



Sustainable Drainage

A Policy confirming the Scope and Context of
Cornwall Council's Approach to Sustainable Drainage

Version 1.0

Economy, Enterprise and Environment

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Introduction

This policy has been produced to clarify the Council's position with regard to sustainable drainage, following the partial enactment of the Flood and Water Management Act (F&WMA) in April 2010. Schedule 3 of the Act gave Lead Local Flood Authorities (LLFA) powers to approve, adopt and maintain sustainable drainage systems defined by the Act, and to enforce for non-compliance.

In December 2014, following consultation, the Secretary of State for Communities and Local Government announced that Schedule 3 would not be enacted. Instead planning applications with sustainable drainage implications would be dealt with by strengthening existing planning policy. The ministerial statement stated that the Local Planning Authority (LPA) was to:

"ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate"

This change took effect in April 2015 and required that sustainable drainage systems (SuDS) should be considered for all major developments, 10 dwellings or more (including static and mobile home sites); or equivalent non-residential or mixed development (including renewable energy sites. At the same time the Council, in its role as the LLFA, became a statutory consultee for major development proposals and developments within Critical Drainage Areas (CDAs).

The LLFA positively encourages the use of sustainable techniques, but requires that they are properly designed and are fit for purpose, are correctly maintained and are compliant with national standards and guidance.

This policy clarifies the Council's aspirations in relation to sustainable drainage systems in light of the Government decision not to enact Schedule 3 of the F&WMA.

The Sustainable Drainage policy embraces existing and emerging planning and environmental strategies and policies including the Environmental Growth Strategy.

Purpose and Aims of this Policy

Cornwall Council has objectives for better environment, improved health and wellbeing and the provision of resilient, safe communities and the provision of affordable housing to meet local needs.

The Cornwall Local Plan and Cornwall Design Guide promote sustainable development objectives. Central to these aims and objectives is the need to provide adequate and appropriate management of sustainable drainage systems.

This policy sets out Cornwall's LLFA's approach to sustainable drainage and aims to clarify what is appropriate in Cornwall.

For the purposes of this policy a drainage system means a system designed to receive rainwater with the exception of:

- Public sewer (combined or foul)
- Watercourse

For the purposes of this policy a waterbody is a body of water forming a geographical feature, for example a sea or a reservoir.

Reference to a system shall include:

- Any part of an existing or proposed structure
- Any feature or aspect of a design that is intended to receive or facilitate the receipt of rainwater
- Public sewer has the meaning given by Section 219 (1) of the Water Industry Act 1991
- Watercourse has the meaning given by Section 72 (1) of the Land Drainage Act 1991

Reference to sustainable drainage means managing rainwater (including snow and other precipitation) with the aim of:

- Reducing damage from flooding
- Improving water quality
- Protecting and improving the environment
- Protecting health and safety, and
- Ensuring the stability and durability of drainage systems.

Scope

This policy is applicable to proposed sustainable drainage systems within Cornwall.

Policy Statement

In its role as statutory consultee to the planning process the LLFA assesses sustainable drainage proposals to ensure that these are fit for purpose and compliant with national standards and guidance.

Policy Detail

The LLFA seeks drainage solutions that reflect and address local circumstances and requirements. Consideration of Sustainable drainage systems (SuDS) are required for all development proposals. Only in exceptional circumstances will developments be accepted without the provision of SuDS. The LLFA's requirement is that drainage systems are designed in accordance with The SuDS Manual (CIRIA C753) national standards and technical guidance found on the Council's website.

The Environment Agency has notified the Council of Critical Drainage Areas (CDA's), defined as areas within Flood Zone 1 that have critical drainage problems. Flood Zone 1 is land assessed by the Environment Agency (EA) as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

In CDA's and non-Critical Drainage Areas with known drainage and flooding issues, stricter regulations than those suggested by CIRIA C753 can be applied. This is to ensure that development has a positive, rather than neutral, impact on flood risk.

The Sustainable Drainage Guidance for Cornwall provides information for planning applicants, designers and those implementing sustainable drainage systems in Cornwall. As a statutory consultee the LLFA provides technical advice to the LPA and reviews and assesses sustainable drainage proposals in accordance with the following legislation and guidance:

- The Land Drainage Act (1991)
- Highways Act (1980)
- Town and Country Planning Act (1990)
- Water Industry Act (1991)
- Floods and Water Management Act (April 2010)
- DCLG - National Planning Policy Framework (March 2012)
- DCLG - Technical Guidance to the National Planning Policy Framework (March 2012)
- CC - Highway Adoption Policy (March 2012)
- CC - Highway Drainage Standards (Feb 2013)
- DEFRA - Sustainable Drainage Systems Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)
- EA - Critical Drainage Areas (July 2015)
- CIRIA 753 - The SuDS Manual (2015)
- CC - Cornwall Strategic Flood Risk Assessment (Dec 2015)
- Sustainable Drainage Guidance for Cornwall (2016)

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- EA – Flood Mapping for Planning
- CC - Cornwall Sustainable Management Plans
- CC - Cornwall Local Plan
- CC – Environmental Growth Strategy
- Emerging Strategies and Policies

The above list is not exclusive and consideration will be given to emerging guidance and legislation.

The LLFA will also offer pre-application advice (on a cost-recovery basis) to applicants, developers and consultants if a Planning Performance Agreements (PPA) is in place.

The sustainable drainage requirements for new developments are that:

1. Sustainable drainage for the site should be designed to meet the sustainable drainage systems requirements.
2. The drainage scheme shall reduce overall surface water run-off volumes leaving the site, control the rate of flow and improve water quality, by the management and reduction of silt and debris, before it joins any watercourse or other receiving body.
3. The sustainable drainage system will aim to hold water on the site, ensuring that it is released to surrounding watercourses at an equal, or slower, rate than was the case prior to development.
4. Water storage areas should be designed and integrated into the development with drainage, recreation, biodiversity and amenity value.
5. Sustainable drainage scheme must be capable of reducing the downstream flood risk associated with storm events as well as normal rainfall events. All flood mitigation measures must make allowance for the forecast effects of climate change.
6. The LLFA will require more robust measures within Critical Drainage Areas and locations of known flood risk and drainage issues, than those suggested by The SuDS Manual C753. Surface water drainage systems must ensure that development has a positive, rather than just neutral, impact on flood risk. Flood risk is defined by the NPPF as:
 - *"areas at risk of flooding" means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency;*
 - *"flood risk" means risk from all sources of flooding - including from rivers and the sea, directly from rainfall on the ground*

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surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

The LLFA will seek the implementation of additional surface water management measures and increased factors of safety.

7. Flow exceedance routes, both within and off the development site, must be identified and where practicable such flows should be managed within the site. Where flows leave the site, consideration must be given to effects of surface water on adjacent property, land and infrastructure.
8. Without the enactment of Schedule 3 of the F&WMA, the LLFA has no obligation to inspect, maintain, manage or adopt private sustainable drainage systems.
9. The LLFA may inspect surface water drainage systems, if notified of a departure from the approved scheme by the LPA and/or if it is suspected that the drainage scheme has not been constructed in accordance with the approved scheme, and/or the constructed systems poses a potential flood risk.
10. The Council will only adopt sustainable systems and infrastructure constructed for the sole purpose of discharging and managing surface water from the adopted highway following technical approval by the Councils Highways Adoption Team and as set out in the Highways Infrastructure Adoptions Policy
11. The LLFA will not support development until the developer has provided sufficient sustainable drainage management and maintenance details. The developer must provide evidence of the management and maintenance arrangements for all sustainable drainage systems, features, waterbodies, watercourses and flow exceedance routes within and associated with the site for the lifetime of the development.
12. It is advisable for Sustainable drainage strategies to be agreed prior to determination of each planning application. Where satisfactory drainage solutions cannot be agreed the LLFA may object to the proposed development through the planning process.

Consultation and Engagement

In drafting this policy the LLFA has engaged with the Private Developers Forum, Development Management and the Environment Agency, taking note addressing issues and concerns raised. The Portfolio Holders for Planning and Recreation, and Transportation and Highways have also been consulted.

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Performance and Risk Management

The assessment of sustainable drainage systems design and operation has been undertaken for many years. In drafting this policy the LLFA has taken account of potential sustainable drainage issues associated with new development and proposed measures to manage the performance and risks associated with these systems.

The effectiveness and application of this policy will be regularly monitored as part of the ongoing management of the Economy, Enterprise and Environment Service and will be formally reviewed as part of the Economy, Enterprise and Environment Service plan.

Communicating the Policy

This policy will be made available on the Council's website as part of the suite of documents available to developers and other interested parties. Awareness of the policy will also occur by engaging with the Private Developers Forum and the Cornwall Housing Partnership. The Planning and Regeneration Service will also receive awareness training regarding the implications for planning applications.

Breaches and Non-Compliance

Non-compliance with this policy will leave potential householders, businesses and existing communities at risk of flooding.

Information and Training

Further information relating to this policy can be obtained from the LLFA based in Bodmin.

Evaluation and Review

This policy will be reviewed 2 years from initial implementation or in the event of Schedule 3 of the Floods and Water Management Act being enacted.

Prepared by

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28th June 2016

If you would like this information in another format please contact:

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