultees to report annually to the Secretary of State on their performance with regard to their duty to respond to

[2] This duty does not apply to applications for listed building consent or applications that are subject to environmental impact assessment. The statutory duty allows the 21 day period to be varied if the consultor and consultee agree in writing.

consultations. Any changes to the statutory consultation requirements in Schedule 5 to the Development Management Procedure Order would also apply to applications submitted directly to the Secretary of State under section 62A of the Town and Country and Planning Act 1990. The consultation requirements for the Environment Agency are set out in Schedule 5 to the Development Management Procedure Order.

Increased Role for Lead Local Flood Authorities

13. In 2010 Lead Local Flood Authorities were given overall responsibility for local flood risk management under the Flood and Water Management Act 2010. This means they are responsible for managing local sources of flooding from surface water, groundwater and small ("ordinary") watercourses. In relation to local flood risk, the Environment Agency has a strategic overview role, in addition to its operational responsibility for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

14. In December 2014 the Government announced that it would be amending national planning policy to expect the installation of sustainable drainage systems for all major development where appropriate. This followed a consultation on Delivering Sustainable Drainage Systems between 12 September and 24 October 2014. In response to that consultation, it was noted that local planning authorities would require access to the technical expertise required to assess the surface water drainage proposals as part of planning applications. The Government also noted views expressed that this advice should be provided by a consistent and guaranteed source of advice, and that the Lead Local Flood Authorities were best placed to do this.

15. To ensure that advice is provided to local planning authorities within an adequate timeframe to allow them to meet the statutory timeframes in which they have to determine planning applications, we propose to make Lead Local Flood Authorities a statutory consultee on development in relation to surface water drainage. As a statutory consultee, the Lead Local Flood Authority would be expected to respond to the local planning authority within 21 days and under a duty to report to Government on their performance in providing a substantive response within that deadline.

Question 1
Do you agree with the proposal to make Lead Local Flood Authorities a statutory consultee on planning applications in relation to surface water drainage, subject to appropriate funding being available?

16. To avoid unnecessary over-consultation of the Lead Local Flood Authority it is important to focus their statutory consultation role on development where local planning authorities will require expert advice to determine the application. We therefore propose to limit statutory consultation of the Lead Local Flood Authority to major[3] development in relation to surface water drainage.

17. The existing National Planning Policy Framework policy, to prioritise sustainable drainage systems, will remain in place and apply to other development in areas at risk of flooding. Local planning authorities may find it helpful to agree with Lead Local Flood Authorities the circumstances and locations where Lead Local Flood Authority advice should be sought

[3] As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010

about a planning application which raises surface water or other local flood risk issues on a non-statutory basis.

18. The risk of over-consultation could also be managed locally by the Lead Local Flood Authority informing the local planning authority that it does not wish to be consulted in certain instances or providing standing advice under powers in Article 16 of the Development Management Procedure Order 2010.

Question 2
If Lead Local Flood Authorities were to be made a statutory consultee on development in relation to surface water drainage, do you agree that this should be limited to major development?

19. Under the Flood and Water Management Act 2010 Lead Local Flood Authorities are responsible for managing local flood risk from surface water, groundwater and ordinary watercourses. In this role they are required to develop, maintain, apply and monitor a Local Flood Risk Management Strategy. Our planning guidance explains that local planning authorities should ensure local plan policies are compatible with the Local Flood Risk Management Strategy. The guidance also suggests that local planning authorities and Lead Local Flood Authorities should agree the circumstances and locations where Lead Local Flood Authority advice should be sought on a planning application for developments which raises surface water or other local flood risk issues.

20. Given the important role that Lead Local Flood Authorities can play, we are also interested in whether there are other instances where a statutory consultation requirement could be used to ensure that appropriate technical advice is available.

Question 3
Do you think that there is a case for Lead Local Flood Authorities to be a statutory consultee on the following issues? If so, do you think this consultation requirement should apply to developments of a certain size, and/or in certain risk locations?
a) development with groundwater management implications?
b) development in proximity to ordinary watercourses?
c) any other local flood risk issues?

Improved Arrangements for Consulting the Environment Agency

21. The Environment Agency is currently consulted on a wide variety of planning applications, reflecting its strategic, operational and regulatory responsibilities for flood risk, water quality, water resources, waste management and controls on certain chemicals.

22. The Environment Agency does not only influence the development process through consultation on individual planning applications. Reflecting its wider strategic responsibility for delivering sustainable development, the Environment Agency is also a:

    - Specific consultation body in the preparation of local plans – which provide the basis for decisions on individual applications
    - Statutory consultee for proposed developments that are subject to Environmental Impact Assessment – typically the schemes with greatest potential for adverse impact on the environment
    - Statutory consultee on Development Consent Orders for nationally significant infrastructure projects.

23. Having considered the existing requirements for statutory consultation in the Development Management Procedure Order, and the proposals outlined elsewhere in the consultation on providing an increased role for the Lead Local Flood Authority, we have identified a number of instances where consultation could be unnecessary and/or improved. **These are set out in Table 1.**

24. The proposals in Table 1 would not affect the Environment Agency's status as a consultee in relation to local plans, Environmental Impact Assessments or nationally significant infrastructure projects. Nor would they alter the current requirement to consult the Environment Agency on applications for relevant developments:

    - In an area within flood zone 2 or flood zone 3 (under paragraph (ze)(i) of Schedule 5 to the Development Management Procedure Order);
    - In an area within flood zone 1 identified as having critical drainage problems (under paragraph (ze)(ii) of Schedule 5 to the Development Management Procedure Order);
    - In the bed of, or within 20 metres of the top bank of, a main river which has been notified to the local planning authority by the Environment Agency (under paragraph (q)(i) of Schedule 5 to the Development Management Procedure Order).

Table 1: Proposed changes to the requirements for consulting the Environment Agency before the grant of planning permission, under Schedule 5 to the Development Management Procedure Order

Paragraph	Description of development on which Environment Agency is consulted.	Proposal

Table 1: Proposed changes to the requirements for consulting the Environment Agency before the grant of planning permission, under Schedule 5 to the Development Management Procedure Order		
Paragraph	**Description of development on which Environment Agency is consulted.**	**Proposal**
(q)(ii)	Development involving the culverting or control of flow of any river or stream	Remove (see note 1.1)
(r)	Development for the purpose of refining or storing mineral oils and their derivatives	Remove (see note 1.2)
(s)	Development involving the use of land for the deposit of refuse or waste	Remove (see note 1.3)
(t)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than 10 people will normally reside, work or congregate, and works ancillary to those matters).	Change to: Major development[4] which does not use the sewerage services of a relevant undertaker appointed under section 6 of the Water Industry Act 1991. (see note 1.4) For these purposes 'sewerage services' has the meaning given in section 219 of the Water industry Act 1991: *"sewerage services" includes the disposal of sewerage and any other service which are required to be provided by a sewerage undertaker for the purpose of carrying out its functions*.
(u)	Development relating to the use of land as a cemetery	Remove (see note 1.5)
(y)	Development within 250 metres of land which – (i) is or has, at any time in the 30 years before	Remove (see note 1.6)

[4] As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010

Table 1: Proposed changes to the requirements for consulting the Environment Agency before the grant of planning permission, under Schedule 5 to the Development Management Procedure Order		
Paragraph	**Description of development on which Environment Agency is consulted.**	**Proposal**
	the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Environment Agency for the purposes of this provision.	
(z)	Development for the purposes of fish farming	Remove (see note 1.7)
(zf)	Any development of land of 1 hectare or more	Remove (see note 1.8)

Explanation of proposed changes in Table 1

25. **Note 1.1 (q)(ii)**. Following some changes made by the Flood and Water Management Act 2010, Internal Drainage Boards are responsible for the Flood Defence Consents and management of flooding from ordinary watercourses in their districts, and Lead Local Flood Authorities[5] hold these responsibilities outside of Internal Drainage Board districts. Lead Local Flood Authorities and Internal Drainage Boards are now best placed to provide advice to local planning authorities for this type of development. It is considered that the provision of advice would best be established through local arrangements The Environment Agency will continue to be consulted on the culverting or control of flow within a main river under paragraph (q)(i) of Schedule 5.

26. **Note 1.2 (r)**. The types of development that are likely to have significant impacts on the environment and therefore require consultation with the Environment Agency are identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Environment Agency will retain its role as a statutory consultee for developments that are subject to Environmental Impact Assessment. Local planning authorities would continue to have regard to the Environment Agency's advice on the Environment Impact Assessment Scoping Report and Environmental Statement. It is therefore considered disproportionate to retain this statutory consultation requirement.

27. **Note 1.3 (s)**. The types of development that are likely to have significant impacts on the environment and therefore require consultation with the Environment Agency are identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Environment Agency will retain its role as a statutory consultee for developments that are subject to Environmental Impact Assessment. Local planning authorities would continue to have regard to the Environment Agency's advice on the Environment Impact Assessment Scoping Report and Environmental Statement.

[5] Lead local flood authorities are unitary authorities and, in the case of two-tier authorities, county councils.

Furthermore, the Environment Agency has wider responsibility for permitting landfill and incinerator sites, ensuring that environmental risks are adequately managed.

28. **Note 1.4 (t)**. The current requirement covers a wide range of potentially polluting activities, the majority of which are regulated through other legislation and need not be duplicated in the planning regime. Larger scale activities with the potential to generate trades wastes, slurry or sludge are covered in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, on which the Environment Agency would continue to be consulted. However, if category (t) was removed entirely, the Environment Agency would no longer be consulted on major developments that involve private treatment, the proliferation of which can pollute controlled waters, particularly in areas of inadequate sewerage infrastructure. The intention is for the Environment Agency to continue to be consulted on this subset of major developments which are covered by the existing category.

29. **Note 1.5 (u)**. Although cemeteries have the potential to pollute surface water and groundwater, the advice which the Environment Agency typically gives to local planning authorities on such developments is of a generic nature. It is not considered necessary for this to be provided on a case-by-case basis through statutory consultation. To protect groundwater, site-specific investigation needs to be undertaken by the applicant to determine the highest groundwater table and then set the base of the burial pits sufficiently high enough above this. Rather than offering such advice through statutory consultation on individual applications, this could take the form of standardised advice which will be produced in 2014/15. The advice could indicate areas that should be avoided where there is a greater likelihood of pollution of drinking water sources and any additional information that is needed with planning applications.

30. **Note 1.6 (y)**. Under the Historic Landfill Project, data on older sites which are no longer licensed by the Environment Agency has been returned to local authorities. As such, we consider that this consultation requirement can be removed. Proposed developments on former landfills should be informed by the Government's planning practice guidance on land contamination and site investigations undertaken as part of the redevelopment.

31. **Note 1.7 (z)**. The operation of fish farms is regulated by legislation outside of the planning system. There is a role for planning in considering whether flooding could result in the accidental or illegal release of fish from a proposed development. The Environment Agency would continue to be consulted on developments in areas identified as having the highest risk of flooding from rivers and the sea under paragraph (ze) of Schedule 5 to the Development Management Procedure Order. Furthermore, large scale intensive fish farms are listed under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, on which the Environment Agency would continue to be consulted. It is not considered necessary to have a separate fish farm consultation category in the Development Management Procedure Order.

32. **Note 1.8 (zf)**. While the Environment Agency continues to have strategic responsibility for flood risk from rivers and seas in England, responsibility for managing local sources of flooding from surface water, ground water and small ("ordinary") watercourses has been assigned to Lead Local Flood Authorities. This follows the Flood and Water Management Act 2010 which clarified previously ambiguous responsibility for flood risk management of local sources of flooding. Lead Local Flood Authorities are therefore better placed to offer advice on surface water and other local flood issues which may be of concern for proposed developments of 1 hectare or more. New national surface water flood maps published in

December 2013 and the National Planning Policy Framework's requirement for site specific flood risk assessment for sites over 1 hectare provide local planning authorities with further evidence on surface water flood risks.

33. The Environment Agency will retain its statutory consultation role on the preparation of local plans and continue to advise local planning authorities, with the aim of ensuring plans contain robust policies to prevent inappropriate development in areas of flood risk (regardless of the source of flooding). Under paragraph (ze) of Schedule 5 to the Development Management Procedure Order, the Environment Agency would continue to be consulted on proposed developments in flood zones 2 and 3, where the risks from sea and river flooding are greatest, as well as areas with critical drainage problems in flood zone 1 where the Environment Agency has notified the local planning authority.

Question 4
Do you agree with the proposed changes as set out in Table 1:

a) to remove paragraph q(ii)?
b) to remove paragraph r?
c) to remove paragraph s?
d) to amend paragraph t?
e) to remove paragraph u?
f) to remove paragraph y?
g) to remove paragraph z?
h) to remove paragraph zf?

Increased Role for Water Companies

34. The Government is taking steps to ensure that the UK leads the way with shale oil and gas regulation. Shale oil and gas could increase the UK's energy security, support thousands of jobs, reduce carbon emissions, and generate substantial tax revenue. In line with this, as parts of the process of shale oil and gas extraction rely upon water, we are testing whether to make water companies[6] statutory consultees in respect to planning applications for shale oil and gas development in their areas.

35. The regulatory framework already has safeguards in place to ensure that issues relating to water are addressed in a robust, joined-up way. The environmental regulator is required to check the potential impact on groundwater in terms of any shale oil and gas proposal, and will not grant a permit where groundwater and drinking water supplies could be affected. Anyone seeking to use or supply the volumes of water involved in such schemes requires an abstraction licence from the environmental regulator, which sets the maximum amount of water that can be used. In granting these licences the regulator checks that the implications for water resources are acceptable.

36. Water companies are not currently statutory consultees for planning applications. They are a consultation body on each mineral planning authority's Local Plan, which sets out the authority's approach to different types of mineral development, including energy minerals like shale. We wish to test whether including water companies as statutory consultees in respect to shale oil and gas development in their areas will further strengthen the regulatory framework and help to ensure that their views are taken into account in the decisions of mineral planning authorities.

Question 5
Do you have views on whether water companies should be made statutory consultees in respect to shale oil and gas development?

[6] This refers to the private companies that provide water services. Currently, there are 32 companies that provide these services. See http://ofwat.gov.uk/industryoverview/today/watercompanies

Consultation questions

Question 1
Do you agree with the proposal to make Lead Local Flood Authorities a statutory consultee on planning applications involving surface water drainage implications, subject to appropriate funding being available?

Question 2
If Lead Local Flood Authorities were to be made a statutory consultee on development with surface water drainage implications, do you agree that this should be limited to major development?

Question 3
Do you think that there is a case for Lead Local Flood Authorities to be a statutory consultee on the following issues? If so, do you think this consultation requirement should apply to developments of a certain size, and/or in certain risk locations?

a) development with groundwater management implications?
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c) any other local flood risk issues?

Question 4
Do you agree with the proposed changes as set out in Table 1:

a) to remove paragraph q(ii)?
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g) to remove paragraph z?
h) to remove paragraph zf?

Question 5
Do you have views on whether water companies should be made statutory consultees in respect to shale oil and gas development?

The closing date for responses is 29 January 2015.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups who wish to respond are asked to include a summary of the people and organisations they represent and, where relevant, of any other party they have consulted in reaching their conclusions.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your information technology system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or if you have other observations about how we can improve the process, please contact:

Department for Communities and Local Government Consultation Co-ordinator.
3rd Floor, Fry Building
2 Marsham Street
London,
SW1P 4DF
or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Question 1
Do you agree with the proposal to make Lead Local Flood Authorities a statutory consultee on planning applications involving surface water drainage implications, subject to appropriate funding being available?

We agree with the proposal to make Lead Local Flood Authorities a statutory consultee on planning applications involving surface water drainage implications, as they hold recent information of such matters.

However, this consultation does not provide sufficient detail in relation to the proposed role of a LLFA as a statutory consultee, nor does it consider other implications of the role change.

In the past technical advice for surface water flooding and drainage has been provided by the EA through their review of site-specific Flood Risk Assessments to ensure that flood risk to/from any new development was appropriately managed. They also had a role in ensuring that new development did not have a detrimental impact to the water quality of water courses, main rivers and the underlying groundwater. This advice, strategic in nature, did not necessarily include an assessment of the functionality of proposed drainage, but may have assessed overall drainage concepts provided within the design proposal.

Schedule 3 of the FWMA defined a technical role for the drainage approving body (SAB), with the intention to overcome the issues identified by the Pitt Review regarding operation and maintenance of SUDS. This role would have ensured that construction and operational matters for SUDS were addressed, through the submission and assessment of technical details, and the ongoing functionality of the SUDS, through adoption. This technical review for a major application would have been undertaken within 12 weeks.

The ministerial statement on 18 December 2014 announcing this consultation stated that "(the LPAs should) satisfy themselves that the proposed minimum standards of operation are appropriate." The LLFA will not be able at the time of the planning application to provide technical advice to satisfy the LPA given the lack of technical information submitted at planning and the time frame recommended within the consultation. Only a role similar to the SAB role could achieve the stated standard of response. Conditioning requirements for maintenance and ongoing obligations may be problematic.

The proposed LLFA consultation role will not be equivalent to either the EA consultation (given the strategic information the EA holds through the other functions it performs), nor will it be equivalent to a SAB review (given its restriction to 21 days, the lack of technical details submitted at planning and the lack of inclusion of adoption matters), and neither does it address the fundamental issues raised by Pitt regarding SUDS and stated in Recommendation 20 of the Pitt Review.

The proposed LLFA consultee role outlined in this consultation appears to be limited to providing advice to LPAs on the management of surface water. KCC would recommend that the proposed consultee role of the LLFAs should be expanded from the current proposal to ensure comments can be provided on all issues that fall within their remit (i.e. advising LPAs on all 'local' flood risk issues arising from the management of surface water, and ordinary watercourses). The LLFA consultation role must be more definitive than "provision of technical expertise".

The level of response as a statutory consultee will depend upon a number of factors, including:

- Available funding - Insufficient funding will result in inadequate levels of service either with extensions in time for consultations or limited review of some schemes.
- Level of review within any consultation - A technical response in 21 days to a standard planning application will not involve any greater detail of technical review than what currently occurs by the EA.

This new role will require new resources, particularly additional staff. The ministerial statement announcing this consultation stated an intention for the new role to commence 6 April 2015. Given recruitment processes, new staff will not be in place for 6 April 2015. This will have a severe impact on the planning process.

This new role will have implications for each LLFA, including: increased liability for advice provided in the planning process; resource commitments for LLFA attendance at appeals to support LPAs; and, additional support to be provided by LLFAs to the LPAs to address issues in relation to enforcing conditions in relation to operation and maintenance. All of these issues, not just the resources required to assess each application, must be considered in assessing the resource burden this role will place on LLFAs.

Question 2

If Lead Local Flood Authorities were to be made a statutory consultee on development with surface water drainage implications, do you agree that this should be limited to major development?

No we do not agree that it should be limited to major development.

The intent of the proposal is to avoid over consultation through limiting the applications consulted by development size. This may not reflect the level of risk.

The proposed changes to the EA consultee role in conjunction with limiting the LLFA to major development will result in minor development within critical drainage areas and Flood Zone 2 and 3 not being reviewed **at all**.

Small developments may have potential to significantly impact local flood situations. Similarly, small developments within Flood Zones 2 and 3 must have adequate provision for management of flood risk, as this may have surface water and drainage implications. Some of this review may be managed through the provision of guidance notes from the LLFA or EA.

It would be sensible that an allowance is made for the LLFA to provide input to development planning in areas at risk either being designated as a critical drainage area or being within Flood Zone 2 or 3 as discussed in response to Question 3. Additionally LLFAs should be responsible for identifying critical drainage areas, as this is a form of flooding which falls in their remit.

Question 3

Do you think that there is a case for Lead Local Flood Authorities to be a statutory consultee on the following issues? If so, do you think this consultation requirement should apply to developments of a certain size, and/or in certain risk locations?

a) development with groundwater management implications?

b) development in proximity to ordinary watercourses?
c) any other local flood risk issues?

We do not agree that the LLFA should be a consultee on:

(a) Development with groundwater management implications

The LLFAs do not have any groundwater specialists as this responsibility has been resident with the EA. The EA holds the groundwater monitoring borehole information and maintains a team with groundwater expertise who are responsible for protecting groundwater resources.

We agree that the LLFA should be a consultee on:

(b) Development in proximity to ordinary watercourses

The role of the LLFA in managing surface water and ordinary water courses would be strengthened if the LLFA were to be consulted on development within proximity of any ordinary watercourses.

We would consider "proximity" to be defined as within 5m or any development which results in discharge to an ordinary water course. A clear definition should be included within the development order.

It should be noted that consideration should also be given to including Internal Drainage Boards as statutory consultees within their districts as they also manage ordinary watercourses.

(c) Any other flood risks issues

The LLFA should be a consultee in critical drainage areas. The NPPF should be revised to require preparation of a FRA in critical drainage areas.

Government advice needs to be provided on the designation of Critical Drainage Areas within not only Flood Zone 1 but also Flood Zones 2 and 3. For example, surface water flooding within Flood Zone 3 may occur adjacent to a river where the surface water sewers are unable to discharge to the water course during periods of high flow.

The proposed consultation will result in no review of development applications for minor development; however utilisation of consultation on critical drainage areas has the potential to overcome lack of review in areas of concern.

Question 4
Do you agree with the proposed changes as set out in Table 1:
a) to remove paragraph q(ii)?
b) to remove paragraph r?
c) to remove paragraph s?
d) to amend paragraph t?

e) to remove paragraph u?
f) to remove paragraph y?
g) to remove paragraph z?
h) to remove paragraph zf?

We agree with the removal of the requirements for consultation, excepting the implications which result with the removal of paragraph (zf).

As noted in response to Question 2, the proposed changes to the EA consultee role in conjunction with limiting the LLFA to major development will result in minor development within critical drainage areas and Flood Zone 2 and 3 not being reviewed. The implications of this reduction in oversight of development within flood risk areas must be considered in conjunction with the LLFA role.

The NPPF requires FRAs for sites over 1 ha. It would be important that this requirement is still maintained and not impacted by the changes to the EA consultee role. FRAs may be reviewed by the LPA or the LLFA dependent upon the nature of the development.

Question 5
Do you have views on whether water companies should be made statutory consultees in respect to shale oil and gas development?

We agree that water companies should be made statutory consultees on shale oil and gas development to ensure impacts on water supplies are considered.

Communities and Local Government

New burden assessment

Details of the proposal	
1. Name of lead department.	Department for Environment, Food and Rural Affairs
2. Working level contact in lead department (include telephone number and email address).	Moira Redmond 0207 238 3108 moira.redmond@defra.gsi.gov.uk
3. Name of policy/duty/expectation.	**Policy:** Making the Lead Local Authority a statutory consultee, in planning, for major development, in relation to surface water drainage. **Duty:** a statutory duty will be placed on the 152 upper tier (county and unitary) authorities (Lead Local Flood Authorities) to provide technical advice on surface water drainage, within prescribed deadlines, to local planning authorities on planning applications, for major developments, with surface water drainage implications.
4. Description of the policy objective.	A local planning authority is required to consult a statutory consultee on planning applications relating to the type of development specified. The statutory consultee is required to report to Government on their performance in responding to those consultations within the 21 day prescribed period. In this case, the lead local flood authority will be asked by the local planning authority for advice on the proposals for surface water drainage in major development, so that the local planning authority is able to satisfy itself that sustainable drainage systems (SuDS) are put in place, unless demonstrated to be inappropriate, and are designed to ensure that the maintenance and operation requirements are economically proportionate. This policy sits alongside

	changes to planning policy coming into effect from 06 April 2015.
5. Stage proposal is at (e.g. initial draft, consultation document, Cabinet clearance, etc.). If first draft, please state when update will be submitted.	Formal Cabinet clearance for the change to planning policy and agreement to consult on making the Lead Local Flood Authorities statutory consultees was secured jointly by Defra and DCLG on **17 December 2014.** A Written Ministerial Statement was made to Parliament on **18 December 2014** (by the Secretary of State for Communities and Local Government) announcing the changes to planning policy to come into effect from 06 April 2015. A public consultation seeking views on the Government's intention to make the Lead Local Flood Authorities statutory consultees was open between **18 December 2014 and 29 January 2015**.
6. Brief expected timeline of the forthcoming key stages, including committee clearance.	Expected lay date for SI making Lead Local Flood Authorities statutory authorities: **26 March 2015 (tbc)** Coming into force date for SI: **16 April 2015 tbc** Come into force date for change to planning policy**: 06 April 2015**
7. What the proposal requires local authorities to do, and how this differs from what they are doing now. If there is no difference, why is the new power/duty/ expectation being made?	The National Planning Policy Framework sets out the expectation that, in determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere, and in areas at risk of flooding that development is resilient and safe and priority is given to the use of sustainable drainage systems for surface water management. On 18 December, the Government laid a Written Ministerial Statement, strengthening existing planning policy, to expect the provision of sustainable drainage systems for all major development where appropriate. The policy will take effect from 06 April 2015 and should be read in conjunction with the policies in the National Planning Policy Framework. Lead Local Flood Authorities (county councils and unitary authorities) have responsibility for local flood risk management under the Flood

	and Water Management Act 2010. LLFAs are funded by central government in respect of their responsibilities and duties set out in that Act, including to develop, to maintain, to apply and to monitor strategies for local flood risk management in their areas. To this end, LLFAs can provide advice to local planning authorities about localised flood risk and the impact of proposed developments on that risk To ensure that local planning authorities have timely access to the technical expertise needed to assess the locally-specific surface water drainage proposals which should be part of planning applications, Lead Local Flood Authorities are to be made statutory consultees for major development planning applications in relation to surface water drainage. A local planning authority may currently choose to seek the views of the relevant Lead Local Flood Authority on the merits of a surface water drainage proposal in a planning application. The difference that the policy makes to the existing position would be the requirement on the Lead Local Flood Authorities to report to Government on their performance in responding to planning applications. Statutory consultees are under a duty to provide a substantive response on the merits of the relevant part of a planning application[1] within 21 days.
8. Expected date the policy impacts on local authorities. If implementation is to be phased in, please give estimated dates for each phase.	**06 April 2015** for change in planning policy.
9. Is an impact assessment being completed? If this shows that the policy impacts on the private sector in the same way with no disproportionate impact on local authorities, contact the Communities and Local Government New Burdens Team to confirm that the new burdens rules do not apply in this case - this does not mean there are no	Delivering sustainable drainage systems via the planning system is not a regulatory change and consequently is not subject to the "one-in two-out" rule for new regulation. There is no net cost to businesses arising from a requirement in planning to use SuDS for surface water management where appropriate, because SuDS are usually cheaper to construct than conventional surface water

[1] This duty to respond applies in the instances set out on Article 20, DMPO.

local government finance matters that might need to be addressed.	drainage and if the capital costs of building SuDS would be higher than costs for building conventional drainage, developers may construct drainage with more traditional pipework (or by using a combination of traditional solutions and sustainable drainage), and still fulfil the requirements of the policy. DCLG advises that no IA is needed for this policy approach. An Impact Assessment (IA) was prepared by Defra to support the implementation of Schedule 3 to the Flood and Water Management Act 2010 (an earlier policy approach for SuDS) which was rated as 'fit for purpose' by the Regulatory Policy Committee in February 2014. Where possible, the underlying assumptions used in this New Burden Assessment are derived from those used for that earlier Impact Assessment unless there are more up-to-date figures available which are used instead.
Estimated costs/savings	
10. Has the proposal been appraised in accordance with HM Treasury *Green Book* principles? What was the outcome of the appraisal?	Yes. The Impact Assessment referred to above has informed the policy choice. The preferred Schedule 3 approach was highly cost-beneficial for many reasons not least because of the savings achieved through effective surface water flood risk reductions but involved a separate consenting regime for SuDS approval to sit along planning. The revised implementation route using the planning system is assessed to be similarly economically worthwhile, because SuDS constructed under either regime will secure flood risk mitigations savings, and the planning approach removes the need for developers and local government to work within two consenting regimes. The l IA suggested maximum economic benefit would be achieved if all major and minor development was within scope. For now, the change to planning will apply to major development only but the policy will be kept under review.

<table>
<tr><td>11. Best estimate of reasonable costs and savings involved for local authorities for each individual year. Please give breakdown <u>by financial year</u> and state whether costs are revenue or capital.</td><td>All costs and savings are revenue and aggregates for all Local Authorities in £m (2014 prices). More detail is provided in the following boxes.

<table><tr><td>Year</td><td>Cost / £m</td><td>Saving / £m</td></tr><tr><td>2015/16</td><td>£7.434*</td><td>0**</td></tr><tr><td>2016/17</td><td>£1.969</td><td>0.138</td></tr><tr><td>2017/18</td><td>£1.969</td><td>0.270</td></tr></table>
* includes one off costs associated with the policy in addition to the recurring costs element. LLFAs have already received funding of £6m in 2013/14 for one off and preparatory costs for SuDS.

**savings set out in Annex B will not be realised until year two (2016/17)</td></tr>
<tr><td>(a) Overall <u>additional</u> total costs to local authorities for each year.</td><td>The total burden to local government in year 1 is estimated at £7.434 million with employer contributions and overhead costs, and including one off costs[2]. This equates to a total cost of providing expert advice on planning applications for drainage in year 1 at £48.9k per LLFA on average, of which £26.4k is the cost of fulfilling the statutory duty during that year and the remainder is the cost to prepare IT and internal systems, train key internal and external stakeholders, raise awareness and develop locally specific standing advice to reduce the burden in future years.. In year 2 onwards the total burden to local government is estimated at £1.969m per annum (i.e. £13k per LLFA on average). This figure reflects the provision of technical advice, and administration required by the LLFA in delivering and presenting this advice for that year. (See Annex A for the breakdown of these figures).</td></tr>
<tr><td>i. Element attributable to 'one off' implementation costs.</td><td>Estimated at £3.419 m for Year 1 (2015/16). (Details set out in Annex A.) .</td></tr>
<tr><td>ii. Recurring costs element (for the first 3 years).</td><td>As in section 11(a) above.</td></tr>
</table>

[2] LLFAs received £6m (total) in grant-in-aid in 2013/14 for SuDS implementation preparation to take into account for Year 1 burden.

<table>
<tr><td>(b) Estimated specific and identified <u>savings</u> for each year - these must be additional to the annual savings authorities are expected to make and their treatment consistent with the appropriate HM Treasury guidance on efficiency.</td><td>A high level aggregate estimate of savings to local authorities due to SuDS reducing flood risk in new build property is £0.14m for the second year, £0.27m in the third year and £0.41m in the fourth year. Please refer to Annex B.

Note these savings will not start to be realised until year two (2016/17) because the savings accrue from reduced flood risk due to SuDS constructed and in use.</td></tr>
<tr><td>(c) What are the direct and indirect impacts on local authorities pay and pensions costs?</td><td>Cost increases as set out in Section 11 (a) above</td></tr>
<tr><td>(d) Overall estimate of the <u>Net</u> Additional Cost (costs-savings) to local authorities for each year.</td><td>The aggregate net additional cost is as follows (£m):

<table><tr><td>Year</td><td>Net cost / £m</td></tr><tr><td>2015/16</td><td>7.434</td></tr><tr><td>2016/17</td><td>1.831</td></tr><tr><td>2017/18</td><td>1.699</td></tr></table></td></tr>
<tr><td colspan="2">Discussion with authorities</td></tr>
<tr><td>12. What discussions have taken place with local authority associations, e.g. with the LGA or LC? If there is no planned contact with local authorities through representative bodies, please explain why.</td><td>Defra and DCLG have publicly consulted on the policy approach.

Defra and DCLG have held meetings with the LGA to discuss the scope and magnitude of the new burden.</td></tr>
<tr><td>13. Give a brief description of the authorities’ views, particularly on costs and financing (note: there is no obligation to agree final finance assessments with them).</td><td>The LGA have indicated that if there is a requirement for Lead Local Flood Authorities to provide this advice this would need to be fully funded by government under the new burdens regime.</td></tr>
<tr><td colspan="2">Providing the resources</td></tr>
<tr><td>14. If there are net additional costs, has the lead department identified where the funding for this new burden is coming from and agreed</td><td>Defra has identified sufficient funds within the Water programme to fund the burden in 2015/16. Funding for future years must be secured as part of future Defra/LG SR</td></tr>
</table>

to fully fund them? Please give details.	settlement(s). *
15. What costing evidence/analysis do you have/are you going to undertake to demonstrate that the funding is sufficient, and when will you be providing this?	Please refer to Annex A.
16. If costs are to be met by charging, do these cover the full net additional costs, and do authorities have the freedom to determine the fee levels consistent with recovering reasonable costs?	n/a
17. If your assessment is that the proposal will result in no additional costs being placed on local authorities, how will you ensure that this is the case?	n/a
DCLG New Burdens Team Sign Off	
18. Have you shared your assessment with the New Burdens Team?	Yes
Departmental Finance Director Sign Off	
19. Please state if this is a first or a final assessment of your proposal. If first please indicate when a final assessment will be submitted.	first
20. Certification that the estimated net additional costs falling on local authorities has been assessed in accordance with the guidance on new burdens and that this will be fully funded. That to the best of finance director's knowledge the estimates are a true and fair assessment of the net additional costs falling on authorities. Confirmation that their department is aware that if the proposed policy or initiative is implemented, there may be an independent post-implementation scrutiny carried out (paid for from within their department's existing resources) and that under or over-payments of grant revealed by the scrutiny may	**Signed:** **Name:** **Date:** **Telephone Number:** **Address:**

inform future decisions on funding.	

For completion by the DCLG New Burdens Team:

Date received: …… Reference number: ……

Annex A: The extent of the new burden for local government and the existing responsibilities of the Local Planning Authorities and the Lead Local Flood Authorities

Existing relevant burdens on LPAs and LLFAs

The existing National Planning Policy Framework sets out planning policy on flooding. Requirements for local government in respect of flood risk management and a 'presumption in favour of sustainable development' predate the changes to planning and the new duty for Lead Local Flood Authorities to provide advice in a given period of time to the Local Planning Authorities on surface water management proposals which are part of major development planning applications.

Specifically, the NPPF (paragraph 103) requires planning applications to demonstrate that priority is given to the use of SuDS in all developments which are located in flood risk areas.

Section 9 of the Flood and Water Management Act 2010 requires each Lead Local Flood Authority to develop, maintain, apply and monitor a strategy for local flood risk management in its area, which includes flood risk from surface runoff, groundwater, and ordinary watercourses.

New Burden on LPAs

There is no new burden for the Local Planning Authorities (LPAs) as a result of the change.to policy to which this assessment refers. The rationale follows:-

Assessing planning applications

LPAs already determine major planning applications and the change to policy will have no impact on the number of planning applications to be determined by the LPAs. Similarly, LPAs are also required to seek and to take account of the views of statutory consultees, as set out in Schedule 5 to the Town and Country Planning (Development Management Procedure) Order 2010 (as amended). Current planning guidance supporting the National Planning Policy Framework already encourages local planning authorities to seek agreement with Lead Local Flood Authorities on obtaining Lead Local Flood Authority advice on surface water flood risk issues. The policy introduces Lead local Flood Authorities as statutory consultees on surface water drainage but removes a similar statutory requirement on the Environment Agency.

Enforcement

There is no evidence to presuppose that planning conditions imposed as a result of the change to planning policy for surface water management are more likely to be breached than any other condition that the LPA may attach to a planning permission. Similarly, there is no requirement on LPAs to put in place bespoke monitoring arrangements. In the circumstance, no new burden is identified for LPAs on enforcement.

New Burden on LLFAs

Over-arching assumptions

The calculations which follow use the number of decisions on major developments made by LPAs, in 2013/14, as a baseline to establish the new burden for Lead Local Flood Authorities (in providing timely advice on surface water management in respect of planning applications for major development), as opposed to just using the number of planning applications submitted.

There will be planning applications submitted which do not reach decision stage and therefore not included in the number of decisions in any year. However the number of withdrawn or otherwise failed applications which are sufficiently developed to seek the advice of a statutory consultee and are not re-submitted at a future date, and hence never included in the number of decisions in any year, would be negligible for major developments. Therefore, for major developments, there would be good correlation between the number of decisions and the number of applications referred to a statutory consultee, assuming all applications are referred to that statutory consultee.

The year ending March 2014 (which is the latest year for which statistics are available from DCLG), saw 471,900 planning applications and 349,400 decisions[3] of which 14,825 decisions (P126)[4] (4.2%) were for major developments as defined by the DMPO - that is Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010).

Under the change in policy there is a statutory requirement only for the Lead Local Flood Authority to be consulted on surface water drainage issues for major developments.

The DMPO definition for major development will include proposals for developments which do not have surface water management implications and therefore adjustments do have to be made to any statistics to take account of those where there are no or minimal surface water management implications.

It is anticipated in the calculations which follow that LPAs, especially during the first year, may request advice for major developments which do not have surface water management implications, or where it is unclear to them whether there are surface water management implications. Adjustments are made to ensure that LLFAs are funded for the small level of administration required to handle such requests. In due course, LLFAs may advise LPAs through standing advice in respect of types of major development where there are no or minimal surface water management implications and this would reduce level of consultation. Further, itt is anticipated that in future years LPAs will be less likely to unnecessarily refer cases to the LLFAs.

The average cost per Full-Time Equivalent (FTE) for an administrator is £36,072 with employer contributions and overheads (i.e. accommodation costs). This estimate is based on national Defra pay costs for an “AA” grade (as a proxy for LA staff costs).

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[3] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/329996/140619_Planning_Applications_January_to_March_2014_England_-_final.pdf

[4] https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics

The average cost per FTE for an engineer is £76,295 with employer contributions and overheads. This estimate is based on ICE salary scales plus Defra overhead rates (as a proxy for LA costs).

A full time employee works 1,570 hours per year allowing for holiday etc.

Year 1 (2015/16)

In Year 1, we are anticipating that LLFAs will have up-front start-up costs, including for developing or adapting existing IT systems; capacity building and awareness raising for key internal and external stakeholders; and developing bespoke standing advice on locally-specific surface water management issues, which will serve to minimise the time needed to technically assess applications in Year 2 and in subsequent years. The one-off start-up costs for Year 1 are set out on page 14.

The cost to the LLFAs of providing advice to the LPAs on surface water management in Year 1 is calculated using the additional following assumptions:

- That, in the absence of the locally-specific standing advice which LLFAs will be best-placed to develop during Year 1, and employ in subsequent years:
    - 70% of major planning applications will require a statutory consultee to spend an average of 6 hours undertaking technical assessment for surface water drainage implications, and
    - 30% of major applications will require a statutory consultee to spend an average of 3 hours undertaking technical assessment.
    - These percentage rates are based on the experience of the existing statutory consultee, the Environment Agency;

That each application submitted to the LLFA for advice (as a statutory consultee) will involve the LLFA undertaking 1 hour of administration (based on an assessment for the time taken as set out in Defra's Impact Assessment for the implementation of Schedule 3 to the Flood and Water Management Act 2010 which was verified by the independent Regulatory Policy Committee). This includes the time taken to report annually to the Secretary of State on how the LLFA performs against the duty.

Years 2 & 3

In Year 2 and subsequently, we are anticipating increased savings for local government as a result of increased flood risk mitigations due to SuDS constructed under this change in policy.

For Year 2 and subsequently, the number of major development decisions used is amended to make greater allowance for those related solely to waste and minerals developments as these rarely involve surface water management implications for which sustainable drainage systems (SuDS) is required, and are not the focus for this change in policy. Of those major development decisions in 2013/14 (the last year for which statistics are available), 1419 were identified as relating to minerals and waste. In recognition that LPAs may still submit such applications to LLFAs for advice, a small administrative allowance is made to ensure that LLFAs are funded to respond.

The cost to the LLFAs of providing advice to the LPAs on surface water management in Year 2 (and in subsequent years) is calculated using the additional following assumptions:

- For year 2 onwards it is assumed that the LLFA will employ locally-specific surface water standing advice (funded in Year 1) reducing the hours needed for technical assessment and the following level is assumed –
    - 10% of major planning applications will require a statutory consultee to spend an average of 6 hours undertaking technical assessment for surface water drainage implications,
    - 50% of major planning applications will require an average of 3 hours for technical assessment, and
    - 40% of major planning applications can be addressed through standing advice for which an allowance of 1 hour for technical assessment is made.
- 1 hour of admin time per decision (based on the same assumption as before).

Year 1	**Decisions**	**Hours**	**FTE** (hours/1570)	**Cost (£k)** (£76295/FTE technical, £36072/FTE admin)
Total planning decisions (major)	14,825			
of which:				
taking 6 hours of technical scrutiny (70% of cases)	10,378	62,265	39.7	3,026
taking 3 hours of technical scrutiny (30% of cases)	4,448	13,343	8.5	648
taking 1 hour of admin (100% of cases)	14,825	14,825	9.4	341
Totals		90,433	57.6	**4,015**

Year 2	**Decisions**	**Hours**	**FTE** (hours/1570)	**Cost (£k)** (£76295/FTE technical, £36072/FTE admin)
Total planning decisions with exemptions (major)	13,406			
of which:				
taking 6 hours of technical scrutiny (10% of cases)	1,341	8,043	5.1	391
taking 3 hours of technical scrutiny (50% of cases)	6,703	20,109	12.8	977
taking 1 hour of technical scrutiny (40% of cases)	5,362	5362	3.4	261
taking 1 hour of admin (100% of cases)	13,406	13,406	8.5	308
admin time for minerals & waste	1,419	1419	0.9	33
Totals		46,921	29.9	**1,969**

Total burden to local government

Year 1 (2015/16)

The total burden for year one is **£7,434,000**.

This includes costs for both providing technical advice all major development planning applications (£4,015,000) and one-off costs for LLFAs to prepare for their new statutory duty and the requirement to provide technical advice within a deadline (£3,419,000) in year one (2015/16). These upfront tasks are:

- Establishing the necessary IT systems / computer software – estimated at around £500k[5]
- Building capacity and awareness of SuDS based upon local area requirements – estimated at £2.28m[6];
- Targeted training and awareness raising for senior officials with LLFAs - £39k[7]
- Development of standing advice – estimated at £600k[8];

Years 2 & 3

The total burden from year 2 onwards would be £1,969,000 per annum less the savings set out in Annex B. These savings are accrued as a result of reduced flood risk secured through the use of effective SuDS. These savings are only realised as the SuDS are constructed.

The adjusted burden for year two and year three will therefore be **£1,831,000** and **£1,699,000** respectively.

[5] There is little evidence to inform this estimate but estimates from Defra Network bodies in modifying IT systems to add flood defence consents to the national environmental permitting system (between £100k and £300k, depending on option) have informed the figure. We have assumed a higher national cost due to reduced economies of scale for LLFAs.
[6] Assuming cost to deliver one capacity building workshop per LLFA
[7] Based upon 1 hour each of CEO and relevant Director with allowance for 1hour admin time
[8] Assuming 10 days of technical development and 2 days administrative time for preparing and drafting per LLFA.

Annex B – Deriving savings to Local Authorities from SuDS

- £101 million local authorities' spend on flood and coastal risk management, 2010-11[9]

- Some 5.2 million properties are at risk of flooding in England.

- Over 2.4 million properties are at risk of flooding from rivers or the sea in England.

- One million of these are also vulnerable to surface water flooding with a further 2.8 million properties susceptible to surface water flooding alone[10]

- With 3.8 million properties at risk of surface water flooding (73% of all properties at risk of flooding in England), 54% of all properties are at risk of surface water flooding alone and assuming an even split of LA spending on different flood risks (73% of £101m = £73.7m; 54% of £101m = £54.5m), local authorities in England spend between **£54.5m and £73.7m annually** on surface water flooding risk management.

- Using the lower figure, assuming that flood damage will grow between 60% and 220% in next 50 years (Source: Defra Impact Assessment, Dec 2013), and assuming that proportion of properties at risk of surface water flooding is unchanged, spending on surface water flood risk will increase as follows.
    - 2010-11 - £54.5m
    - 2060-61 - (+60% =) £87.2m to (+220% =) £174.4m

- **SuDS measures reduce damages by ~30%.** (Source: Defra IA evidence base, Dec 2013). With SuDS, surface water flooding risk managements costs in 2060-61 would therefore be reduced to £61.0m to £122.08m

- As a first approximation therefore, SuDS could mean an annual saving to LAs by 2060-61 of £26.2m to £52.32m (in total).

- **However** the numbers above are not representative of future flood risk to **new properties in major developments only**, which are the only ones required to have SuDS once measures are implemented.

- Population is expected to rise 25% by 2060. Assume the same rise in the total number of properties (mostly driven by households but this could be more, e.g. DCLG projecting 27% rise in households in England by 2033[11] . This

[9] http://www.nao.org.uk/wp-content/uploads/2011/10/10121521.pdf
[10] Source - HoC note: Flood defence spending in England http://www.parliament.uk/business/publications/research/briefing-papers/SN05755/flood-defence-spending-in-england
[11] https://www.gov.uk/government/publications/household-projections-2008-to-2033-in-england

increase in properties represents a fifth of the total in existence by 2060, and the increase accounted for by major developments represents 16%[12].

.

- Potential savings associated with major new build only (not other properties to which they might drain) might therefore be about 16% of the "first approximation" estimates above:

- **Annual savings to LAs by 2060-61 due to SuDS reducing flood risk in major new build only = £4.2m to £8.4m**

- In terms of a time profile of LA savings, we assume this takes a similar form as the total (national) flood damages avoided from SuDS, as estimated in Defra's Impact Assessment (December 2013). Total flood damage avoided estimated in that IA rose from £3.7m in year 1 of implementation (assume 2015/16) to £172m in year 46 (equivalent to 2060/61). In index terms and taking 2060/61=100, the first three years of savings equal 2.2, 4.3 and 6.5.

- Using this index, estimates of the savings to LAs in early years from SuDS implementation are as follows (£k). Note that we estimate it will be year 2 before savings begin to be realised:

Estimated savings to LAs from SuDS implementation (early years)

£k	Low	High	**Central (midpoint)**
Year 1			**0**
Year 2	92	184	**138**
Year 3	180	360	**270**
Year 4	272	544	**408**

- Note this is a high-level assessment given the general uncertainty in future development levels and flood risk.

[12] In index terms, if the starting household number = 100, then by 2060 it has risen 25% to 125. In proportionate terms, this increase is 25/125 or 20% of the 2060 total. If major developments account for 80% of this increase (i.e. 20/125), this is 16% of the 2060 total.

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To: Kent Flood Risk Management Committee – 10th March 2015

From: Michael Harrison, Chairman of Kent Flood Risk Management Committee

Subject: Environment Agency and Met Office Alerts and Warnings and KCC flood response activity since last meeting.

Classification: Unrestricted

Summary: To update Kent Flood Risk Management Committee on Environment Agency and Met Office Alerts and Warnings and KCC flood response activity since the last meeting of the Committee on 17th November 2014. Members are requested to note this report.

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1. Background

1.1 KCC Resilience and Emergencies Unit and Contact Point receive Environment Agency Flood Alerts and Warnings and Met Office Severe Weather Alerts and Warnings by e-mail and fax on a 24 hour basis. Potential impacts upon communities, infra-structure and the wider environment are then assessed and a response mobilised as required.

1.2 Some 70,000 properties in Kent are located within areas identified as potentially at risk of fluvial or tidal flooding. Where practically possible, these properties are offered a Flood Warning Service by the Environment Agency. However, other parts of the county are also vulnerable to surface and ground water flooding. Early warning of flood risk to communities (including areas outside of floodplains) is delivered through Flood Guidance Statements, Severe Weather Warnings and Kent Resilience Forum Severe Weather Advisory Group.

1.3 More precisely geographically focused Flood Warning Service zones were introduced by the Environment Agency on 29th October 2014. This change was informed by lessons learned from the flooding events experienced during winter 2013/14, and has undoubtedly enhanced the effectiveness of this service.

2. Latest situation

2.1 Autumn and winter 2014/15 did not bring the intensity of severe weather events experienced in winter 2013/14. However, statistically this period was, as forecast, slightly wetter and warmer than average, and thus continues the recent climatic trend.

2.2 Since 11th November 2014 50 Environment Agency flood alerts, 9 warnings and no severe warnings were issued[1]. This contrasts starkly with the corresponding period last year when 63 alerts, 41 warnings and 5 severe warnings were issued.

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[1] please see appendix 1

2.3 Further, 5 yellow Severe Weather Alerts and Warnings have been issued for heavy rain and the risk of surface water flooding, and 5 Yellow Alerts and Warnings for high winds and gales since the last meeting[2]. Again this evidences a less extreme weather picture than was experienced over the same period last year, when 87 Severe Weather Warnings covering Kent were issued by the Met Office (including 58 for heavy rain).

2.4 The Thames Barrier was closed on 4 occasions, for both test and operational reasons. This contrasts with 49 closures in the equivalent period last year.

2.5 A total of 11 flooding related incidents were reported to the 24/7 KCC Emergency Planning Duty Officer since the last meeting, encompassing surface water flooding affecting property (primarily affecting Ashford and Isle of Sheppey), and one serious subsidence event. The figure for the corresponding period last year was 66.

3. Next Steps

3.1 September 2015 will experience the maximum tidal range in the natural 19 year astronomical tide cycle. The main risk from tidal flooding is November to March, however, vigilance will need to be maintained throughout this year and KCC, the Environment Agency and other partners are currently working to enhance their resilience to the east coast tidal surge risk.

3.2 Members will continue to be regularly updated on flood alerts and response in Kent.

4. Recommendations

4.1 That Members:

- Note the level of alerts received since the last meeting of the Kent Flood Risk Management Committee; and

- Contribute any additional matters arising from debate by the Committee.

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Background documents: None

[2] please see appendix 2

Appendix 1: Environment Agency Flood Alerts and Warnings issued since 17th November 2014		
Flood Zone	**Date issued**	**Status**
Rivers Eden and Eden Brook area	23rd November 2014	Alert
Upper River Medway Area	23rd November 2014	Alert
River Bourne Area	23rd November 2014	Alert
Shuttle and Cray Catchments	23rd November 2014	Alert
Darent Catchment	23rd November 2014	Alert
Plenty, Swalecliffe and West Brooks Area	23rd November 2014	Alert
Rivers on the Isle of Sheppey	23rd November 2014	Alert
Upper River Stour Area	23rd November 2014	Alert
Rivers on the Isle of Sheppey	26th November 2014	Alert
Rivers on the Isle of Sheppey	2nd December 2014	Alert
Upper River Stour Area	3rd December 2014	Alert
Plenty, Swalecliffe and West Brooks Area	3rd December 2014	Alert
Lower River Stour Area	3rd December 2014	Alert
Rivers on the Isle of Sheppey	11th December 2014	Alert
River Bourne from Hadlow to East Peckham	26th December 2014	Alert
Upper River Stour Area	26th December 2014	Alert
Rivers on the Isle of Sheppey	26th December 2014	Alert
Upper River Stour area	3rd January 2015	Alert
Rivers on the Isle of Sheppey	8th January 2015	Alert
River Beult area	8th January 2015	Alert
Lower River Stour	9th January 2015	Alert
Coast from Pegwell Bay to Deal including the Tidal Stour	10th January 2015	Alert
Lower River Stour area	12th January 2015	Alert
Lower River Medway area	12th January 2015	Alert
River Rother area	12th January 2015	Alert
Upper River Medway area	12th January 2015	Alert
River Sheppey	12th January 2015	Alert
River Darent	12th January 2015	Alert
Collier Street	14th January 2015	Warning
Little Venice Country Park and Marina	14th January 2015	Warning
River Medway between Yalding and Maidstone	14th January 2015	Warning
River Teise and Medway at Paddock Wood and Laddingford	14th January 2015	Warning
River Teise and Lesser Teise between Horsmonden and Claygate	14th January 2015	Warning
Rivers on the Isle of Sheppey	14th January 2015	Alert
Yalding including Benover and Congelow	14th January 2015	Warning
River Medway between Penshurst and the Leigh Barrier	14th January 2015	Warning
Properties on the Teise in Lamberhurst and Goudhurst	14th January 2015	Alert
Plenty, Swalecliffe and West Brooks Area	14th January 2015	Alert
Middle River Medway Area	14th January 2015	Alert
Hamstreet Arm Area	15th January 2015	Alert
Aylesford Stream between Hinxhill and Ashford	15th January 2015	Alert
Lees Road, Laddingford	15th January 2015	Alert
Isle of Sheppey and Coast from Kemsley to Seasalter	24th January 2015	Alert
Coast from Pegwell Bay to Deal including the Tidal Stour	24th January 2015	Alert
Isle of Sheppey and Coast from Kemsley to Seasalter	20th February 2015	Alert
Coast from Dartford to Allhallows	20th February 2015	Alert
Tidal Medway, Medway Estuary and Isle of Grain	20th February 2015	Alert
River Rother area	20th February 2015	Alert
Coast from Pegwell Bay to Deal including the Tidal Stour	20th February 2015	Alert
River Beult area	20th February 2015	Alert
Coast from Sandgate to Dungeness	20th February 2015	Alert
Coast from Dartford to Allhallows	20th February 2015	Alert
Tidal Medway, Medway Estuary and Isle of Grain	20th February 2015	Alert
Coast from Kemsley to Seasalter	20th February 2015	Alert
Coast from Pegwell Bay to Deal including the Tidal Stour	21st February 2015	Alert
Isle of Sheppey and Coast from Kemsley to Seasalter	21st February 2015	Alert
Tidal Medway, Medway Estuary and Isle of Grain	21st February 2015	Alert
Coast from Dartford to Allhallows	21st February 2015	Alert
Coast from Fairlight to Dungeness including the Tidal Rother	23rd February 2015	Alert

Appendix 1: Met Office Severe Weather Flood Alerts and Warnings issued since 17th November 2014		
Met Office Alerts and Warnings	**Date issued**	**Status**
Yellow Warning of Rain for London and South East England	23rd November 2014	Warning
Yellow Alert of Wind for London and South East England	8th December 2014	Alert
Yellow Alert of Wind for London and South East England	9th December 2014	Alert
Yellow Alert of Wind for London and South East England	10th December 2014	Alert
Yellow Warning of Rain for London and South East England	8th January 2015	Warning
Yellow Warning of Gales for London and South East England	11th January 2015	Warning
Yellow Alert of Rain for London and South East England	11th January 2015	Alert
Yellow Warning of Rain for London and South East England	12th January 2015	Warning
Yellow Warning of Rain for London and South East England	12th January 2015	Warning
Yellow Alert of Wind for London and South East England	12th January 2015	Alert