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Blueprint for Water response to the Consultation on the Implementation of the Sustainable Drainage Provisions in Schedule 3 to the Flood and Water Management Act (2010)

The Blueprint for Water is a unique coalition of environmental, water efficiency, and fishing and angling organisations that is calling on the Government and its agencies to set out the necessary steps to achieve “sustainable water” by 2015 (www.blueprintforwater.org.uk). The Blueprint for Water is a campaign of Wildlife and Countryside Link.

This response is supported by the following 10 organisations:

- The Angling Trust
- Buglife – The Invertebrate Conservation Trust
- Marine Conservation Society
- National Trust
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- The Rivers Trust
- Wildfowl and Wetlands Trust
- Woodland Trust
- WWF-UK

1. Introduction

We welcome the publication of the National Standards for Sustainable Drainage Systems (SuDS) which are critical to making the intent behind Schedule 3 of the Flooding and Water management Act 2010 a reality. The evidence base which supports the case for SuDS is seemingly clear, and already illuminates their cost effectiveness. Benefits include their potential role in facilitating adaptation to climate change, as well as providing opportunities for wildlife to flourish in urban areas; importantly, they allow development to take place in a way that chimes with sustainable development. We entirely support the current move towards the wholesale uptake of SuDS, and welcome the steps that Government has made in this endeavour at a time when new regulation faces such scrutiny.

Members of the Blueprint for Water campaign have long sought an increase in the uptake and application of SuDS solutions to deliver holistic water management, and to offer opportunities for wildlife in urban areas, providing all the benefits to people of being close to nature. The Blueprint for Water asked for SuDS to become the standard means by which to deal with surface water in relation to

development and urbanization. This was in recognition of SuDS' role in slowing down the flow of water and improving its quality, as well as providing for that other important societal need – access to wildlife. Our wetlands and their wildlife have been systematically degraded and diminished in both the recent and distant past. SuDS offer an opportunity to provide many small niches for wetland wildlife, while helping to protect existing wetlands sites from sources of urban diffuse pollution. Well-designed SuDS could also make a pivotal contribution to society's broader green infrastructure needs, thereby offering opportunities to improve mental and physical health, known to be associated with increased access to green space. There are also likely to be knock-on economic benefits of utilizing and delivering more SuDS. For example, properties in proximity to wetlands are known to have had uplift in value of around 25% upon re-sale (Wildfowl and Wetlands Trust evidence relating to developments around the London Wetland Centre).

Members of the Blueprint for Water coalition has a diverse range of knowledge and experiences relating to SuDS installation and management, with a particular focus on ensuring that such systems also deliver for a range of societal needs, and for wildlife. For example, the Wildfowl and Wetlands Trust has been installing and retrofitting SuDS into its wetland centres at sites around the UK for 15 years. This includes six purpose-built SuDS embedded within car parks, a number of roof run-off collection systems and green roofs, a series of rain water gardens and rain/grey water collection systems, and some swales and attenuation ponds. These systems specialise in integrating and dovetailing wildlife outcomes in a way that rarely increases their cost and delivers a range of other societal benefits such as amenity value.

Despite being very supportive of Government's intention to drive an increase in the uptake of SuDS and of the content of this consultation, we have a number of concerns relating to the way SuDS are currently promoted through this consultation:

1. The terms 'affordable' and 'sustainable' are presented as the dual tests against which new SuDS must be judged, but they are presented too imprecisely to assess the suitability of SuDS in general, or in specific circumstances. They could be better defined, and this needs to be coupled with a greater attempt to factor in the full benefits that SuDS can deliver. We do not believe that schemes should be exempted from compliance with the standards on the basis of a rigid affordability test which makes no attempt to factor in wider benefits, future flexibility or which has not attempted to design in SuDS from the outset. In addition, we need to move from the situation where existing drainage systems are the benchmark against which new sustainable drainage scenarios are deemed to be affordable. The existing systems have not proven sustainable and they have frequently failed, often having had their true costs to society disguised until disaster strikes. We need a new model.
2. We believe the (very clear) findings of the Impact Assessment should preclude the consideration of alternative scenarios for rolling out SuDS delivery. The case for their inclusion in all development of over one dwelling, as soon as is practically possible, is clear. There are no grounds for excluding any form of new development of the relevant size, including that associated with microbusinesses. SuDS save money, build in future resilience and in addition have the capacity to deliver on a range of social and environmental goals.

3. There is considerable opportunity with SuDS to deliver on a range of other Government policy priorities. However, this does not seem to have been capitalized on or promoted in relation to this SuDS consultation. In particular, there is a woeful lack of opportunities to achieve outcomes for wildlife. The Natural Environment White Paper (NEWP), and the objectives of the England Biodiversity Strategy, some of whose goals could readily be realised through a mass uptake of SuDS via this mechanism, is not even mentioned as a complementary policy. The NEWP mentions the opportunities for delivering for wildlife through SuDS and yet this is not reciprocated in any of the literature on SuDS to date.
4. There is a general lack of clarity over, and evidence relating to, how SuDS could be utilized to deliver specific, local or regionally required water quality benefits. There is a general focus on the role of SuDS in managing volume of water (which is obviously welcome and arguably their primary purpose in many instances), but little consideration of the active and combined role SuDS can play in treating water. This is a different proposition from merely promoting a recommended treatment train for a set of risk factors, though that does capitalize on their capacity to improve water quality in the general sense (though effectiveness in this respect depends on their specific design).
5. Finally, there is a lack of clarity over how the predicted impacts of climate change could or should influence the uptake of SuDS in specific locations. The increased installation of SuDS does in itself constitute general adaptive behaviour, but there are guidelines available from the Environment Agency over how to build-in spatially literate climate change contingency plans.

2. Answers to specific questions

Question 1: We have based our proposals on the evidence, outlined in our Impact Assessment, of the impact of surface runoff on future development and the benefits of SuDS. Do you have any additional evidence that may alter the recommendations of the Impact Assessment?

The Impact Assessment presents the majority of the available evidence as we understand it and we support its findings. Any additional evidence we could provide would simply add to the case to implement SuDS. Despite this, we are concerned that many of the wider benefits that SuDS can deliver – such as amenity value and homes for wildlife – are not in any way monetized in any of the case studies presented. Without a full cost benefit analysis it is easy to see how, in many new and novel situations where SuDS are being considered, a conventional design may appear to be cheaper – especially if the SuDS is not fully designed in from the outset; this could significantly affect any decision to install a SuDS.

We also believe that the Impact Assessment does not capture sufficiently the additional and not insubstantial improvements to water quality that SuDS can deliver. We would welcome the opportunity to work with Defra to identify case studies that can be brought to bear in assisting the development of a more complete cost benefit analysis.

Question 2: We propose that SAB approval will not be required for the first 12 months:

- for developments that already granted planning permission before commencement; or
- for developments with one or more reserve matters where an application for approval of the reserve matter(s) is made; or
- for which a valid planning application has been submitted before commencement Do you agree with this approach for transitional arrangements, if not please explain why?

We agree.

Question 3: We propose implementing on the common commencement date of 1 October 2012, do you agree this is reasonable? If not would you prefer an implementation date of April 2013, October 2013 or after 2013?

Given the overwhelming need to deliver SuDS, and to quickly develop, establish and implement best practice in the delivery and approval community, we see no reason to delay.

Question 4: We understand that there may be capacity issues for SABs to meet their new duty to approve drainage. We are therefore considering whether to phase implementation of the requirement for approval. Do you think a phased approach is necessary?

We see no reason why a phased approach would be beneficial. The potential cumulative effect of lots of small developments without appropriate SuDS (especially in areas of high risk from surface water flooding) could be significant in a relatively short timescale. It is important for SABs to become proficient and adequately staffed as soon as possible, which will inevitably require some frontloading of costs.

Question 5: Do you agree that development under a Neighbourhood Development Order should be exempt from the requirement of SAB approval?

Until we see convincing evidence that there would be enough strong guidance and support available, geared towards such developments so that they can appropriately consider the benefits associated with SuDS, we cannot support this proposition. The case for SuDS is often clear: their installation is likely to save money either directly locally or diffusely to a range of other beneficiaries in the wider landscape. In addition, we believe that such local development offers the opportunity to clearly demonstrate what sustainable development looks like at the most local level. Local communities are critically in need of access to the kinds of associated benefits that can come with well thought through SuDS, such as greenspace provision, wildlife and educational opportunities.

SuDS play a critical role in delivering sustainable development and local development opportunities should be the vanguard for this; we include in this statement developments associated with microbusinesses. It is hard to see how such developments could be kept in the learning loop should they not opt for SuDS, and if they later decide that SuDS are necessary in order to more sustainably deal with local flooding issues then a retro-fitting scheme is likely to be expensive. It is suggested that neighbourhood developments will only account for 5% of development. One can deduce that the additional load in assessing and approving their SuDS would be minor in the larger scheme of this new task.

Question 6: Drainage for surface runoff should be sustainable and affordable to build and maintain. Do the National Standards deliver this, if not please explain why?

Sustainable

We believe 'Sustainable' means:

- Schemes that require lower than traditional energy inputs to run and maintain, thus being 'low carbon'
- Schemes that deliver increased longevity in comparison to traditional techniques
- Schemes that deliver the capacity to deal with future unknowns and extremes
- Schemes that are more able to provide a range of additional societal benefits
- Schemes that utilize local or simple materials

There are a wider range of potential SuDS in any given circumstance, and those at the 'hard design end' of the spectrum will not necessarily deliver the above attributes, though they will tend to do so more than traditional drainage schemes. To what extent they meet the above criteria also very much depends on an appropriate management regime being in place, and on them being sensitively designed and fully exploited for all of the potential benefits that they can deliver.

Schemes that generate greater community buy-in and increase a community's understanding of the benefits of SuDS are more likely to be sustained and maintained through community management work. Many SuDS use very simple materials and create relatively little disturbance when they need maintenance or replacing; by contrast hard engineering solutions can be expensive and disruptive to replace. In this respect, the kinds of systems alluded to within the national standards and the framework placed around their management and discharge scenarios are much more likely to be more sustainable than traditional drainage techniques.

Affordable

'Affordable' is a shifting baseline according to attitudes and the ability to see and account for complete impacts and benefits. SuDS are much more likely to be deemed affordable if they are assessed according to their full likely benefit which includes wildlife provision and water treatment. There is also the question of affordability to society at large, rather than simply affordable to the developer at the time of construction. We need to move away from existing drainage systems being the benchmark against which new sustainable drainage scenarios are deemed to be affordable. The existing systems have not proven sustainable and they have frequently failed, often having had their true costs to society disguised until disaster strikes.

Question 7: Affordable sustainable drainage systems for surface runoff are comparable in costs with conventional alternatives. Do you agree?

According to the Impact Assessment, SuDS are in all cases at least comparable if not cheaper to install and maintain than conventional systems. Much depends on the exact suit of SuDS installed, the range of 'needs' (local and regional) they are addressing and to what extent their full range of benefits are being factored in to decision making.

Question 8: We propose that the SuDS Approving Body must determine an application for approval within 12 weeks where it relates to major development or a county matter and 7 weeks where it relates to other development. But could applications be determined in less time? If yes, please specify reduced time to consider applications:

No comment.

Question 9: Do you think guidance for calculating the amount required for a non-performance bond is necessary?

Yes.

Questions 10 – 13

No comment.

Question 14: We propose to give enforcement powers to the SuDS Approving Body and the local planning authority. Do you agree?

Yes.

Questions 15 – 20

No comment.

Question 21: For the purpose of the SuDS Approving Body's duty to adopt, "sustainable drainage system" means those parts of a drainage system that are not vested in a sewerage undertaker. Do you agree this provides certainty and clarity on what is adoptable by the SuDS Approving Body? If not please provide an alternative definition.

We believe that the situation may become confusing in relation to systems that are designed to both deal with surface water *and* treat water (either grey and/or foul).

Question 22: The SuDS Approving Body's duty to adopt does not apply to a single property drainage system. We propose that "a drainage system or any part of a drainage system is to be treated as designed only to provide drainage for a single property if it is designed to provide drainage for any buildings or other structures that, following completion of the construction work, will be owned, managed or controlled by a single person or two or more persons together". Is our definition clear on what will or will not be adopted? If not please provide an alternative definition.

We do not understand this current definition, and therefore do not understand which loop hole is potentially either being opened or closed.

Questions 23 – 25

No comment.

Question 26: We propose upon completion of the works, the SuDS Approving Body must decide within 12 months if it is satisfied that the SuDS functions in accordance with the National Standards. Do you agree? Do you agree, if not please explain why?

If the purpose of this assessment is merely to ensure that the system is built as technically intended then we do not agree that there should be such a long delay. In fact, the building should not be deemed functional or habitable until the SuDS has been delivered as originally agreed and signed off. If however, the purpose of the assessment is to test that the system is 'functioning' then it would seem more appropriate to assess this over at least one growing period or a full set of seasons. There may therefore be a need to have two assessments – one for passing build standards, and one to check that the SuDS is providing the benefits as intended over time. This raises the whole question of appropriate monitoring – who will take responsibility for ensuring that SuDS deliver as intended over time?

Question 27: We propose that an appeal must be made within six months of the SuDS Approving Body's decision or within six months of when the decision was due. Do you agree?

Yes.

Question 28: We propose to adopt similar procedures for SuDS appeals to those which currently apply to planning appeals (written representation, hearing or inquiry). Do you agree, if not please explain why?

Yes.

Question 29: Should we take action to avoid the increase of un-adopted SuDS? If your answer is no, please explain why?

We believe that action should be taken to ensure that no SuDS are un-adopted. Many SuDS need maintenance, and if they cease to function as they ought they can cause local water management problems. We need to consider a mechanism whereby their current functionality can be assessed, and a plan developed either for their retirement or for their adoption and upgrading/ maintenance.

**Wildlife and Countryside Link
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