

Consultation Report – Drainage and Local Flood Risk Policy Statement

1. Introduction

As Lead Local Flood Authority within Kent, Kent County Council (KCC) became a statutory consultee on planning applications for surface water drainage in major development on 15 April.

Kent County Council has prepared a draft Policy statement for drainage in planning which sets out how we will review surface water management within major development applications in the county before providing a response to the planning authority. This draft policy statement was published for review and comment by the public and other key partners and other interested parties.

The responses received have been reviewed and, where appropriate, incorporated into the final draft of the policy statement prior to adoption by the county council.

2. Consultation process

The draft Drainage and Planning Policy was published for public consultation as the “Drainage and Local Flood Risk Policy Statement” initially for six weeks from 12 June 2015 to 25 July 2015. This period was extended to 29 July 2015 in response to requests received from two respondents.

The consultation was hosted on Kent County Council’s consultation web page. Invitations were sent to 249 people registered with the Consultation Directory who had expressed an interest General interest, and Planning and planning applications consultation topics.

Notification of the consultation was also sent via email on 12 July 2015 to stakeholders for flood risk management including Internal Drainage Boards, Environment Agency, sewerage undertakers, house builders and developers and consultants working within the planning arena. Direct notifications were sent to 55 individuals from these authorities and agents on 12 July 2015. Local parish and town councils were contacted through the Kent Association of Local Councils, who distributed the notification.

Responses were received via Kent County Council’s website from 38 interested parties and stakeholders. Another eight organisations sent responses via the post directly to the Flood team.

An Equality Impact Assessment was undertaken in preparation for the consultation and published alongside the policy document as part of the consultation. The EqIA identified possible issues in relation to reading the material circulated and that this could be mitigated by provision of the document in alternative formats. No requests were received for alternative formats and no comments were received in relation to the EqIA.

3. Respondents

A total of 46 responses were received from 45 different organisations or individuals across the following groups:

- 3 local planning authorities
- 1 sewage undertaker
- 22 local town and parish councils
- 1 house builder
- 1 resident's association
- 1 internal drainage board
- 1 NGO
- 1 local flood group and
- 13 private individuals

4. Consultation responses

The consultation questionnaire included details of the responder (question 1), eight questions specific to the policy statement (questions 2 through 9) and final questions in relation to the Equality Impact Assessment. The consultation questionnaire is attached as Appendix A.

A summary of the responses to questions 3 through 9 is presented below with a summary of the revisions included in the final draft policy statement:

<p>Q2. Do you agree the Policy Statement clearly defines Kent County Council's new role for surface water management within the planning application process? And details with respect to any specific information:</p>	<p>63% agreed or strongly agreed. 17% neither agreed nor disagreed 9% didn't know or did not answer</p> <p>5 respondents disagreed. They made recommendations to clarify the statement in the following aspects:</p> <ul style="list-style-type: none">a) SuDS approval bodyb) Adoption of SuDSc) emergency responsed) relationship with Ebbsfleet Development Corporation and NSIP
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Response to comments:

- a) Revisions have been made to the policy statement to clarify the status of Schedule 3 of the Flood and Water Management Act and the adoption of surface water systems by Kent County Council.
- b) Emergency planning and coordination for flood response are addressed through multi-agency flood plans and local flood plans.
- c) The planning process for Nationally Significant Infrastructure Projects (NSIPs), including Ebbsfleet, is operated by the Planning Inspectorate under the Localism Act

2011. The planning process for NSIPs is outside of the normal planning process to which this policy statement applies; however, the policy statement has been revised to clarify strategic consultation that will be provided. Given the nature of the policy statement, it is not appropriate to name specific organisations and councils.

<p>Q3. Do you agree or disagree that the Policy Statement defines Kent County Council's other interests from a flooding perspective?</p> <p>If you disagree or strongly disagree, is there any specific information which should be included for clarity.</p>	<p>52% of respondents agree or strongly agree. 28% neither agree or disagree. 14% either Don't know or did not answer.</p> <p>7% (3 respondents) disagreed. Responses:</p> <ul style="list-style-type: none"> a) reiterated previous comments b) List of Kent County Council's interest
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Two respondents reiterated their responses to question 2 with respect to adoption and engagement with local councils.

"Interests" in the context of this question referred to responsibilities and duties Kent County Council may have in relation to ordinary watercourse consenting, highways and other environmental responsibilities. KCC as a statutory consultee does not have any formal agreements with the planning authorities and provides advice as required by the regulations.

<p>Q4. Are there any other policies which should be included within the Policy Statement? Or policies which should be excluded from the Policy Statement? Please give details.</p>	<p>Examples of other policies proposed by the respondents include:</p> <ul style="list-style-type: none"> a) Community involvement b) Maintenance of ditches, culverts and gullies Sewage and water quality c) Consultation should be for one or more houses d) Adoption policy e) Document structure
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Response to comments:

- a) Kent County Council's statutory consultee role does not provide any provision to engage the community. Community involvement and engagement is included in the Local Flood Risk Management Strategy and the development of local flood plans.
- b) Two respondents made reference to maintenance needs and clearance of ditches and land drainage. As this policy statement is addressing the interactions within the planning system and new development, these matters are only included in the policy statement as they apply to new development. These matters are addressed through SuDS Policy 2 which includes consideration of connections to an existing drainage

system and SuDS Policy 6 which seeks to ensure that proposed systems are maintainable.

- c) Water quality is included in SuDS Policy 7; however Kent County Council does not have a direct role in management of wastewater, the sewerage undertaker alone is responsible for commenting on foul sewage in new developments.
- d) Two respondents wished to widen the consultee role. Kent County Council is not able to significantly widen the role as under the changes to the Development Management Procedure Order 2015, Kent County Council is only statutorily required to provide consultation on major development. We agree that there are areas where minor development may have a significant impact on local flooding and we are seeking an efficient and feasible means of identifying potential issues for smaller development in areas with difficult drainage. Further consultation will be undertaken with district councils as the best means of managing development within “areas of high local flood risk” (see response to question 6).
- e) As Schedule 3 of the Flood and Water Management Act has not been commenced the LLFAs are not required to adopt drainage systems and have no powers to do so (beyond highway drainage). Kent County Council is working with the development industry and other stakeholders to progress the adoption of drainage with Government.
- f) One respondent provided comments in relation to the document structure. The document structure has been re-ordered to present a more readable document. Specific editorial comments were also recommended and revisions were made were appropriate.

<p>Q5. Kent County Council proposes not to utilise a drainage application form or a template to require mandatory drainage information for submission.</p>	<p>28% either strongly agreed or agreed, 26% neither agreed nor disagreed, 33% either strongly disagreed or disagreed 13% didn't know or did not answer</p>
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The evenly spread response on this question indicated no specific preference for the use of a form or template for application submission. This will be dealt with on a case-by-case basis with each respective Local Planning Authority.

<p>Q6. Kent County Council has proposed to work with local authorities to identify certain areas which may require more review due to local drainage conditions. Do you agree that this is important?</p>	<p>89% agreed this was important the remainder didn't know or did not answer.</p>
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Respondents made reference to flood plain areas, rapid response catchments, liaison with Internal Drainage Boards and local knowledge. No specific recommendations were made to definition of the areas that should be included in this provision. Kent County Council will work with district councils to determine an appropriate strategic approach to this matter.

<p>Q7. Would it be beneficial if Kent County Council developed a Countywide Supplementary Planning Document for Sustainable Drainage which could be adopted by individual Local Planning Authorities?</p>	<p>80% agreed this was important The remainder neither agreed no disagreed, didn't know or did not answer</p>
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Given the wide support for this proposal, further discussions will be undertaken with Local Planning Authorities to assess the feasibility of a countywide document. Kent County Council will assist with the development of a Supplementary Planning Document, however, adoption of any planning document resides with each Local Planning Authority.

<p>Q8. What types of additional services would you or your organisation find useful and be of value? Would you or your organisation be prepared to pay for these services?</p>	<p>A number of additional services were suggested. 7% stated that they or their authority would pay for additional services.</p>
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Suggested additional services included:

- Communication with the public
- Intervention in areas of future flooding
- Advice on how to tackle road surface flooding
- Consult with the water authority regarding inadequate sewers
- Provide an overview of connections to foul and surface water sewers
- Act as liaison between developers and adopting authorities
- Workshops for local councils with respect to drainage

Responses to areas at risk of flooding and cooperation between communities and agencies are addressed through the Local Flood Risk Management Strategy, which will be reviewed in 2016. These matters will be considered within that review.

<p>Q9. Do you have any other comments about the Policy Statement?</p>	<p>Various responses including: a) Maintenance of drainage b) Strategic consideration of flood risks c) Predetermined greenfield runoff rates d) Specific strategies for local areas e) Ephemeral watercourses f) Tree planting g) IDB bye-laws h) Engagement with parish councils</p>
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The following responses were received which raised additional matters:

- a) Maintenance is recognised as a key concern but this is not a matter which can be addressed directly through this policy statement for existing maintenance issues. Questions were also raised in relation to how maintenance will be enforced with new development. This is also a key concern of Kent County Council but Government has chosen a specific path for implementation of the Flood and Water Management Act. It is not a matter which can be addressed through this policy statement.
- b) Strategic flood risk management and the issue of multiple sites coming forward in proximity has been included within Section 2.4 of the policy statement.
- c) The Greenfield runoff rate varies across the County and it would be problematic to provide a rate or rates at the county level. Specification of a value could be addressed through policies set by each district council. This will be a matter considered and discussed with the District Councils in the setting of any drainage policy.
- d) Assessments of surface water flooding have been undertaken for a number of localities across Kent and set out in Surface Water Management Plans. These Surface Water Management Plans provide a strategic look at flooding, mechanisms for flooding and provide recommendations to address flooding. These area specific documents are best placed to address these matters and are considerations when providing comments on planning applications.
- e) It was suggested that ephemeral (intermittent) streams should be registered as Critical Drainage Areas (CDAs). The definition of CDAs is the responsibility of the Environment Agency. Kent County Council will review “areas of high local flood risk” with each district council and it is expected that further consultation will be undertaken following this review.
- f) SuDS Policy 5 has been enhanced to reflect the importance of trees and woodlands.
- g) Given the strategic nature of the document, reference to liaison and approval of the appropriate consenting authority was agreed to be sufficient to ensure consideration is given to appropriate regulation.
- h) A number of respondents indicated that engagement with local town and parish councils should be extended and is needed to support their own decision-making and to provide local knowledge. The provision of this kind of information goes beyond the statutory consultee role. It is addressed through the Local Flood Risk Management Strategy and other measures Kent County Council is delivering.

5. Equality Impact Assessment

No detailed responses were received in relation to the equality impact assessment.

6. Summary

There was strong support for the policy statement. No specific comments were directed at wording of the policy statements themselves which indicates support for the direction Kent County Council proposes to adopt. Respondents welcomed the policy statement, believed it to be rationale, comprehensive, understandable and well considered.

Revisions have been included to provide clarification and an improved document structure.

The consultation demonstrated that there is interest for provision of maintenance, coordination with sewerage companies, with parish councils and other planning authorities.

Maintenance of highways drainage systems and ditches is mentioned as an important consideration. The importance of maintenance must be addressed through Highways.

The policy statement indicates where this consultation would be undertaken but specifics in relation to consultation are better addressed through Kent's Local Flood Risk Management Strategy.

Appendix A – Consultation Questionnaire

Drainage & Local Flood Risk Policy Statement

Consultation Questionnaire

Q1. Are you completing this questionnaire on behalf of:

Please select **one** option.

- Yourself (as an individual)
- A Developer/House Builder
- A Consultant engaged in the development industry
- A District/Town/Parish Council
- Other, please specify:

Q1a. If you are responding on behalf of a *Council or Commercial organisation*, please tell us the name of the organisation:

Q2. Do you agree or disagree that the Policy Statement clearly defines Kent County Council's new role for surface water management within the planning application process?

- | | | | | | |
|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|--------------------------|
| Strongly agree | Agree | Neither agree
or disagree | Disagree | Strongly
disagree | Don't
know |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q2a. If you disagree or strongly disagree, is there any specific information which should be included for clarity:

Q3. Do you agree or disagree that the Policy Statement defines Kent County Council's other interests from a flooding perspective?

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3a. If you disagree or strongly disagree, is there any specific information which should be included for clarity:

Q4. Are there any other policies which should be included within the Policy Statement? Or policies which should be excluded from the Policy Statement? Please give details:

Q5. Kent County Council proposes not to utilise a drainage application form or a template to require mandatory drainage information for submission.

Do you agree or disagree?

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q6. Kent County Council has proposed to work with local authorities to identify certain areas which may require more review due to local drainage conditions.

Do you agree that this is important?

Yes

No

Don't know

Other comments:

Q7. Local Planning Authorities may specify drainage discharge rates for local conditions as evidenced by Strategic Flood Risk Assessment and published within Supplementary Planning Documents. This has the potential to lead to a range of local approaches to sustainable drainage.

Would it be beneficial if Kent County Council developed a Countywide Supplementary Planning Document for Sustainable Drainage which could be adopted by individual Local Planning Authorities?

Strongly agree

Agree

Neither agree
or disagree

Disagree

Strongly
disagree

Don't
know

Q8. Kent County Council may provide additional services in relation to flooding and drainage including pre-application advice on technical drainage matters.

What types of additional services would you or your organisation find useful and be of value?

Q8a. Would you or your organisation be prepared to pay for these services?

Yes

No

Don't know

Q9. Do you have any other comments about the Policy Statement?

Q10. We have completed an Equality Impact Assessment on the Drainage and Local Flood Risk Policy Statement. Do you have any comments on the Equality Impact Assessment?

If you are responding as an individual, please answer the following questions:

About You...

We want to make sure that everyone is treated fairly and equally, and that no one gets left out. That's why we're asking you these questions.

We won't share the information you give us with anyone else. We'll use it only to help us make decisions, and improve our services.

If you would rather not answer any of these questions, you don't have to.

Q11 **Are you.....?** Please select one box.

- Male Female I prefer not to say

Q12. Which of these age groups applies to you? Please select one box.

- 0 - 15 25-34 50-59 65-74 85+ over
 16-24 35-49 60-64 75-84 I prefer not to say

Q13. What is your postcode?

Q14. To which of these ethnic groups do you feel you belong? (Source: 2011 census)

Please select one box.

- | | |
|--|---|
| <input type="checkbox"/> White English | <input type="checkbox"/> Asian or Asian British Indian |
| <input type="checkbox"/> White Scottish | <input type="checkbox"/> Asian or Asian British Pakistani |
| <input type="checkbox"/> White Welsh | <input type="checkbox"/> Asian or Asian British Bangladeshi |
| <input type="checkbox"/> White Northern Irish | <input type="checkbox"/> Asian or Asian British other* |
| <input type="checkbox"/> White Irish | <input type="checkbox"/> Black or Black British Caribbean |
| <input type="checkbox"/> White Gypsy/Roma | <input type="checkbox"/> Black or Black British African |
| <input type="checkbox"/> White Irish Traveller | <input type="checkbox"/> Black or Black British other* |
| <input type="checkbox"/> White other* | <input type="checkbox"/> Arab |
| <input type="checkbox"/> Mixed White and Black Caribbean | <input type="checkbox"/> Chinese |
| <input type="checkbox"/> Mixed White and Black African | <input type="checkbox"/> I prefer not to say |
| <input type="checkbox"/> Mixed White and Asian | |
| <input type="checkbox"/> Mixed other* | |
| <input type="checkbox"/> Other ethnic group* | |

*If your ethnic group is not specified in the list, please describe it here:

The Equality Act 2010 describes a person as disabled if they have a longstanding physical or mental condition that has lasted, or is likely to last, at least 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day-to-day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS, for example) are considered to be disabled from the point that they are diagnosed.

Q15. Do you consider yourself to be disabled as set out in the Equality Act 2010?

Please select one box.

Yes

No

I prefer not to say

Q15a. **If you answered Yes to Q15, please tell us the type of impairment that applies to you.** You may have more than one type of impairment, so please select all that apply. If none of these applies to you, please select Other, and give brief details of the impairment you have.

Physical impairment.

Sensory impairment (hearing, sight or both).

Longstanding illness or health condition, such as cancer, HIV/AIDS, heart disease, diabetes or epilepsy.

Mental health condition.

Learning disability.

I prefer not to say.

Other*

*If **Other**, please specify:

Q16. Do you regard yourself as belonging to any particular religion or belief?

Please select one box.

Yes

No

I prefer not to say

Q16a. If you answered Yes to Q16, which one applies to you? Please select one box.

Christian

Hindu

Muslim

Any other religion, please specify:

Buddhist

Jewish

Sikh

Q17. **Are you...?** Please select one box.

Heterosexual/Straight

Gay woman/Lesbian

Other

Bi/Bisexual

Gay man

I prefer not to say

Thank you for taking the time to complete this questionnaire.

Please return your completed questionnaire to:

DLFR Policy Statement Consultation
Environment, Planning and Enforcement,
Invicta House
1st Floor,
County Hall,
Maidstone,
Kent, ME14 1XX

Or email it to: suds@kent.gov.uk

Please add 'DLFR Policy Statement Consultation' as the subject.