

Roger Elkins, Cabinet Member for Highways and Infrastructure	Ref No: HI18 (18.19)
November 2018	Key Decision: Yes
Update of the Surface Water Management Policy	Part I
Report by Executive Director Economy, Infrastructure and Environment and Director of Highways and Transport	Electoral Division(s): All
<p>Summary</p> <p>The West Sussex LLFA Policy for the Management of Surface Water was adopted in August 2017 and is an important regulatory tool against which planning applications can be assessed and, if necessary, challenged. At the request of engineering colleagues in the West Sussex Districts and Boroughs, the LLFA was requested to write further guidance relating to non-major developments (notably householder extensions and housing developments of less than 10 properties). The Policy has been reviewed over the past 9 months and consulted upon internally and externally. The Cabinet Member for Highways and Infrastructure is asked to approve the adoption of the updated version.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This policy is aimed at contributing directly to the Corporate Plan core objective of <i>championing the local economy</i>. Adoption of the Policy for Surface Water Management is necessary to reduce local flood risk to businesses and residential communities and thereby reduce losses to the West Sussex economy. It also directly contributes the guiding principle: <i>Our goal is to help our residents lead happy, healthy lives</i>.</p>	
<p>Financial Impact</p> <p>There are no resource implications for the introduction of this updated policy. Implementation is met from existing LLFA resources.</p>	
<p>Recommendation</p> <p>The West Sussex LLFA Policy for the Management of Surface Water is adopted with immediate effect.</p>	

PROPOSAL

1. Background and Context

- 1.1 As the Lead Local Flood Authority (LLFA) West Sussex County Council is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Development Management Procedure Order) to provide consultation responses on the

surface water drainage provisions associated with major developments and development in areas of local flood risk.

1.2 This update to the policy is required to provide:

- 1) Clear, **current** and consistent guidance, county wide, of the evidence required to support development applications with respect to local flood risk and sustainable drainage;
- 2) augmented planning practice guidance and non-statutory technical standards specifically in the WSCC context.

2. Proposal Details

2.1. The proposal is that WSCC as the Lead Local Flood Authority adopts the updated Policy for the Management of Surface Water.

2.2. The principal changes to the policy are as follows:

- New chapter 7 Flood Risk / Surface Water Management: Standing Guidance for Smaller Developments, including decision flow charts;
- Paragraph 5.2.2 Amended guidance on infiltration structures;
- Paragraph 5.3.3 New paragraph referring to appropriate justification for the Coefficient of Volumetric Run-off;
- Paragraph 5.3.7 policy wording to deter wholesale land-raising;
- Paragraph 5.4.5 (and Figure 5.1) new paragraph amplifying guidance on surface water storage structures; and
- SuDS Policy 6: Design to be Maintainable; change to wording to introduce the requirement for a Verification Report.

FACTORS TAKEN INTO ACCOUNT

3. Consultation

3.1 The Policy has been reviewed over the past 12 months and has been consulted upon both internally and externally with planning authorities throughout West Sussex and with engineering staff in the Districts and Boroughs.

4. Financial (revenue and capital) and Resource Implications

4.1 The policy regulates the activity of developers rather than incurring County Council expenditure. There is therefore no direct financial implication arising from the proposal. The only future resource implication is for periodic review of this policy that will be met from existing LLFA resources.

5. Legal Implications

- 5.1 The extant policy has been operating for over 12 months with no legal challenges to its content. Consistent with the extant policy, the updated policy has been drafted to ensure consistency with the updated National Planning Policy Framework (NPPF), National Planning Practice Guidance and Defra Non-Technical Standards for Sustainable Drainage. However, it does not supplant these or any other non-statutory best practice guidance to which this document refers.
- 5.2 No legal challenges are envisaged with the adoption of the updated policy.

6. Risk Assessment Implications and Mitigations

- 6.1 There are considered to be no significant management risks attendant with adoption of this policy update. Similar policies have been adopted by other Lead Local Authorities nationally.

7. Other Options Considered (and Reasons for not proposing)

- 7.1 The only other option would have been to not update the policy in line with national guidance. This option was discounted.

8. Equality and Human Rights Assessment

- 8.1 This policy update is about procedural issues relating to design of drainage to improve surface water management. It is not therefore considered to fall within the scope of the Equality Act.

9. Social Value and Sustainability Assessment

- 9.1 The recommendation is for adoption of a policy; the social value of adopting the policy is in contributing to the goal of helping WSCC *residents lead happy, healthy lives*.
- 9.2 It also:
- embeds sustainability within the County Council's business;
 - values the place of West Sussex being directly linked to climate change adaptation and resilience;
 - reduces flood risk thereby realising efficiency savings in the short, medium and longer term.
 - works with and influences others to maximise the benefits of sustainability for West Sussex.
 - impacts positively on local businesses and will increase skills to support sustainability.

10. Crime and Disorder Reduction Assessment

No implications.

Lee Harris
Executive Director Economy,
Infrastructure and Environment
Contact Officer:

Matt Davey
Director of Highways and Transport

Ray Drabble

Flood Risk Engineer (Sustainable Drainage)

T: 033 022 24077

Appendices

West Sussex LLFA Policy for the Management of Surface Water

Background papers

None