

Essex County Council - Sustainable Drainage Systems (SuDS) Standing Advice Note

Paragraph 103 of the NPPF states that “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment¹ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; **and it gives priority to the use of sustainable drainage systems.**”

Furthermore Paragraph 109 requires “The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”

From the 15th of April 2015 Essex County Council, as the Lead Local Flood Authority, will be acting as a statutory consultee to the planning application process with regard to surface water and groundwater flooding on all major planning applications. We will expect any new development to comply with the following guidance:

- i. The minimum requirements set out in the Non-statutory Technical Standards for Sustainable Drainage Systems.
- ii. The additional requirements set out in the adopted Essex County Council SuDS Design Guide (available at www.essex.gov.uk/flooding).
- iii. The CIRIA SuDS manual which sets out best practice for SuDS design.
- iv. BS 8582:2013 Code of practice for surface water management for development sites which sets out best practice for SuDS design.

¹ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. See ECC's Drainage Design Validation Checklists for additional instances where we expect Drainage Designs to be submitted.

Lack of compliance may lead to an objection being placed against the application. Any non-compliance should be fully justified and we may ask for further information to support and proposals which are contrary to the recommended solutions.

Schedule 3 of the Flood and Water Management Act 2010 was anticipated to see the introduction of SuDS Approval Bodies (SABs) at Unitary and County Councils. Early proposals suggested that the SAB would require separate applications to be submitted for the approval of SuDS and would have a duty to adopt sustainable drainage systems which comply with the necessary standards. However, following the most recent DEFRA consultation, an alternative approach has been decided upon, which will see the Local Planning Authorities approving SuDS as part of the planning application process.

For further information and enquiries, please contact Essex County Council's SuDS team at suds@essex.gov.uk or telephone 08457 430430.