

Sustainable drainage on new developments in Wales

Background

This newsletter follows on from consultations by the Welsh Government on implementing sustainable drainage (known as SuDS) for all new developments in Wales. These were undertaken in the summer of 2017 and between November 2017 and February 2018, and included consultation workshops across Wales in February 2018.

This is the second of a series of newsletters we aim to publish, leading up to the introduction of a new approval process and standards for surface water drainage management in January 2019. Our aim is to inform those who will be affected by the new approvals process, including developers and their designers, consulting engineers, local authority planners, highways and drainage engineers and those responsible for green space management.

Publication of consultation summary and Government response

The Welsh Government published a summary of the responses to the second consultation on the details of implementing Schedule 3 of the Flood and Water Management Act 2010 in Wales on 25 April. This document includes feedback from three consultation workshops.

The Government response forms part of the document, along with a summary of the next steps. This highlights a number of changes being made to the draft Statutory Instruments following the consultation and confirms a Commencement Order will be made in May which brings Schedule 3 into full effect from **7 January 2019**.

Exemptions and transitional arrangements

Our original proposal was to exempt construction related to major roads (built by the Welsh Government), Network Rail railways and the activities of internal drainage boards (delivered by Natural Resources Wales). These exemptions will be included in the legislation in preparation.

Following the first consultation in May 2017, we also sought information on a proposal to exempt the activities of Lead Local Flood Authorities. However, no evidence came forward in the responses to support this, so it will not be included.

In the first consultation an exemption for single domestic dwellings and permitted developments with a floor area of less than 100 square metres was proposed. Consultation responses were mixed on this, with a number expressing concerns over the potential for developers to avoid the need for approval. The Welsh Government is therefore proposing to maintain this exemption initially, but to remove it after two years.

Developments which have a planning approval or for which an application has been received by the planning authority before 7 January 2019 will not need to obtain approval from the SuDS Approval Body (SAB).

Permitted developments over 100 square metres notified after this date will require SAB approval.

Government Guidance

In addition to comments received on the draft Guidance included in its second consultation, the Welsh Government has included further comments from the members of its SuDS

Advisory Group. This Guidance document should be available on the Welsh Government web site from the end of May, and will be a living document which will be updated to take account of lessons learned during implementation. The key areas covered include the main provisions of Schedule 3, the application, approval and appeal provisions and the role of consultees.

Training

A training package commissioned by the Welsh Government is being developed. This will include a half day introduction to sustainable drainage and the new approvals process, a more detailed half day course for those already familiar with SuDS and a full day for those who will be submitting and assessing drainage schemes. We would like to include case studies of existing site in Wales, both good and bad. If you have any examples please contact water@gov.wales Use the same address if you are interested in hosting a training session.

Welsh Local Government Association plans

The Welsh Local Government Association (WLGA) is working with its members to develop a common process for applications, approvals and adoption which will ensure consistency in light of potential local government merger. This approach will also reduce confusion with clients and facilitate the sharing of good practice.

A workshop aimed at providing support to Local Authorities to help with the successful delivery of SAB function took place on May 9 and attracted in excess of 45 participants. Speakers from DCWW and Local Authorities in England were invited to share their experience on the implementation of private sewers and Schedule 3. The WLGA will use the outputs of the day to prioritise its support to local authorities over the next few months.

What happens next?

The Welsh Ministers signed the Commencement Order for Schedule 3 1 May. This provides Ministers with the powers to make legislation and sets the date by which

SAB approval will be required for new developments as **7 January 2019**. The next step is to finalise the legislation and to put it before the National Assembly for approval. Copies of the proposed legislation should be available by the end of June, providing details of application and approval timescales, fees, enforcement powers and appeals mechanisms.

Resources

A wide range of resources on SuDS are available. The Susdrain web site www.susdrain.org, which is supported by the Welsh Government, provides links to a wide range of resources and case studies. These include the comprehensive SuDS Manual (C753) and Guidance on the construction of SuDS (C768). The Welsh Government and WLGA are working together to produce a "Frequently asked questions" document to help implementation which should be available later in May. Details will be included in a future Newsletter.

How can I find out more information?

The Cabinet Secretary's written statement on sustainable drainage may be found at:

<http://gov.wales/about/cabinet/cabinetstatements/2017/sustainabledrainage/?lang=en>

Details of the current, voluntary, SuDS Standards may be found at:

<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

Information on the November 2017 consultation and the summary of responses is available at:

<https://beta.gov.wales/implementation-sustainable-drainage-systems-new-developments-draft-regulations-and-national>

If you need any further information on implementing the requirement for SuDS on new developments, please contact us at: water@gov.wales

Newsletter distribution

We would be grateful if you could circulate this newsletter and ensure that other key stakeholders in your organisation are aware of the forthcoming changes.