

Forward Plan reference number: *Not applicable*

Report title: Adoption and Release of the Updated 'Essex SuDS Design Guide'	
Report to: Councillor Simon Walsh, Cabinet Member for Environment and Climate Change Action	
Report author: Samantha Kennedy, Director for Environment and Climate Change Action	
Date: 11/ 05/ 2020	For: Decision
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County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The updated 'Essex SuDS Design Guide (2020)' aims to provide applicants to the planning process with guidance on the Lead Local Flood Authorities (LLFA) requirements for mitigating the impacts of new development on flood risk through the provision of good quality Sustainable Drainage Systems (SuDS). This report seeks to approve the adoption and release of an updated version of the Design Guide, which was initially released in 2016.

2. Recommendations

- 2.1 Agree to the adoption and release of the updated 'Essex SuDS Design Guide (2020)' in both print document and website formats for general use to the public.
- 2.2 Agree to retract the 'Sustainable Drainage Systems Design Guide (2016)'.

3. Summary of issue

- 3.1 The LLFA are Statutory Consultees to the Local Planning Authority (LPA) on major planning applications. The Development and Flood Risk Team, comprising of 4 Full Time Employees (FTEs) currently work with the 12 LPAs across Essex in delivering this statutory service and are required to provide responses to requests for consultation within a statutory 21-day response time.
- 3.2 Following a period of difficulty in meeting the 21-day response time, a review of the Development and Flood Risk teams internal processes was carried out, with support from the Continuous Improvement Team using 'Lean Principles', to identify causes of the problem and potential solutions to improve efficiency.
- 3.3 The outcome of this review showed that, amongst other things, limited access to the most current LLFA SuDS Design Guidance resulted in a higher number of holding objections being raised. These holding objections led to more time being spent by officers in resolving these issues to move planning applications forward.
- 3.4 Adoption and release of the updated 'Essex SuDS Design Guide (2020)' aims to reduce the number of holding objections raised by giving applicants to the planning process access to the most current LLFA SuDS Design Guidance. Access to the guidance should improve the quality of information being

submitted, in turn reducing the number of holding objections raised to planning applications.

3.5 Adoption and release of the updated Design Guide will also support delivery of Essex County Council's (the Council) Organisational Strategy by contributing to the following priorities:

- Help to secure stronger, safer and more neighbourly communities
- Help to secure sustainable development and protect the environment
- Facilitate growing communities and new homes
- Limit cost and drive growth in revenue
- Develop the capability, performance and engagement of our people
- Re-imagine how residents' needs can be met in a digital world.

3.6 The LLFA currently operate under the 'Sustainable Drainage Systems Design Guide (2016)' for informing applicants to the planning process on the LLFA's requirements to manage Flood Risk from new development. This document is out of date and does not reflect current standards of practice, which leads to confusion and poor-quality information being submitted.

3.7 The Development and Flood Risk team have consulted with both internal and external stakeholders on the updated 'Essex SuDS Design Guide (2020)' and a majority of feedback received has been extremely positive in favour of adoption and release of the updated version, particularly the web based format. Statutory consultation was not required, however we pro-actively sought to engage with stakeholders, inc. Developers, Planners and Consultants through an informal workshop where we presented the updated design guide and took feedback on the content, style etc. which was later incorporated where appropriate.

4. Options

4.1 Option 1 (Preferred Option)

Agree to the adopt and release the updated 'Essex SuDS Design Guide' so that applicants to the planning process have access to the most current LLFA SuDS Design Guidance. This will ensure the best chance of key SuDS principles being incorporated into new development and that the full range of SuDS benefits, including flood mitigation, water quality, amenity and biodiversity are realised.

Adoption and release of the updated Design Guide will also have an additional operational benefit as it will help reduce the number of consultations between the LLFA and LPA, through improved quality of information provided in planning submissions.

4.2 Option 2 - Do nothing

Should release of the updated 'Essex SuDS Design Guide' not be agreed, applicants to the planning process will have limited access to the most current LLFA SuDS Design Guidance. As a result, opportunities to incorporate good

quality SuDS into new development could be missed, leading to a potential increase in flood risk and reduced water quality across the county.

Limited access to Design Guidance could also lead to a missed opportunity to reduce the number of holding objections being raised by the LLFA which would result in an increased need for resource in resolving any outstanding issues.

5. Issues for consideration

- 5.1 With LPAs across Essex preparing Local Development Plans to deliver over 140,000 additional homes up to 2036, provision of good quality SuDS is essential for ensuring flood risk is not increased across the county. Access to the most current LLFA Design Guidance will ensure applicants to the Planning Process have the most up to date information. Access to the information will enable easier incorporation of good quality SuDS into new development so that these elements can be considered at the earliest possible stage in the Planning Process.
- 5.2 The LLFA receive approximately 500 statutory consultation requests per annum, from the 12 Local Planning Authorities across Essex. Analysis shows that over 2018-19, 61% of consultation responses issued by the LLFA were a holding objection and this was largely due to applicants not understanding or being aware of the relevant requirements. Improved access to the updated 'Essex SuDS Design Guide' is expected to help reduce the number of holding objections issued, along with reducing subsequent Re-consultations.

6. Financial implications

- 6.1 Production of the 'Essex SuDS Design Guide' and accompanying website has cost £13,648. This would be contained within the existing Medium Term Resource Strategy (MTRS) alongside any payments which may be necessary for future Website maintenance, estimated at £500 per year, post an initial 5 year maintenance period from April 2020.
- 6.2 Additional website functionality may also be added in 2020/ 21 at a cost of £530, which would be contained within the existing MTRS.

7. Legal implications

- 7.1 The LLFA are Statutory Consultees to the Planning Process and as such are required to operate within the 'Town and Country Planning Act 1990' framework. This framework includes the statutory 21-day response time.
- 7.2 The 'Essex SuDS Design Guide' will be used, alongside other guidance as a reference for the LLFA's requirements in the various stages of the Planning Process, including Statutory Consultation responses, Planning Conditions, Local Development and Neighbourhood Plan Consultation's. It may also be used as a reference for legal challenges through the Planning Appeal process.

- 7.3 The Design Guide will also be used by applicants to the Planning Process in developing Flood Risk Assessments and Drainage Strategies and as a basis for responses provided through the LLFA's SuDS Planning Advice Service.
- 7.4 Adoption and release of the updated 'Essex SuDS Design Guide' will support the implementation of the National Planning Policy Framework (NPPF) and was developed with this framework in mind, along with the other relevant national planning guidance and regulation.
- 7.5 Whilst other approaches will be considered, the updated 'Essex SuDS Design Guide' will assist the Council in undertaking its statutory role and aid in the decision-making process by providing a clear and documented basis, in line with national policy for its planning activities.

8. Equality and Diversity implications

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of appendices

- 9.1 Equality Impact Assessment

10. List of Background papers

- 10.1 Essex Flood Partnership Board Report - SuDS Lean Review, AGENDA ITEM 4 (EFPB/2/19) (08th January 2019)

I approve the above recommendations set out above for the reasons set out in the report. Councillor Simon Walsh, Cabinet Member for Environment and Climate Change Action	Date 16.06.20
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In consultation with:

Role	Date
Director for Environment and Climate Change Action Samantha Kennedy	03.06.2020
Executive Director for Finance and Technology (S151 Officer) Stephanie Mitchener o.b.o. Nicole Wood	21.05.2020
Director, Legal and Assurance (Monitoring Officer) Stephanie Fields o.b.o. Paul Turner	30.04.2020