HBF Technical Conference, November 2010

The Flood and Water Management Act 2010

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Purpose

- General provisions in the Flood and Water Management Act 2010
- Why SuDS?
- SuDS provisions in the Act
- Secondary legislation
- National Standards for SuDS
- Funding
- Implementation

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The Act – Main Provisions

- Environment Agency an overview of all flood and coastal erosion risk management and unitary and county councils the lead in managing the risk of all local floods.
- Risk based approach to reservoir safety
- Control of uses of water during periods of water shortage
- Enable water and sewerage companies to operate concessionary schemes for community groups on surface water drainage charges
- Protection of assets of importance to managing flood risk
- Encourage uptake of SuDS

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SuDS vs Conventional Drainage

Conventional Drainage

- Move water away as fast as possible

SuDS

- Quantity, quality, amenity
- Reduce risk of flooding – especially downstream
- Free up capacity in sewerage network
- Improve water quality (Water Framework Directive)
- Benefits to biodiversity and amenity
- Recharge groundwater

LANDSCAPE AND URBAN DESIGN

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Surface Water Drainage - What will the Act do?

- Establishes a SuDS Approving Body (SAB) in county or unitary local authorities.
- Requires SAB approval for drainage in new developments and redevelopments, **before** construction can commence

- The proposed drainage system will have to meet **new** National Standards for design, construction, operation and maintenance of SuDS.
- Statutory consultees to the SAB – water companies, EA, IDBs, British Waterways, highway authority.

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Surface Water Drainage - What will the Act do?

- Requires the SAB to adopt and maintain approved SuDS that serve more than one property.
- Amends S106 of Water Industry Act 1991 to make the right to connect surface water to public sewers **conditional** on the SAB approving the drainage system as meeting the National Standards.
- **No changes** to the right to connect foul water to the public system.

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SAB Approval Process

- Two approval routes:
  1. With planning application (where planning permission required).
  2. A freestanding application direct to SAB (whether or not planning permission is required).
- SAB will be a statutory consultee to planning process.
- SAB decision **independent** of planning decision.
- SAB may charge a fee for drainage approval.
- Applicant *may* be charged a non-performance bond – some helpful suggestions from HBF about accreditation.

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Adoption process

- SAB required to adopt and maintain approved SuDS that **serve more than one property** to National Standards.
- SAB will adopt once satisfied the SuDS is constructed, and functions, as approved.
- SAB can adopt at its own initiative or at the developer's request.
- Highways' Authorities responsible for maintaining SuDS in adopted roads to National Standards.
- SAB releases bond (if one has been sought)
- Designation/land charge and register

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Surface Water Drainage: Secondary Legislation

- The requirement for SAB approval (considering how we implement the requirement, including phasing options).
- Timeframe for SABs response to applications for approval and adoption requests.
- Definitions - eg when a drainage system is serving a single property.
- SAB fee for considering applications for approval.
- Appeals
- Enforcement

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National Standards for Sustainable Drainage

- Set out the requirements for the design, construction, operation and maintenance of SuDS in England and Wales.
- Allows for flexibility for the site conditions
- Apply to domestic and commercial developments and redevelopments.
- A Project Advisory Board guiding development – including HBF, BPF

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National Standards for Sustainable Drainage

Principles should guide developers and LAs and may include:

- Drainage systems should be considered at the earliest stages of site design.
- SuDS can be multi-functional and public spaces
- SuDS should follow the management train
- Rainwater managed as close as possible to where it falls
- No connection of surface water to foul sewers.

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National Standards for Sustainable Drainage

National Standards Hierarchy, on which we will be consulting, allows flexibility for the site. Likely to cover:

- Run-off destination - Where runoff from development may be discharged (connection to sewer as last resort).
- Peak Runoff Flow Rate - minimise the risk of downstream flooding.
- Volume of Run-off - manage the rainwater as close as possible to where it falls.
- Visibility, Adaptability, Amenity and Biodiversity - ensure that SuDS are visible on the surface, incorporate vegetation, are attractive and can be adapted.
- Water Quality - minimise risk of pollution to water bodies.

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Local Authority Role – Public Spaces

Photos on slides with thanks to Bob Bray, Islington and Cambridge councils, Portland Green Streets

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Landscaping to manage water

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Landscaping to Manage Water

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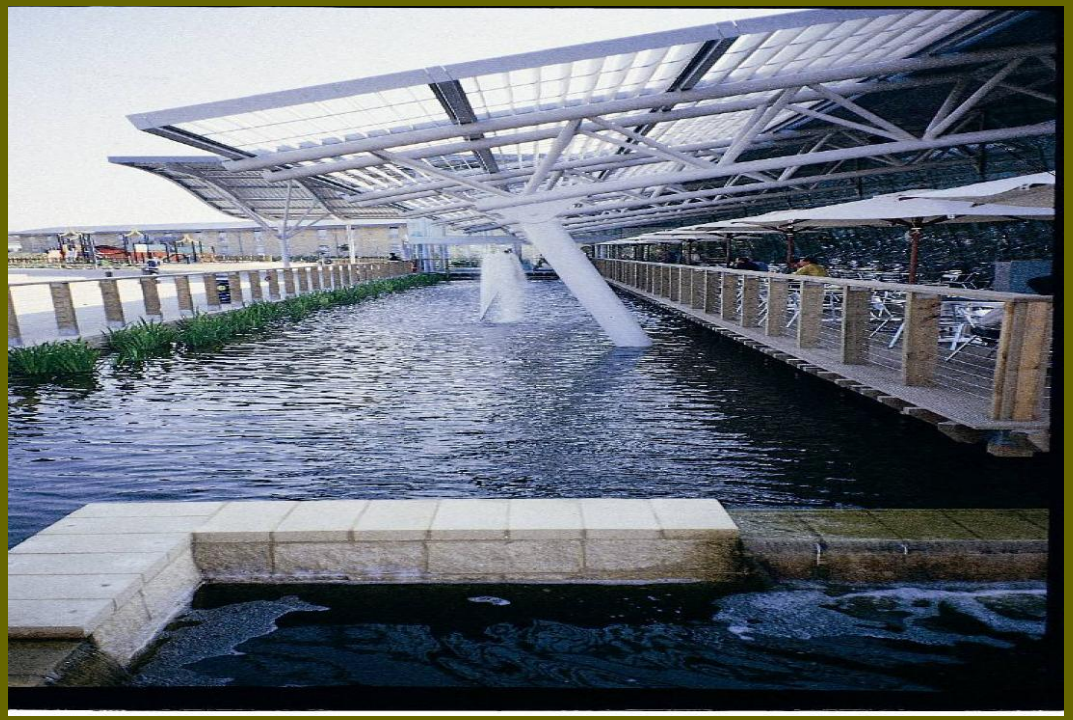
Site specific



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Infiltration

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How will SuDS be funded?

- SABs can charge fees for approving applications and inspections on a cost recovery basis.
- Funding for SuDS maintenance will be covered for first few years through savings to local authorities arising from transfer of private sewers to water companies.
- Developing options for long term funding for adoption, which is essential to secure the uptake of SuDS.

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Timings for implementation of the Act

- We will consult on date for commencement for SuDS provisions
- Aim to publish the National Standards and Regulations in advance of commencement to enable developers and LAs to prepare.
- Working with key groups including local authorities (LAs), Environment Agency and other professional bodies on building LA capacity to implement Act (SuDS, SWMPs, other strategic frameworks).
- Preparing the building industry also essential

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Questions

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