



RHONDDA CYNON TAF

**COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG
RECORD OF DELEGATED OFFICER DECISION**

Penderfyniad Allweddol | Key Decision ✓

PWNC | SUBJECT: Flood and Water Management Act 2010 - Discretionary Services Report

DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:

The purpose of this report is to outline a range of discretionary services and their associated charges. This report is made to expand on the approved report to Cabinet made on the 18th October 2018:

'Agenda Item 4, – 'Flood and Water Management Act 2010: Commencement of Schedule 3 - Sustainable Drainage on the 07.01.19'.

Within which the Cabinet approved the development of a council policy (Section 2(3) as outlined in section 7.1.5 – 7.1.9 which referred to the establishment of Discretionary services to support the function of the Sustainable Drainage Approval Body.

PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:

The discretionary 'paid for' services outlined within this report which aim to support the delivery of the statutory requirements of Schedule 3 of the Flood and Water Management Act 2010 are fully implemented.

**Llofnod y Prif Swyddog
Chief Officer Signature**

NIGEL WHEELER

**Enw (priflythrennau)
Name (Print Name)**

2/7/19

**Dyddiad
Date**

Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

YMGYNGHORI | CONSULTATION

M. Webber.

02-07-19

**LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET
CONSULTEE CABINET MEMBER SIGNATURE**

DYDDIAD | DATE

RJ Williams

2/7/19

**LLOFNOD SWYDDOG YMGYNGHOROL
CONSULTEE OFFICER SIGNATURE**

DYDDIAD | DATE

RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.

**A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:
IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:**

YDY | YES NAC YDY | NO

Rheswm dros fod yn fater brys | Reason for Urgency:

.....

Os yw'n cael ei ystyried yn fater brys - Ilofnod y Maer/Dirprwy Faer/Pennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Maer | Mayor)

.....
(Dyddiad | Date)

DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Councils Website:- 2/7/19

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

Nodwch: Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In
The implementation date will be

8/7/19
DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓

Rhagor o wybodaeth | Further Information:

Cyfadrn Directorate:	Prosperity, Development and Frontline Services
Enw'r Person Cyswllt Contact Name:	Andrew Stone
Swydd Designation:	Strategic Projects Manager
Rhif Ffôn Telephone Number:	01443 281104

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

Key Delegated Decision

Report to Accompany a Decision of the Group Director of Prosperity, Development and Frontline Services

May 2019

Flood and Water Management Act 2010 - Discretionary Services Report

AUTHOR(s): Andrew Stone – Strategic Projects Manager
Owen Griffiths – Flood, Water and Tip Risk Manager

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline a range of discretionary services and their associated charges. This report is made to expand on the approved report to Cabinet made on the 18th October 2018:

'Agenda Item 4, – 'Flood and Water Management Act 2010: Commencement of Schedule 3 - Sustainable Drainage on the 07.01.19'.

- 1.2 Within which the Cabinet approved the development of a council policy (Section 2(3)) as outlined in section 7.1.5 – 7.1.9 which referred to the establishment of Discretionary services to support the function of the Sustainable Drainage Approval Body.

2. RECOMMENDATIONS

- 2.1 It is recommended that the discretionary 'paid for' services outlined within this report which aim to support the delivery of the statutory requirements of Schedule 3 of the Flood and Water Management Act 2010 are fully implemented.
- 2.2 It is recommended that the discretionary 'paid for' services outlined within this report will be subject to periodic review to ensure the charges appropriately cover future uplifts related to the delivery of the services.

3 REASONS FOR RECOMMENDATIONS

- 3.1 This report sets out a series of potential opportunities to provide a range of services to support applicants of the forthcoming Sustainable Drainage Approval Service.

- 3.2 The Sustainable Drainage Approval Service requires surface water drainage for new developments to comply with Statutory National Standards for Sustainable Drainage Systems¹ (National Standards) published by Welsh Government.
- 3.3 In delivering this function the applicant (developer(s)) will be required to ensure all relevant information is provided on the submission of an application and that the details provide sufficient evidence that complies with the National Standards to prevent refusal which is set out within paragraph 11 of Schedule 3 of the Flood and Water Management Act 2010².
- On considering an application for approval the approving body must—
 - (a) grant it, if satisfied that the drainage system if constructed as proposed will comply with national standards for sustainable drainage, or
 - (b) refuse it, if not satisfied.'
- 3.4 Initial discussions with developers have indicated a 'want' for pre-application services to better determine the detail required to ensure an application is validly made and approved the first time. The concern raised to officers is that the requirement for SAB approval is a wholly new function that requires a detailed design in compliance with National Standards that were published on the 15th October 2018 which is a significant change to the current procedures levied by the Town and Country Planning Act which provides a discussion based approval.
- 3.5 This report sets out the discretionary services that are being proposed to support the function of the SAB and to facilitate high quality Sustainable developments within RCT:
1. Pre-Submission Validation
 2. Pre-Application Advice Services
 - Scoping Report
 - Pre-Application Advice Report
 - Enhanced Pre-Application Advice Service
 3. Additional Charges
 - Site Visit Service
 - Technical Advice Provision
 4. Voluntary Adoption Service
 - Technical Approval
 - Adoption Legal Agreement

¹ Welsh Governments Mandatory National Standards:

<https://gov.wales/topics/environmentcountryside/epa/flooding/drainage/?lang=en>

² Flood and Water Management Act 2010 – Schedule 3:

<https://www.legislation.gov.uk/ukpga/2010/29/schedule/3>

3.6 The detail of the proposed discretionary services is set out in Chapter 4 of this report.

4. **BACKGROUND**

Proposed Services

4.5 **Pre-Submission Validation Checks**

4.5.1 **Context of Service (Validation Check)** – Schedule 3 of the FWMA sets out within paragraph 9 (2) what an application to a SAB must entail;

- a) Be in any form required by the approving body,
- b) Contain or be accompanied by any information required by the approving body, and
- c) Be accompanied by any fee chargeable in accordance with paragraph 13.

4.5.2 Schedule 3 is supported by Statutory Instruments (Produced by the Welsh Government) that were published in October 2018 where; *The Sustainable Drainage (Approval and Adoption Procedure) Wales Regulations 2018*³ that provides that a SAB may refuse to determine an application which is not in accordance with Paragraph 9 of schedule 3.

4.5.3 In making a valid application to the SAB an applicant will be required to fill out a 'National Application form' developed by the Welsh Local Government Association (WLGA) of which RCT officers were involved. The application form sets out a range of required information, documents and details to facilitate a determination of an application.

4.5.4 The legislation and Statutory Instruments/Regulations provide that the SAB will determine an application within 7 weeks or 12 weeks for an application that requires an 'Environmental Impact Assessment' (EIA). The legislation further provides that such determination periods will commence on the first working day after it receives a Valid application.

4.5.5 The procedure of determination set out within the Statutory Instruments does not provide a timeframe in which Validation will be undertaken. However, the procedure regulation specifies that where a SAB refuses to determine an application on the grounds that the application has not been Validly made then the authority is required to return any fees accompanying the application.

³ The Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018 - <http://www.assembly.wales/laid%20documents/sub-ld11777/sub-ld11777-e.pdf>

- 4.5.6 It is anticipated that the details required to comply with the requirements of a 'Validly made' application will cause a high level of small and medium sized applications to be refused at the point of entry.
- 4.5.7 Where applications are refused as they have been determined to be 'Not Validly Made' the authority will have undertaken a verification check utilising staff resources whilst being unable to recuperate the cost associated to the workload.
- 4.5.8 When comparing the function of the SAB to existing services within the authority; similarities are drawn from the Planning Service who have provided a similar Validation check service from April 2018.
- 4.6.1 **Service Proposed** – The Pre-Submission Validation Check proposed outlines a small charge to applicants based on the size of the construction area as set out within Table 1. The validation check is further proposed to be undertaken within 2 working days on receiving an application.

Proposed Pre-Submission Validation Service Charges	
Size of Application (Ha)	Fee
0.1 – 1.0	£50
1.0 >	£100

Table 1: Proposed charges for the Pre-Submission Validation Service.

- 4.6.2 The service proposed will provide a 'fast track' validation check to reduce the time taken to provide confirmation that Validation has been undertaken and that an application has been validly made. This service will also provide a summary of the minimum details required to provide a Validly Made application, providing the applicant with relevant feedback on how to make a Validly Made Application.
- 4.6.3 The service, however, does not propose to comment on the suitability of the information provided to support an applications determination process.

4.6 Pre-Application Advice and Enhanced Pre-Application Advice Service

- 4.6.1 **Context of Service** – within Schedule 3 of the FWMA there are no statutory requirements for the authority to provide a pre-application service. However, the implementation of the statutory function on the 7th January 2019 provides a step change in the way in which surface water drainage for construction schemes are designed.
- 4.6.2 Furthermore, the National Standards that underpin the function of determination of approval was published on the 15th October 2018 providing 3 months for applicants to assimilate the requirements of the legislation as well as the expectation of the authority.
- 4.6.3 When comparing the requirements of the National Standards and the current controls of surface water flood risk through TAN 15 paragraph 8 there is a substantial change in the control of surface water flood risk, in particular; water quality, amenity, biodiversity and future maintenance associated to a construction area all of which form part of the National Standards requirements for approval.
- 4.6.4 Since the publication of the National Standards in October, officers within the Flood and Tip Risk Management Team have experienced a substantial number of requests for information to prepare external companies for the changes with the majority seeking pre-application meetings to discuss the constraints of a development site.
- 4.6.5 **Proposed Service (Scoping Report)** – This service is designed to provide a desktop review of the proposed development based on the information provided for review.
- 4.6.6 The service is proposed to charge applicants based on the size of the development which is set out within Table 2. The service will comprise a review of the site based on secondary sources available to the SAB and Primary source information provided by the applicant. The outcome of which will be a scoping report summarising the information with the key output being a list of documents that will be required to make a Validly Made SAB application.
- 4.6.7 The benefits to the applicant will be a summarisation of the Local Sustainable Drainage information relevant to the site boundary and the indication of the documents required to make a valid application for review.

- 4.6.8 **Proposed Service (Pre-Application Advice Service)** - This service is designed to provide advice to applicants in the development of site at different stages such as Viability/Feasibility and Preliminary design prior to making an application for determination.
- 4.6.9 The service is proposed to charge applicants based on the size of the development which is set out within Table 2 and summarised within Appendix 1. The service will comprise of a review of technical information the developer/applicant has submitted for review. The outcome of this service will be a report that outlines how the details provided align to the National Standards;
- 4.6.10 The benefits to the applicant is that the service provides a baseline of how likely the application is to be approved or refused, the report will further outline how the evidence supplied by the applicant aligns to the National Standards which is proposed to direct applicants to key elements of the design concept that requires further work.
- 4.6.11 It is anticipated that the service will reduce the risk of refusal for the applicant ensuring the construction work can progress.
- 4.6.12 **Proposed Service (Enhanced Pre-Application Advice Service)** – This service is designed to provide advice to applicants in the development of site at different stages such as Viability/Feasibility, Preliminary design and Detailed design prior to making an application for determination.
- 4.6.13 The service is proposed to charge applicants based on the size of the development which is set out within Table 2. The different applicant types are based on the construction area of the development and is in line with the application for Approval Fees Regulations. The proposed charge to applicants has been derived from the anticipated number of hours that would be required to undertake the proposed service and hourly rate for the appropriate grade.
- 4.6.14 The service is further proposed to provide an applicant an opportunity to discuss the details of an individual site prior to formally applying with the view that an applicant can undertake a range of pre-application meetings to discuss the detail of the site. The service will comprise of a review of any information the developer/applicant may have and one meeting between the applicant and SAB case officer. A fee will be charged for any additional pre-application meetings following the first meeting.
- 4.6.15 The benefits to the applicant will be a detailed report outlining how the proposed application (subject to application submission details) aligns to the National Standards; and the likelihood of approval. The report will follow a formal meeting between the applicant and SAB; allowing for a more direct advice service that highlights the acceptability of the proposals in line with the National Standards; whilst providing a platform for discussion.
- 4.6.16 It is anticipated that the service will reduce the risk of refusal for the applicant ensuring the construction work can progress.

Pre Application Discretionary Service Fees				
Application Type	Size of Application (Hectare)	Scoping Report	Detailed Review	Enhanced Detailed Review
Single Property	Single Property	£100	£150	£250
Small	0.01 – 0.5	£200	£250	£400
Medium	>0.5 – 1.0	£350	£550	£700
Large	>1.0 – 5.0	£600	£900	£1,100
Very Large	>5.0 >	£800	£1,200	£1,450

Table 2: Outlines the proposed Charges for the Pre-Application Advice Services

Pre Application Discretionary Service Fees				
Application Type	Size of Application (Hectare)	Scoping Report (hrs)	Detailed Review (hrs)	Enhanced Detailed Review (hrs)
Single Property	Single Property	3.0	4.5	7.0
Small	0.01 – 0.5	5.5	7.0	11.0
Medium	>0.5 – 1.0	9.5	15.0	20.0
Large	>1.0 – 5.0	16.0	25.0	31.0
Very Large	>5.0 >	23.0	34.0	41.0

Table 3: Anticipated staff hours for the Pre-Application Advice Services

4.7 Additional Services

- 4.7.1 To support the primary pre application advice service's it is proposed to provide two additional services; which covers the opportunity to undertake site visits with applicants and a service for technical advice based on an hourly rate. Which is aimed at covering the cost of SAB officers attending and providing site-specific advice in relation to the National Standards for Sustainable Drainage.
- 4.7.2 **Context of Service (Site Visit)** – through the requirement of the technical approval the applicant will be required to identify a Sustainable means of surface water drainage in line with the 11 principals and 6 standards set out within the National Standards. The applicant is further required to provide evidence to support the justification of the design.
- 4.7.3 In the context of a development site the site investigation can identify a range of constraints that impact onto the masterplan of a site. At the moment, these on-site issues have resulted in requests from developers to the FRM team to attend site meetings to discuss the constraints within the site which could include a poor infiltration coefficient or high groundwater levels, unknown services such as culverted watercourses or private surface water sewers etc.
- 4.7.4 The opportunity to attend site meetings has been raised as part of the pre-application advice queries issued to the FRM team following the publication of the National Standards.
- 4.7.5 **Proposed Service** - The function of this service is to support the pre-application advice function with a practical site visit to provide a visual concept to the construction proposals or the site constraints identified during initial ground investigations. This service will be available prior to an application being made for approval.
- 4.7.6 The proposed Site Visit Service will be subject to a charge set out within Table 4.

Proposed Pre-Application Advice Service	
Size of Application (Ha)	Fee
0.01 – 0.5	£120
>0.5 – 1.0	£160
>1.0 – 5.0	£250
>5.0	£300

Table 3: Outlines the Proposed charges for the Site Visit Service

- 4.7.7 This service will provide a meeting between a SAB officer and the applicant at the location of the proposed development with the aim of discussing the visual details associated to an application for technical approval. The meeting will be followed up with a summary letter issued to the applicant providing a breakdown of the discussion and the advice provided by the SAB.

- 4.7.8 The benefit to the applicant is the platform for discussion between SAB officers and the applicant/designer/contractors etc. With the view of discussing site specific constraints with a visual context.
- 4.7.8 **Context of Service (Technical Advice)** – In the delivery of schedule 3 of the Flood and Water Management Act 2010 the SAB is responsible for technically approving applications. The SAB must ensure that the application meets the requirements of the Statutory National Standards for Sustainable Drainage Systems.
- 4.7.9 As this technical requirement overlaps with a range of existing service areas including; the Local Planning Authority, Highway Authority as well as internal departments that are responsible for capital delivery there is a necessity to provide an option to those departments to allow SAB officers to attend specific meetings. The aim is to provide clarification in regards to the requirements of the technical approval process.
- 4.7.10 This service is not intended to replace the additional pre-application services but to compliment them by providing RCT departments such as the Local Planning Authority or Corporate Estates the opportunity to invite a SAB officer to attend meetings and to provide specific advice to their customers whilst ensuring that the SAB's resources are reimbursed for the workload.
- 4.7.11 **Proposed Service** – The function of this service is to support the pre-application advice function by providing a chargeable hourly rate for SAB officers to attend meetings with service areas and their customers with the cost of which to be met by the client organisation seeking advice.
- 4.7.12 The purpose of which is to provide client customers with the opportunity to discuss their proposals with a SAB officer and additional authority officers to provide clarity on their proposals in relation to the regulatory bodies; this service will facilitate discussions between clients and various departments within the authority regarding the design of SuDs.
- 4.7.13 The cost per hour will be reviewed annually

Proposed Technical Advice Service	
Cost Per Hour	£41

Table 4: Outlines the Proposed cost per hour for Technical Advice

4.8 Voluntary Adoption

4.8.1 **Context of Service (Voluntary Adoption)** – Within Schedule 3 of the Flood and Water Management act 2010 the act refers to the SAB's Power to Adopt, specifically section 21 provides the following:

'An approving body may voluntarily adopt all or part of a sustainable drainage system, as defined by regulations made by the Minister, to which the duty to adopt does not apply.'

4.8.2 This section provides the authority the power to adopt SuDs features where the duty to adopt does not apply which includes pre-existing SuDs features that were constructed prior to the commencement of the 7th January 2019. To support this function, it is proposed to impose a discretionary approval service that determines the viability to which SuDs features will be adopted based on their compliancy with the National Standards

4.8.3 **Proposed Service (Voluntary Technical Approval)** – The function of this service is to provide an application process for applicants to request the authority to adopt SuDs features to which the duty to adopt does not apply.

4.8.4 This service will complement the statutory requirement to technically approve and adopt SuDs features that were constructed prior to the 7th January 2019. The process itself is proposed to mirror that of the statutory technical approval process and SuDs features that meet the National Standards will be considered for adoption.

4.8.6 It is proposed that the 'Voluntary Technical Approval' fee will be matched to the 'Statutory Technical Approval' fee set out by the Welsh Governments Sustainable Drainage (Application for Approval Fees) Regulations 2018 specifically section 4 Scale of Fees which identifies the fee structure as £350 for each application with an additional amount up to £7,500 (maximum) calculated by reference to the size of the construction area.

1. £70 for each 0.1 hectare or fraction of a 0.1 of a hectare, for the first 0.5 hectare;
2. £50 for each 0.1 hectare or fraction of a 0.1 of a hectare, from 0.5 hectare up to and including 1.0 hectare;
3. £20 for each 0.1 hectare or fraction of a 0.1 of a hectare, from 1.0 hectare up to and including 5.0 hectares; and
4. £10 for each additional 0.1 hectare or fraction of a 0.1 of a hectare.

- 4.8.7 Proposed Service (Voluntary Adoption Agreement)** – The function of this service is to provide an applicant with the process for entering into an adoption agreement with the authority; for any SuDs features approved under the Voluntary Technical Approval Process.
- 4.8.8 The service proposes a charge of 8% of the total construction cost of the structure; which provides for the Administration, Legal processing, Inspection fees and any additional charges incurred by the SAB for facilitating the adoption agreement.
- 4.8.9 Within the adoption agreement, the applicant will be required to pay for the associated cost of maintenance for the entire design life of the proposed SuDs features. The payment of which will form part of the legal agreement and this cost will be required to be paid to the Local Authority prior to adoption taking place.
- 4.8.10 The benefit to the applicant is the opportunity to enter into a formal legal agreement to transfer Sustainable Drainage assets into the ownership of the Sustainable Drainage Approval Bodies; removing their responsibility for maintenance.

4.9 Duty to Adopt

- 4.9.1 Context of Service (Land Transfer Agreement) -** Within Schedule 3 of the Flood and Water Management act 2010 the act refers to the SAB's 'Duty to Adopt', specifically section 17 (FWMA 2010). The duty applies following approval of an application, construction and certification.
- 4.9.2** The effect of adoption is outlined within the legislation under paragraph 22 (FWMA 2010), which places the responsibility of the maintenance of the drainage system onto the SAB. The legislation further provides that in maintaining the system the SAB must comply with the National Standards for Sustainable Drainage.
- 4.9.3** The Duty to Adopt however, does not provide a mechanism for the transference of the land to the SAB. As a result, the SuDs features will be vested within private land ownership which will require a range of 'Easement Agreements' to ensure the SAB has the right to enter into the land to undertake maintenance.
- 4.9.4 Proposed Service (Land Transfer Agreement) –** The function of this service is to provide an applicant with the process for entering into an agreement with the authority; to transfer the land on which SuDs features have been constructed.
- 4.9.5** The service proposes to charge applicants a bespoke fee for the transference of land. The charge is proposed to be determined on a case by case basis. The charge however, will provide for the Administration, Legal processing, and any additional charges incurred by the SAB for facilitating the Land Transfer agreement.
- 4.9.6** The benefit to the applicant is the opportunity to enter into a formal legal agreement to transfer private land in which Sustainable Drainage assets have been constructed into the ownership of the Sustainable Drainage Approval Bodies; removing the requirement placed on the developer to undertake easement agreements for each individual SuDs feature within their land ownership.

5 EQUALITY AND DIVERSITY IMPLICATIONS

See attached document

6 CONSULTATIONS

1. Legal Services
2. Finance Services

7 FINANCIAL IMPLICATION(S)

- 7.1 The financial impact of the operation of the SAB was outlined within a cabinet report (Agenda Item 4, laid on the 18th October 2018) within which the following statements were made in section 7.3.1 – 7.3.2:

'Following the workload and resource analysis, the expected income generation was reviewed based on applications identified through the workload analysis. This analysis identified the income generated through Pre-applications (based on LPA Charges), SAB Applications, and Inspections (Rates set by WG Regulations).

Based on the analysis of the income and cost recoverable elements, together with the effect of the SAB on the existing FRM team workload, the costs associated with the implementation of the structure outlined within section 7.2 is expected to be covered by income generated. The costs being inclusive of all salary costs and overheads associated with supplying the new statutory function and is summarised in Appendix 5. In addition, there is a potential for further income generation through other discretionary services and collaborative working with neighbouring authorities.'

- 7.4 Within which the expected income generation to support the SAB included for fees generated by Pre-Application services which are set out within this report.
- 7.5 The financial impact of each service has been reviewed based on the workload expected to undertake each service and cost estimates have been undertaken to verify the appropriate fee that covers the costs incurred by SAB officers in undertaking the function.
- 7.6 Where statutory charges have been set out by the Welsh Government for functions of the SAB, they have been used as a baseline to review the workload expectations of each service. This is directly linked to the Voluntary Adoption process where the technical approval service mirrors the statutory approval process fees as the work in determining the viability of the drainage features is considered identical for both processes.
- 7.7 To support the voluntary adoption process similarities to existing adoption agreements within the authority have been made with the closest similarity

identified as the adoption agreement service provided by the Highway Development Control Team; where the legal aspect and inspection process is considered similar to the adoption agreement process required by the SAB. As such the charging mechanism for the SAB adoption mirrors the charge set out within Section E – Guidance Notes for Prospective Developers (Highway Design Guide⁴).

- 7.8 With the range of discretionary services proposed within this supplementary report the services are proposed to supplement the existing service; however, a continued review of the income will be undertaken to ensure the resources allocated for the delivery of the service and the fees being charged are representative of the workload being undertaken.

8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The proposed services identified within this report are proposed to be established using the Local Authorities powers to charge fees for discretionary services under Section 93 (Power to Charge for Discretionary Services) of the Local Government Act.

⁴ Rhondda Cynon Taff CBC highway Design Guide - <https://www.rctcbc.gov.uk/EN/Business/PlanningPropertyandBuildingControl/HighwaysDevelopmentControl.aspx>

9 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP / FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT.

9.1 National Strategy for Flood and Coastal Erosion Risk Management in Wales

9.1.1 The WG National Strategy for Flood and Coastal Erosion Risk Management in Wales (NFRMS)¹¹ identifies SuDs within two overarching National objectives which is further explored within Table 1.

National Objective	Sub Objective	Measure
Reducing the impacts on individuals, communities, businesses and the environment from flooding and coastal erosion	Develop policies for effective land use management and enhanced development control procedures where appropriate	Approval and adoption of SuDS drainage systems by the SuDS Approving and Adopting Body.
Raising awareness of and engaging people in the response to flood and coastal erosion risk	Enhance property and community level resilience	Ensure property level flood resilience measures and the requirements for SuDS are incorporated into Building Regulations

Table 5: provides a summary of the Overreaching Objective within the NFRMS identifying the specific sub Objectives and measures specific in the delivery of SuDs

9.1.2 Table 1 identifies the two National objectives outlining; effective land use management and property and community resilience measures. The measures refer to the SAB delivering SuDs approval. The control of the SAB will provide a preventative function in reducing the impacts of future flooding whilst ensuring that communities are prepared and resilient.

9.2 Local Flood Risk Management Strategy

9.2.1 Rhondda Cynon Taf has published a Local flood risk management strategy (LFRMS)¹² in January 2013 in accordance with Section 10 of the FWMA 2010. The LFRMS defines who the 'Risk Management Authorities (RMA) are, what their function is and what their responsibilities are. The strategy further identifies the Local objective and Measures being implemented for the short, medium and Long term to manage flood risk within the authority.

9.2.2 Within the LFRMS RCT is identified as a Lead Local Flood Authority (LLFA) which is identified as the RMA responsible for taking on the role of the SAB. This function is set out within three specific measures aimed at delivering 11

Local objectives, Table 2 provides a summary of the LFRMS local objectives and measures.

LFRMS Measures	LFRMS Measures	LFRMS strategy Objectives
Measure 1	Establish SuDs Body	1, 2, 5, 6, 7, 8
Measure 2	Water Cycle Strategy	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
Measure 19	SuDs Adoption	1, 2, 3, 4, 5, 6, 7

Table 6: Provides a summary of the LFRMS Measures and how they Link to the LFRMS Objectives.

9.3 Corporate Plan

9.3.1 The Highway Maintenance and Management Delivery Plan for the 2018/19 financial year identifies areas for improvement. Specifically, Service Priority 5 which specifies:

'To provide services related to flood risk management as required of the Lead Local Flooding Authority under Flood and Water Management Act 2010, Flood Risk Regulations 2009 and as the Land Drainage Authority under the Land Drainage Act 1991.'

1.3.2 The service priority aligns with two corporate plan priorities specifically;

- 1 Place – Creating neighbourhoods where people are proud to live and work
- 2 Economy – Building a strong economy

9.4 **Well-being of Future Generations Act (Wales) 2015**

9.4.1 **A resilient Wales** - The new statutory function will deliver enhanced biodiverse natural environments which promote healthy functioning of ecosystem services. This principal is in-bedded within the National Standards of which Applications will be vetted against. The purpose of which is to provide the residents and communities of RCT a resilient surface water drainage network that is designed to enhance the resilience to future extreme events.

9.4.2 **A prosperous Wales** - The focus of Sustainable Drainage systems is to provide an innovative low carbon society that provides enhancements to the quality of water leaving urbanised areas; the aim of which is to reduce the impact of contaminants entering local ecosystems. Whilst targeting ecosystem enhancements Drainage systems brought in line with the National Standards will look to improve the connectivity between surface water drainage and

greenspace/amenity use providing innovative and efficient spaces that can be enjoyed by the community.

- 9.4.3 A healthier Wales** - through the implementation of the SAB the process of application and determination will aim to provide clean, green environment where water is seen as a resource, with access to open space, clean air and water are key elements of health and well-being.
- 9.4.4 A more equal Wales** - In delivering a SAB the authority will be facilitating Sustainable drainage throughout the borough to provide all residents and communities the opportunity for flood risk reduction, public amenity, enhanced biodiversity and improved water quality. This process will provide resilience to communities regardless of the socioeconomic background or circumstances.
- 9.4.5 A Wales of cohesive communities** - Through the approval process the SAB will approve community's development that exhibits attractive, viable, safe and well-connected communities that incorporate surface water into the landscape; this inclusion provides a robustness to the communities understanding of the surface water infrastructure and the wider biodiversity and amenity uses provided through the inclusion of multiple benefits within the design of the drainage network.
- 9.4.6 A globally responsible Wales** - in providing suds within development the SAB will be providing a range of resilience measures for the local community but also the wider population. Where development is approved the SAB will determine the viability of the water quality and the long-term carbon footprint to maintain the infrastructure; this inclusion allows the authority to reduce the long-term burdens associated with traditional drainage infrastructure whilst providing a reduction to flood risk and an enhancement to the ecosystem services.

10 **CONCLUSION**

10.1 The commencement of schedule 3 of the Flood and Water Management Act 2010 on the 7th January 2019 was a significant change to the management of surface water drainage and the management of surface water flood risk through new developments within RCT.

10.2 To support the implementation of the SAB a range of discretionary services have been proposed to provide applicants a means of technical advice and guidance at all stages of the development of a site i.e. site viability to conceptual design in an attempt to reduce the risk of delays to applicants and to ensure that developments are unobstructed and deliver high quality Sustainable development within RCT. The range of services proposed include:

1. Pre-Submission Validation
2. Pre-Application Advice Services
 - Scoping Report
 - Pre-Application Advice Report
 - Enhanced Pre-Application Advice Service
3. Additional Charges
 - Site Visit Service
 - Technical Advice Provision
4. Voluntary Adoption Service
 - Technical Approval
 - Adoption Legal Agreement

10.3 The services outlined are complementary to the statutory requirement and provide additional chargeable services that support the income generation requirement to ensure the SAB covers all salary costs and overheads associated with supplying the statutory approval function.

Other Information:-

Relevant Scrutiny Committee - Public Service Delivery, Communities & Prosperity Scrutiny Committee.

Contact Officer

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

**DISCUSSION PAPER FOR A PRIVATE MEETING OF THE CABINET / OR
CABINET**

DATE

**REPORT OF (DIRECTORATE) IN DISCUSSIONS WITH THE RELEVANT
PORTFOLIO HOLDER (CLLRS)**

Item:

Background Papers

Officer to contact:

Appendix A - Schedule of Costs

Service	Size of application (ha)	Fee (£)	Description of service
Validation Service	0.01 – 1.0	50	This will provide a validation check on an application prior to it being submitted as a full application.
	>1.0	100	If the application is determined as invalid, this service will include a summary of what is required for the submitted application to constitute as a validly made application.
Pre-application Scoping report	Single dwelling	100	This service is intended for sites where design is at its early stage. The outcome of the this service is a summary report that will provide a desktop review of the proposed development area and include what is required for the submitted application to constitute as a validly made application.
	0.01 – 0.5	200	
	>0.5 – 1.0	350	
	>1.0 – 5.0	600	
	>5.0	800	
Pre-application Detailed Review	Single dwelling	150	This service will comprise of a technical review of the submitted pre-application form and supporting documents. The outcome of the service is a summary report of the applications compliance with each of the 6 National Standards. Please note that we can only provide feedback on each National Standard if we have received information/documentation in relation to that standard.
	0.01 – 0.5	250	
	>0.5 – 1.0	550	
	>1.0 – 5.0	900	
	>5.0	1200	

Service	Size of application (ha)	Fee (£)	Description of service
Enhanced Pre-application Detailed Review	Single dwelling	250	This service provides an office meeting* at Council Premises in addition to the service provided as part of the detailed review.
	0.01 – 0.5	400	Following the meeting, the SAB will issue a report comprising a summary of the meeting and the applications compliance with each of the 6 National Standards.
	>0.5 – 1.0	700	
	>1.0 – 5.0	1100	The date of the meeting will be no earlier than 2 weeks from date of submission of the pre-application.
	>5.0	1450	*Maximum time allowance for each meeting of 2 hours

Additional Services

Add-on service	Size of application (ha)	Fee (£)	Description of service
Technical advice	N/A	41/hr	Hourly charge to supply SAB officer to attend internal meetings with internal departments and their customers with the view of facilitating detailed discussions.
Site visit/meeting	0.01 – 0.5	120	Site meeting to support an application submitted for a detailed review.
	>0.5 – 1.0	160	Date and time of meeting to be agreed between the SAB and the applicant.
	>1.0 – 5.0	250	*Maximum time allowance for site visit of 2 hours
	>5.0	300	

Adoption Services

Add-on service	Size of application (ha)	Fee (£)	Description of service
Voluntary Technical Approval	0.01 – 0.5	£420 - £700	Application process for applicants to request the authority to adopt SuDs features to which the duty to adopt does not apply
	>0.5 – 1.0	£750 - £950	
	>1.0 – 5.0	£970 - £1,750	
	>5.0	£1,760 - £7,500	
Voluntary Adoption Agreement	N/A	8% Total Construction cost	This service provides applicants with a process for entering into an adoption agreement with the authority; for any SuDs features approved under the Voluntary Technical Approval Process.
Land Transfer Agreement	N/A	Site Specific Costs	This service provides applicants with a process for entering into an agreement to transfer the ownership of land to the authority where the land contains a SuDs feature.

