

**Joint Crawley Borough Council, Environment Agency and West Sussex County Council
Statement regarding Publication of *Non-Statutory Technical Standards for Sustainable
Drainage Systems* and updates to *Planning Practice Guidance: Flood Risk and Coastal
Change*; and *Planning Practice Guidance: Water Supply, Waste Water and Water
Quality*.**

1. Introduction
 - 1.1 This statement has been prepared on a joint basis by Crawley Borough Council (CBC), Environment Agency (EA) and West Sussex County Council (WSCC). It responds to the 23 March 2015 publication of Non-Statutory Technical Guidance on SuDS by DEFRA, and updates to Planning Practice Guidance issued by DCLG on the same date.
 - 1.2 CBC, EA and WSCC consider that Local Plan Policy ENV8 (Flood Risk), as proposed to be modified^{1,2}, is consistent with the approach of the SuDS Technical Standards and updated Planning Practice Guidance, and plans positively to deliver SuDS through the planning process.
2. Non-Statutory Technical Standards for SuDS
 - 2.1 The Technical Standards outline that the peak runoff rate from development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should, in the case of greenfield development, never exceed the greenfield runoff rate. For previously developed land, the peak runoff rate (for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event) must be as close as reasonably practicable to the greenfield runoff rate, and should never exceed the rate of discharge prior to redevelopment for that event³.
 - 2.2 Where reasonably practicable, the runoff volume from greenfield development (1 in 100 year, 6 hour rainfall event) should never exceed the greenfield volume. For previously developed land, the runoff volume from development must be constrained to a value as close as reasonably practicable to the greenfield runoff volume, and should never exceed the runoff volume from the site prior to development⁴.
 - 2.3 This is specifically addressed by the wording of Local Plan Policy ENV8, as proposed to be modified, which is clear that peak surface water runoff rates and volumes of runoff should be reduced through the effective implementation, use and maintenance of SuDS.
 - 2.4 The Technical Standards outline that drainage systems must be designed so that flooding does not occur within the development during a 1 in 100 year rainfall event⁵. This is reflected in Part iii. of Policy ENV8, which requires development proposals to demonstrate how flood risk will be made acceptable on-site (and off-site) through a Flood Risk Assessment.

¹ LP001a: Crawley Submission Modifications Draft Local Plan (November 2014) Crawley Borough Council. Annex A of this statement refers.

² LP001b: Schedule of Proposed Main Modifications to the Submission Local Plan (September 2014) MM053 Page 16 Crawley Borough Council.

³ Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) S2 and S3, Page 1. DEFRA.

⁴ Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) S4 and S5, Page 1. DEFRA.

⁵ Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) S7-S9, Page 2. DEFRA.

Non-Statutory Technical Standards for Sustainable Drainage Systems
and Updates to Planning Practice Guidance

- 2.5 CBC, EA and WSCC, therefore, consider that Policy ENV8, as proposed to be modified, is consistent with the Non-Statutory Technical Standards for SuDS, and is pro-active in supporting the implementation and use of Sustainable Drainage Systems.
3. Updates to Planning Practice Guidance
- 3.1 The updates to Planning Practice Guidance⁶ relate predominantly to *PPG: Flood Risk and Climate Change*, specifically paragraphs 45, 51 and 79-86. A further update has been made to paragraph 6 *PPG: Water Supply, Waste Water and Water Quality*.
- 3.2 The updated PPG places clear onus on the delivery of SuDS, with paragraph 79 outlining that *'New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of Sustainable Drainage Systems'*. This is reflected in the proposed modification to Policy ENV8, which prioritises the implementation and use of SuDS.
- 3.3 Equally, the updated PPG applies focus to the circumstances in which a Sustainable Drainage System should be considered. Paragraph 45 highlights a need for liaison between the Local Planning Authority, Lead Local Flood Authority and Environment Agency in planning for SuDS. This collaborative approach has shaped the overall Policy ENV8 direction, and will continue to be applied through preparation, publication and implementation of the Planning and Climate Change Supplementary Planning Document which will expand upon the Local Plan policy framework.
- 3.4 The amended PPG considers issues relating to the deliverability and viability of SuDS. This is set out under paragraph 79, which is clear that *'...when considering major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate'*. Paragraph 82 expands, outlining that *'The decision on whether a sustainable drainage systems would be inappropriate in relation to a particular development is a matter of judgement for the local planning authority'*.
- 3.5 Policy ENV8 (as proposed to be modified) includes wording to make clear that SuDS will be required unless it can be demonstrated that these are not technically feasible or financially viable. This reflects recognition within the PPG (*Flood Risk and Climate Change* paragraph 82; *Water Supply, Waste Water and Water Quality*, paragraph 6) that particular types of SuDS may not be practicable in all locations. Equally, the Policy ENV8 approach as modified is consistent with PPG paragraph 83, which reiterates the need to consider viability when assessing SuDS proposals.
- 3.6 The PPG (paras 82 and 86) recognises that judgement regarding the justification for SuDS should be made having regard to advice from the Lead Local Flood Authority (WSCC) and the Environment Agency. The PPG encourages Local Planning Authorities to agree the circumstances and locations where the advice of Lead Local Flood Authorities should be sought, and set out those local situations where particular SuDS approaches may not be appropriate. This will be addressed by the Planning and Climate Change SPD through continued joint working between CBC, EA, and WSCC.

⁶ LP024: Planning Practice Guidance: Flood Risk and Coastal Change; and Planning Practice Guidance: Water Supply, Waste Water and Water Quality (2014) DCLG.

- 3.7 On 16 April 2015, DCLG published further updates to Planning Practice Guidance Flood Risk and Coastal Change, paragraphs 32, 43, 47, 49 54, 60, 77 and 79. The amendments take account of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and distinguish between information set out in the Environment Agency Standing Advice and more general situations where EA advice may be helpful. It is considered that the amendments do not materially affect the consistency of Local Plan Policy ENV8 with relevant national guidance.

4. Conclusion

- 4.1 Policy ENV8 applies a positive and sound approach in managing the relationship between development and flood risk. The policy wording, as proposed to be modified, is positive in promoting the use of SuDS, whilst providing flexibility where it can be demonstrated that SuDS are inappropriate. Policy ENV8 is considered to be consistent with the Non-Statutory Technical Standards for SuDS and updated Planning Practice Guidance.

Annex A: Local Plan Policy ENV8 (LP001a Crawley Submission Modifications Draft Local Plan (November 2014))

Policy ENV8: Development and Flood Risk

Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere. To achieve this, development will:

- i. be directed to areas of lowest flood risk, having regard to its compatibility with the proposed location in flood risk terms, and demonstrating (where required) that the sequential and exceptions tests are satisfied;
- ii. refer to the Environment Agency Flood Map for Planning and Crawley Strategic Flood Risk Assessment to identify whether the development location is situated in an area identified as being at risk of flooding;
- iii. where identified in the SFRA, demonstrate through a Flood Risk Assessment how appropriate mitigation measures will be implemented as part of the development to ensure risk is made acceptable on site, and is not increased elsewhere as a result of the development;
- iv. ensure that proposals on all sites of 1 hectare or greater are accompanied by a Flood Risk Assessment, to include detail of mitigation demonstrating how surface water drainage from the site will be addressed;
- v. ~~achieve all of the run-off requirements from both roofs and hard surfaces as set out in the Code for Sustainable Homes or BREEAM 'Surface Water Run Off' credits, and demonstrate~~ reduce peak surface water run-off rates and annual volumes of run-off for development through the effective implementation, use and maintenance of SuDS, unless it can be demonstrated proven that it is these are not technically feasible or financially viable. Further guidance of how to achieve these objectives will be provided in the Planning and Climate Change SPD.