

Subject:	Sustainable Drainage Systems Supplementary Planning Document (SuDS-SPD)		
Date of Meeting:	26 September 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Maggie Moran	Tel: 01273 292239
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Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The city council, as both Local Planning Authority (LPA) and Lead Local Flood Authority (LLFA) has a duty to consider the flood risk implications and drainage provision associated with applications for new development. This will include the provision of Sustainable Drainage Systems (SuDS) and the SuDS maintenance strategy.
- 1.2 The council's adopted City Plan Part 1 sets out the overarching planning policy framework regarding flood risk (Policy CP11). The draft City Plan Part 2 sets out a proposed suite of detailed development management policies including a draft policy on Sustainable Drainage (Policy DM43) which advises that the council will produce new guidance on Sustainable Drainage. This guidance will assist developers and applicants in making the right decisions in the provision of sustainable drainage.
- 1.3 This report seeks the adoption of the Sustainable Drainage (SuDs) Supplementary Planning Document and sets out the results of consultation undertaken on the draft SPD and changes made in response to comments. Once adopted, the SPD will assist in the delivery of the development plan and the provision of sustainable drainage associated with new development.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the consultation undertaken on the draft SPD (Appendix 1) and endorses the changes made to the document.
- 2.2 That the committee adopts the Sustainable Drainage Supplementary Planning Document as part of the city's suite of planning documents subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning prior to publication.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The SuDS Supplementary Planning Document (SPD) sets out detailed guidance for the implementation of sustainable drainage measures in the Brighton and Hove area and:
- supports the delivery of City Plan Part One policy CP11: Managing Flood Risk
 - supports the delivery of draft City Plan Part Two policy DM43: Sustainable Urban Drainage and DM42; Protecting the Water Environment (subject to adoption);
 - provides guidance for developers and planning officers to incorporate SuDS into developments
 - sets out National and Local standards for proposed SuDS
 - sets out supporting information to be submitted to assist the assessment of proposed SuDS measures included within planning applications
- 3.2 The SPD is structured around Department for Environment, Food and Rural Affairs Department for Environment (DEFRA's) non-statutory technical standards for SuDS in conjunction with the National Planning Policy Framework and Planning Practice Guidance and identifies local guidance to meet local policy.
- 3.3 At the Tourism, Development & Culture Committee of 27th September 2018, authority was given to consult on the Draft Sustainable Drainage Systems Supplementary Planning Document
- 3.4 Public consultation was undertaken from 8th December 2018 until the 31st January 2019. The period of consultation was extended to allow for the Christmas period. The consultation used the BHCC consultation portal and a workshop for interested parties.

Outcome of Consultation on Draft SPD

- 3.5 A total of 16 responses were received during the consultation period from 5 individuals, 5 statutory consultees and 6 from representatives of various organisations.
- 3.6 The 5 statutory consultees that responded to the consultation (Environment Agency, Highways England, Marine Management Organisation and Historic England) all broadly supported the content of the SPD.
- 3.7 The main issues raised from the public consultation which were relevant to the SPD are summarised in the Consultation Statement that accompanies this SPD (see Appendix 2). The five main issues raised are set out in the table below.
- 3.8 Many of the issues raised have been positively incorporated into the SPD. Some of the issues raised during the consultation fall outside the remit of an SPD and/or would have significantly reduced its effectiveness. The Consultation Statement (Appendix 2) also indicates how key concerns raised have been or have been addressed.
- 3.9 The key concerns and amendments made to the report are described below in the table:

Concern	Changes
The wording in the SPD is too weak.	SPD could not be too prescriptive and that the objective of the SPD is not to set policy but support it.
Key information needed to be easily identifiable and accessible within the SPD	The report has been separated into easily identifiable chapters
The multiple benefits of SuDS should be emphasised	The text of Section 3.3 was reviewed and local guidance was added in the construction guidance in Section 4.4. Content of Appendix C Sustainable Drainage Systems Components was reviewed, including reference to CP8 Water Sustainability.
Concern was raised during the workshop that contaminated land is often used by developers as a reason to discount the potential use of infiltration techniques	Text was added to Chapter 2 to clarify that the presence of contaminated land should not necessarily be seen as a barrier to the use of infiltration techniques.
The cumulative effect of development	Text was added to section 2.3.1 and section 5.4 emphasising the potential cumulative effects of small scale development

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Options were fully considered during the preparation of the draft City Plan Part Two and these have informed the detail and content of the SPD.
- 4.2 The benefits of preparing and adopting a SuDs SPD and the consequent effective implementation of sustainable drainage in new development were considered to outweigh any harm.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The council's Statement of Community Involvement (SCI) sets out policy and standards for engaging residents, local groups, stakeholders and statutory consultees in the preparation of planning-related documents. The public consultation was carried out in accordance with this statement.
- 5.2 Consultation on the draft SPD is a requirement of Part 5 of the Town and Country Planning (Local Planning) (England) 2012 Regulations and has been undertaken

in accordance with those Regulations and the council's Statement of Community Involvement

5.3 There was an eight week public consultation period which began on the 5th December 2018 and closed on the 31st January 2019. The eight weeks allowed for the Christmas period. There was a consultation workshop held at Hove Town Hall on the 18th January 2019.

5.4 The findings of the consultation are included in Appendix 2.

6. CONCLUSION

6.1 The main purpose of this report is to formally adopt the SuDS- SPD to ensure there is detailed, clear advice for future applicants and to assist the delivery of high quality and sustainable development of the City.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The costs associated to the consultation of the draft SPD have been funded from existing resources within the Transport revenue budget. It is anticipated that any financial implications arising from the adoption and ongoing regulation of the recommended SuDs-SPD will be met from existing resources.

Finance Officer Consulted: Steven Bedford Date: 05/08/19

Legal Implications:

7.2 The contents of SPDs are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012. SPDs cannot contain policy but can contain environmental, social, design and economic objectives relevant to the attainment of the development and use of land (Reg. 5).

As soon as reasonably practicable following adoption the SPD must be made available for public inspection at the Council's principal offices and other appropriate locations within the local authority area, and also published on the Council's website (Regs. 14 and 35).

Lawyer Consulted: Hilary Woodward

Date: 5/8/19

Equalities Implications:

7.3 The Draft City Plan Part 2 was accompanied by a Health and Equality Impact Assessment (HEQIA). The HEQIA for the policy of relevance to this SPD, DM43 Sustainable Urban Drainage, found there to be no specific equalities implications and found it to be beneficial for the health of the entire population due to the protection of water resources and management of flood risk. The findings in relation to this policy are of relevance to the SPD

Sustainability Implications:

- 7.4 SPDs do not require a Sustainability Appraisal, however they may require a Strategic Environmental Assessment (SEA) if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. A SEA screening was undertaken in July 2018, taking into account the criteria specified in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, to determine whether the SPD was likely to give rise to significant effects. The screening concluded that the SPD was unlikely to result in significant adverse environmental effects, that the impacts should be largely beneficial and that the SPD supplements existing policy which has already undergone SEA. Potential benefits of the SPD were those relating to water management, water quality, reducing flood risk, climate change adaptation and supporting biodiversity.
- 7.5 As required by the Regulations, the SEA screening was sent to the Environment Agency, Natural England and Historic England for comments. The Environment Agency concurred that the SPD was unlikely to give rise to significant effects

Any Other Significant Implications:

- 7.6 There are no other significant implications of this report in relation to crime and disorder, risk management and opportunity or corporate/citywide issues.

SUPPORTING DOCUMENTATION

Appendices:

1. Final version of Sustainable Drainage SPD
2. Consultation Statement

Background Documents

1. Draft SUDs-SPD -Tourism, Development & Culture Committee of 27th September 2018

