



FULL COUNCIL REPORT

Date Written	4 th October 2018
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Service Area	Engineering and Traffic
Exempt/Non Exempt	Non Exempt
Committee Date	24 th October 2018

To: Mayor, Ladies and Gentlemen

Implementation of the Sustainable Drainage Systems Approval Body (SAB)

1.0 SUMMARY OF THE REPORT

1.1 To inform members of the new statutory function that Merthyr Tydfil County Borough Council will be required to undertake in relation to Schedule 3 of the Flood and Water Management Act 2010 and to seek Council approval to establish the Sustainable Drainage Approval Body (SAB) within the authority.

2.0 RECOMMENDATIONS that

2.1 The Sustainable Drainage Approval Body (SAB) is established in accordance with the proposed structure set out below.

2.2 Delegated authority is given to the SAB to determine sustainable drainage applications.

2.3 The Engineering Department is able to provide a design service for developers to design sustainable drainage systems to generate further income to self-sustain the SAB team beyond March 2020.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Merthyr Tydfil County Borough Council are a Lead Local Flood Authority (LLFA) under the terms of the Flood and Water Management Act 2010 and are responsible for local flood risks. These include the risks of flooding from ordinary watercourses, surface water and ground water. The risk of flooding is on the rise and existing drainage systems and watercourses are becoming overloaded as a result of climate change.
- 3.2 Welsh Government are addressing these problems by implementing Schedule 3 of the Flood and Water Management Act 2010 that requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems (SuDs). In May 2018 Welsh Government made a Commencement Order which will implement the new SuDs approval and adoption process from 7th January 2019.
- 3.3 Sustainable Drainage Systems (SuDS) are designed to effectively manage surface water to reduce flood risk. SuDs systems are alternative drainage systems to the more traditional piped systems, designed to mimic natural drainage in order to control the peak flow rate and volume of surface water runoff from a site through interception, attenuation and infiltration. Typical SuDS systems include green roofs, water butts, swales, attenuation ponds and permeable paving.
- 3.4 The implementation of Schedule 3 requires all SuDs systems to be approved by a SuDs Approving Body (SAB). With the exemption of single dwellings, all developments with a construction area greater than 100m² or any development with drainage implications will require SAB approval.
- 3.5 Welsh Government have advised that a review will be undertaken in two years when a decision will be made whether to remove this exemption or not, this could result in all single dwellings requiring SAB approval and adoption.
- 3.6 In addition to MTCBC's existing duties as LLFA, the responsibility for delivery of the SAB function within Merthyr Tydfil rests with MTCBC. The SAB will be an independent body within the local authority to deal with the technical statutory approval and adoption process.
- 3.7 Furthermore all new SuDs schemes will need to be inspected by the SAB during construction to ensure they are built to the appropriate standard with the specified materials, and once in operation, to ensure they are properly maintained and not damaged.
- 3.8 Provided the National Standards are met, the SAB will be required to adopt and maintain the approved SuDS that serve more than one property resulting in the need to secure bonds, fees and service charges for ongoing maintenance. Adoption by the SAB will be via a bespoke legal agreement. The SAB will require payment of a commuted sum or maintenance charge which is reflective of the maintenance or replacement cost for the lifetime of the development. The applicant will also be required to pay the Council's legal fees for drafting the agreement.

4.0 LINKS TO STRATEGY

- 4.1 The SAB will contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A globally responsible Wales
- 4.2 The SAB will ensure Merthyr Tydfil County Borough Council meets its statutory requirements under Schedule 3 of the Flood and Water Management Act 2010 together with meeting its obligations under Section 6 Part 1 of the Environment (Wales) Act 2016.
- 4.3 As well as reducing flood risk, the SAB will ensure that future developments with flood implications will be designed to enhance the local environment and provide multiple benefits i.e. water quality, amenity and biodiversity. Such enhancements will improve flood resilience to local communities and businesses and provide a richer landscape in which local economies can thrive.

5.0 FINANCIAL IMPLICATION(S)

- 5.1 The current organisational structure does not allow for this statutory function to be undertaken with existing resources therefore in order to deliver this function for the authority there will be a requirement for 2 new posts. It is therefore proposed to appoint an allocated full time SAB Officer with Technician/Admin support.
- 5.2 It will be necessary for the new posts to be in place by the implementation date of the new legislation on 7th January 2019.
- 5.3 Welsh Government have advised that there will be no additional funding for Local Authorities to deliver this role, therefore costs associated with this function will need to be met by existing budgets. However the Engineering Department will be receiving income through a Flood Risk grant and an Active Travel grant that will cover the cost of the new posts until March 2020.
- 5.4 Due to the specialist nature and expertise required to fulfil the role of the SAB officer it is proposed to upgrade our current Flood Risk and Land Drainage Officer to undertake this new role, (the post is subject to a job evaluation). The new Technician/Admin support will be a Grade 3 post. The current Flood Risk and Land Drainage Officer currently a Grade 6 post will be replaced and funded through the Flood Risk grant which is currently available until March 2020.
- 5.5 The proposed structure will require an additional £7,500 in the current financial year from January 2019 to March 2019 and an additional £37,000 required in 2019/20, totalling £44,500.

- 5.6 The Engineering Department will be receiving Flood Risk grant income and Active Travel grant income of approximately £26,000 and £20,000 respectively that will be earmarked to fund the SAB team until March 2020.
- 5.7 The SAB will have the ability to generate income through chargeable fees as set within the legislation. These include pre-application advice at a minimum of £320 per application together with full applications ranging between £350 - £7500 per application dependent on the size of the development. Construction site inspections may also be charged to the developer (exact charge to be confirmed by WG). The number of inspections will be dependent on the type of SuDs system being installed.
- 5.8 Based on Planning records with drainage implications over the previous 3 years it is estimated that a minimum of £65,800 will be received through income to the SAB. It is suggested that all income generated via the SAB between January 2019 to March 2020 should be set aside and allocated to fund the SAB team from April 2020 onwards.
- 5.9 Further potential revenue income may be generated through the Engineering Department offering a design service to developers.
- 5.10 It is likely that growth may be required in 2020/21 to fund the SAB team however this cannot be quantified at the present time until we fully appreciate the amount of income that can be generated through the SAB. It is therefore recommended to carry out a financial review in January 2020.

6.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	1 of 4	0 of 4	3 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5

3. Protected Characteristics <i>(including Welsh Language)</i>	0 of 10	0 of 10	10 of 10
4. Biodiversity	1 of 1	0 of 1	0 of 1

Summary:

The main positive impacts are:

- The **Well-being Objectives** in terms of Environmental Well-being can be met as Schedule 3 of the Flood and Water Management Act 2010 will ensure sustainable drainage systems (SuDS) are implemented on new developments in Wales. As well as reducing flood risk, these SuDS will enhance the local environment and provide multiple benefits i.e. water quality, amenity and biodiversity. Such enhancements will improve flood resilience to local communities and businesses and provide a richer landscape in which local economies can thrive.
- The **Sustainable Development Principles** are that the new statutory duty will ensure long term benefits by making the provision of SuDS mandatory for new developments. Close working arrangements with internal and external partners will be an essential component of the SuDS approval process. External partners include NRW, Welsh Water, other local authorities and developers. Internal partners involve collaboration with Building Control, Legal, Planning and Countryside and Environmental Health.
- **Biodiversity** will be enhanced due to the creation of green spaces and habitat for wildlife within Merthyr as SuDs aim to mimic natural drainage regimes. SuDs achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.
- No negative impacts have been identified against the Well-being Objectives, the Sustainable Development Principles, Protected Characteristics and Welsh Language and Biodiversity.

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BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.