



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**18<sup>th</sup> OCTOBER 2018**

#### **FLOOD AND WATER MANAGEMENT ACT 2010: COMMENCEMENT OF SCHEDULE 3 – SUSTAINABLE DRAINAGE ON THE 7<sup>TH</sup> JANUARY 2019**

#### **REPORT OF DIRECTOR OF HIGHWAYS & STREETCARE SERVICES IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL, CLLR ANDREW MORGAN.**

**AUTHOR(s):** Andrew Stone, Strategic Projects Manager  
Owen Griffiths, Senior Engineer (FRM)

#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to advise members of the commencement of schedule 3 'Sustainable Drainage' of the Flood and Water Management Act 2010 (FWMA)<sup>1</sup> made by the Welsh Government (WG) on the 1<sup>st</sup> May 2018 and the legislative requirement for the council to provide a new service from 7<sup>th</sup> January 2019.
- 1.2 The Report will further advise members in regard to the implementation of a Sustainable Drainage System (SuDs) Approval Body (SAB) within Rhondda Cynon Taf (RCT) Flood Risk Management (FRM) team to provide this new service.

#### **2. RECOMMENDATIONS**

- 2.1 It is recommended that the Cabinet:
  1. Notes the commencement of schedule 3 'Sustainable Drainage' of the Flood and Water Management Act 2010 (FWMA)<sup>2</sup> made by the Welsh Government (WG) on the 1<sup>st</sup> May 2018 and the legislative requirement for the Council to provide a new service from 7<sup>th</sup> January 2019.
  2. Approves the establishment of the SAB and the proposed structure outlined within section 7.2 of this report.

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<sup>1</sup> Flood and Water Management Act 2010: <https://www.legislation.gov.uk/ukpga/2010/29/contents>

<sup>2</sup> Flood and Water Management Act 2010: <https://www.legislation.gov.uk/ukpga/2010/29/contents>

3. Approves the development of a council policy on discretionary charges as outlined in 7.1.5 to 7.1.9
4. Approves the development of a policy on standard charges for adoption of SuDS infrastructure as outlined in 7.1.10

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 On the 1st May 2018<sup>3</sup> the Welsh Government put forward Commencement order No 2 of the Flood and Water Management Act 2010 on the 1st May 2018<sup>4</sup> which sets out that section 32 and Schedule 3 of the FWMA 2010 commences on 7th January 2019.
- 3.2 Schedule 3 of the Flood and Water Management Act 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems. It also requires surface water drainage systems to be approved by a SuDs Approving Body before construction work with drainage implications may begin. Within section 6 paragraph 1 (a and b) of schedule 3 FWMA the act specifies:

*The Approving Body for a drainage system is the unitary authority for the area in which it is, or in which it is to be constructed, or If there is no unitary authority, the county council for the area.*

- 3.3 Although this is a legal requirement on the council, the added benefits will be that the council will be afforded control of surface water drainage approval, reducing the risk of development within high flood risk areas; whilst minimising the risk of future flooding to the new developments and wider communities. There are further opportunities to maximise the quality of surface waters associated with developments and promote the amenity and biodiversity of a new development.

### **4. BACKGROUND**

- 4.1.1 Flooding remains a key threat to communities across Wales and managing this risk is important to minimise the risk to communities. The consequences of flooding can include loss of life and property, together with significant social, economic and environmental harm. Climate change is predicted to increase the frequency and the intensity of flooding, increasing the risk in RCT and across the UK. Though flooding is an inevitable natural process, through careful management the probability of flooding, along with its impact, can be reduced.

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<sup>3</sup> SuDs Commencement Order: <http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=20816>

<sup>4</sup> SuDs Commencement Order: <http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=20816>

4.1.2 From a local perspective RCT's Flood Risk Management Plan (FRMP)<sup>5</sup> published in December 2015 identifies flood risk from surface water and has identified the number of People, Businesses, Critical Infrastructure and Environment and Historical Sites at risk of flooding, an overview of the risk of flooding is outlined:

1. 7,623 Properties at High risk of Flooding
2. 14,182 Properties at Medium Risk of Flooding
3. 26,682 Properties at Low risk of flooding

4.1.4 There is an inherent risk that the flood risk associated with surface water is increased through the lack of control of new developments within flood risk areas. At present flood risk associated to new developments is managed through Technical Advice Note 15 (TAN15).<sup>6</sup> However, this function primarily focuses on Main River flooding. Surface water from new development is outlined within Section 8 of TAN15 however; this section sets out that the planning authority may consult with a Land Drainage authority regarding surface water and that 'Developments should aim to mimic existing runoff rates' in comparison with an undeveloped situation of the site.

4.1.5 The Flood and Water Management Act 2010 implemented many of the recommendations made by Sir Michael Pitt's Review<sup>7</sup> of the widespread flooding of 2007 in the UK. Within which recommendation 20 was set out:

*'The Government should resolve the issue of which organisations should be responsible for the ownership and maintenance of sustainable drainage systems.'*

4.1.6 This is dealt with in schedule 3 'Sustainable Drainage' of the FWMA. The purpose of schedule 3 is to provide a Sustainable Drainage Approval Body that provides approval of a developments drainage network prior to works commencing. This approval is outside of the Town and Country Planning act 1990.

4.1.7 Schedule 3 of the Flood and Water Management Act 2010 places a statutory requirement on RCT to ensure surface water drainage for new developments with drainage implications comply with mandatory

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<sup>5</sup> RCT Flood Risk Management Plan:

<https://www.rctcbc.gov.uk/EN/Resident/ParkingRoadsandTravel/Roadspavementsandpaths/FloodAlleviation/Floodriskregulations2009.aspx>

<sup>6</sup> TAN 15: <https://gov.wales/docs/desh/publications/040701tan15en.pdf>

<sup>7</sup> Pitt Review:

[http://webarchive.nationalarchives.gov.uk/20100812084907/http://archive.cabinetoffice.gov.uk/pittreview/\\_/media/assets/www.cabinetoffice.gov.uk/flooding\\_review/pitt\\_review\\_full%20pdf.pdf](http://webarchive.nationalarchives.gov.uk/20100812084907/http://archive.cabinetoffice.gov.uk/pittreview/_/media/assets/www.cabinetoffice.gov.uk/flooding_review/pitt_review_full%20pdf.pdf)

National Standards for Sustainable Drainage Systems (SuDs) prior to construction work taking place.<sup>8</sup>

4.1.8 Provided a developer is granted SuDs approval, the SAB would be required to adopt and maintain the approved SuDs that service more than one property. As set out within schedule 3, section 17 'Duty to Adopt.'

4.1.9 Appendix 1 provides a brief overview of the aim of SuDs.

### **Sustainable Drainage Approval Body - Approval Duty**

4.2.1 The SAB will operate as an independent body within the local authority, dealing with a 'Statutory Technical Approval' process and a 'Duty to Adopt' approved SuDs. The Technical Approval will be via a delegated officer decision independent of the planning process. This process will be similar to the current Building Control process which is essentially a technical check that building works are in compliance with the Building Regulations. A process which is also independent from the Planning Process.

4.2.2 The Statutory Technical Approval provided by the SAB will be a requirement of 'all construction work that has a drainage implication' (Paragraph 7, section 1, FWMA 2010)<sup>9</sup>. The exception to this is construction work that involves the construction of 1 dwelling or an area of land less than 100m<sup>2</sup>.

4.2.3 The approval regulations set out a 'duty' on the SAB to determine an application within 7 weeks of receipt of a validly made application. The approval process sets out that an application is granted if the proposed construction will comply with National Standards published by Welsh Government. Furthermore, the SAB has a 'duty' to consult statutory consultees prior to determination of the application which will be set by Regulations.

4.2.4 In making an approval the SAB has the power to approve subject to conditions; in particular, a condition may:

- Relate to the construction of the drainage system
- Provision of a Non-performance bond
- Relate to Inspections undertaken by the SAB
- Require the Payment of fees chargeable for work undertaken in connection with the approval process.

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<sup>8</sup> Proposed National Standards for Sustainable Drainage SuDs in Wales:  
<https://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

<sup>9</sup> Flood and Water Management Act – determination of application for approval:  
<https://www.legislation.gov.uk/ukpga/2010/29/schedule/3>

- 4.2.5 If the SAB grants approval subject to a condition that inspections are carried out, the SAB may charge a fee for carrying out the inspections. This fee is set by WG regulations. The purpose of the inspections is to provide certainty that the SuDs have been constructed in accordance with national standards and are in accordance with the approval.
- 4.2.6 The legislation sets out powers of enforcement under paragraph 14 (FWMA 2010) that provide the authority with the following statutory powers to ensure compliance with design and construction phases:
- Powers of Entry
  - Temporary Stop Notice
  - Enforcement Notice
  - Stop Notice
- 4.2.7 If a developer does not comply with the enforcement notices and is successfully prosecuted then the developer is found to be 'Guilty of an offence' and is liable to a fine chargeable by the courts. The SAB can reclaim costs of successful enforcement from the transgressor.
- 4.2.8 On completion, providing a developer has complied with the conditions of approval, the SAB provides certification that the drainage system was constructed in accordance with the approval. At this point the approval duty has been completed.

### **Sustainable Drainage Approval Body – Duty to Adopt**

- 4.3.1 Following approval of an application, construction and certification, a SAB 'must' adopt the drainage system under Paragraph 17 (FWMA 2010).
1. .
- 4.3.2 Under paragraph 21; The SAB has the power to voluntarily adopt all or part of a SuDs to which the duty to adopt does not apply.
- 4.3.3 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.
- 4.3.4 It is proposed that an adoption under section 17 'Duty to Adopt,' will require the developer to pay the long term maintenance costs which is reflective of the maintenance plan for the lifetime of the SuDs. This provision is proposed to be set through a condition of approval.
- 4.3.5 The duty to adopt outlined within the legislation does provide for an exemption to the duty which is set out as:

1. Single Property Drainage Systems
2. Any part of a drainage system which is a publicly maintained road
3. Drainage systems constructed under section 114A of the Water Industry Act 1991<sup>10</sup>

## **5 EQUALITY AND DIVERSITY IMPLICATIONS**

See attached document.

## **6 CONSULTATIONS**

1. Finance
2. Planning
3. Legal

## **7 FINANCIAL IMPLICATION(S)**

The process has been established on the basis that it should be cost neutral to local authorities acting as a SAB.

### **7.1 Income Generation**

7.1.1 The commencement of schedule 3 of the FWMA 2010; provides for the setting of fees for applications for approval. This section will set out the range of fees set by regulations and the options for discretionary services.

7.1.2 **Application for Approval Fee** - Under the current proposal by WG, construction work which has drainage implications of more than 1 dwelling or greater than 100m<sup>2</sup> would require SAB approval. This process is chargeable at rates to be set by WG through Regulation. Proposed fees have been consulted upon and are likely to start from £350 (minimum) 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*

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<sup>10</sup> Water Industry Act 1991: <https://www.legislation.gov.uk/ukpga/1991/56/contents>

4. £10 for each additional 0.1 hectare or fraction of a 0.1 of a hectare.

7.1.3 **Inspection Fee** – following an approval subject to a condition which relates to inspections of the drainage system the SAB is able to charge for each inspection at a fixed rate. This rate will be confirmed by WG through the provision of regulations.

7.1.4 **Enforcement Charges** – The provision of enforcement regulations by the WG provide the SAB an ability to be reimbursed the costs incurred through undertaking successful enforcement activities. The nature of the fee associated with the enforcement action will be subject to a case by case basis; however, the provision of the enforcement powers outlines cost-recovery for work undertaken by the approval body which is expected to cover the whole cost associated in undertaking enforcement.

### Discretionary Services

7.1.5 The legislation provides for a range of duties that provide for fees to be set by regulation however there are a range of services that could be provided to supplement a wider level of service to developers to support the formal approval process. It is proposed that these discretionary services will be delivered through the Local Government Act 2003 paragraph 93. This section will outline the opportunities identified.

7.1.6 **SAB Pre-applications Advice Service** – This is a discretionary service which would be provided by the SAB to encourage developers to engage with the SAB prior to full application to reduce the risk of application refusal. The charges for pre-application are proposed to mirror in part the charging system employed by the Local Planning Authority (LPA) for 'Pre-applications'.

7.1.7 The LPA has recently implemented a range of discretionary services to support the planning application process; following the initial review it was thought that the following services could be mirrored by the SAB:

1. Pre-Submission Validation Checks
2. An enhanced Pre-application service that provides for advice from other service areas within the authority
3. Provision of a development completion service

7.1.8 The level of discretionary services available is still under review and is subject to the publication of the Regulations and Guidance provided by WG. On receipt of the published documents a review of the additional

discretionary services will be undertaken, and proposals set out prior to the commencement on the 7<sup>th</sup> January 2019.

- 7.1.9 As the duty to approve and adopt is set against local authorities it is likely that there will be opportunities to collaborate with other neighbouring local authorities and these opportunities are being explored and will be reviewed for viability on the publication of the regulations and subsequent guidance by WG.

### **Adoption Requirement**

- 7.1.10 The process of adoption is still to be determined through the statutory regulations and guidance due for publication in September 2018. It is anticipated that costs associated with adoption by the SAB will be paid by the developer. This will include the long term maintenance costs which is reflective of the maintenance plan for the lifetime of the SuDs together with any additional costs incurred by the SAB in the adoption process. WG have stated that this process should be cost neutral to the SAB.

## **7.2 Organisational Impact**

- 7.2.1 The current organisational structure within the FRM team does not allow for this statutory function to be undertaken with existing resources. This existing structure is presented graphically in Appendix 3.
- 7.2.2 The resource required has been considered using a review of the available information provided by WG; this criterion was used to cross reference construction works undertaken within RCT over the last four financial years which would have required SAB approval.
- 7.2.3 Based on the number of valid construction works and their construction areas; an assessment was undertaken to provide a summary of the workload generated for a typical financial year; this analysis provided a range of outputs based on the Lowest, Average and Highest figures generated over the financial years reviewed.
- 7.2.4 The analysis covered the range of services that will be undertaken by the SAB which included; Pre-Applications, Full Applications, Inspections, Enforcement, Adoption activities, Administration and Management activities. A summary of the analysis is provided within Appendix 2.
- 7.2.5 The Resource required to undertake the function of the SAB has been reviewed taking into consideration the effects of SAB creation on the existing FRM team. The team structure that would be required to



facilitate the functions for a typical financial year is presented graphically in Appendix 4 with the additional posts below:

1. Flood, Water & Tips Manager (GR13) – Shared with LLFA Team
2. Senior Engineer (Team Leader) (GR11),
3. Assistant Engineer (GR 10),
4. Assistant Engineer (GR 10),
5. Senior Technician (GR8)
6. Asset Technician (GR6) – Shared with LLFA Team

Allowance has been made for the reductions in work related to the drainage aspects of planning applications.

### **7.3 Financial Impact.**

- 7.3.1 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).
- 7.3.2 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 Proposed Implementation**

- 7.4.1 It is proposed to set up the SAB based on the lowest estimated workload, resource, and fee income which reflects the exemption criteria set out by WG for the first 2 years of operation and the structure proposed in Appendix 4.
- 7.4.2 It is anticipated that some SAB functions, such as Adoption, will not be immediately required and therefore recruitment to the proposed SAB structure will be phased.
- 7.4.3 To provide resilience and to accommodate applications above the estimated lowest workload, it is proposed that additional resources will be sourced through the existing sections such as Flood and Tip Risk Management Section, Strategic Projects Design section and Highway Development Control Sections which will all be required to develop skills in SuDs as part of their service functions.

- 7.4.4 A training plan will be developed and implemented prior to SAB establishment on 7<sup>th</sup> January 2019. This will utilise training provided by Welsh Government, WLGA and specialist training specific to council requirements delivered internally and externally.

## **8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 8.1 The legal implications are set out within the context of this report. In summary the commencement order signed on the 1<sup>st</sup> May 2018 which sets out that section 32 and Schedule 3 of the Flood and Water Management Act 2010 will commence on the 7<sup>th</sup> January 2019.
- 8.2 The commencement places a duty onto RCT to approve construction work which has a drainage implication prior to the works commencing (Section 7 FWMA).
- 8.3 The commencement further places a duty onto RCT to adopt a drainage system approved by the SAB (Section 17 FWMA).
- 8.4 There is a further legal implication in regards to non compliance by a developer who breaches a SAB approval or starts construction prior to approval. At which time the SAB has the power to enforce a developer through powers of entry or temporary stop notice, enforcement notice or stop notices.
- 8.5 It is however noted that the draft regulations provide for a means of cost recovery through taking enforcement action.

## **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)<sup>11</sup> identifies SuDs within two overarching national objectives which is further explored within Table 1.

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<sup>11</sup> National Strategy for Flood and Coastal Erosion Risk Management in Wales:  
<https://gov.wales/topics/environmentcountryside/epq/flooding/nationalstrategy/strategy/?lang=en>

Table 1: Summary of the NFRMS Overreaching Objectives delivering SuDs

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 1: 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)<sup>12</sup> 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.

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<sup>12</sup> RCT Local Flood Risk Management Strategy:  
<https://www.rctcbc.gov.uk/EN/Resident/ParkingRoadsandTravel/Roadspavementsandpaths/FloodAlleviation/LocalFloodRiskManagementStrategy.aspx>

Table 2: LFRMS Objectives and Measures in Delivering the SAB

<b>LFRMS Measure Number</b>	<b>LFRMS Measures</b>	<b>LFRMS Strategy Objective</b>
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 2: 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.’*

9.3.2 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 socio-economic 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 7<sup>th</sup> January 2019 will be 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 The requirement placed onto RCT is that of a 'Statutory Technical Approval' process (paragraph 7 FWMA 2010) and a 'Statutory Duty to Adopt' (paragraph 17 FWMA 2010) approved drainage infrastructure. Following adoption, the authority will be responsible for the maintenance of the drainage system (paragraph 21 FWMA 2010).
- 10.3 To undertake the statutory duties it is proposed that a 'new Sustainable Drainage Approval Body' is established within the 'Flood and Tip Risk Management Section.' The proposed team structure outlined within this

report has been based on the lowest expected workload generated by the SAB for a 'Typical Financial Year' compared against the resource required to undertake the function which again was compared against the fee generation for a typical financial year.

- 10.4 The income generation from the SAB is predicted to cover all salary costs and overheads associated with supplying this statutory approval function. In addition, policy should be developed on charging for the adoption process and further income generation through discretionary services.

**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**

**CABINET**

**18<sup>th</sup> OCTOBER, 2018**

**REPORT OF DIRECTOR OF HIGHWAYS & STREETCARE SERVICES IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL, CLLR ANDREW MORGAN.**

**AUTHOR(s): Andrew Stone, Strategic Projects Manager  
Owen Griffiths, Senior Engineer (FRM)**

**Item: FLOOD AND WATER MANAGEMENT ACT 2010:  
COMMENCEMENT OF SCHEDULE 3 – SUSTAINABLE DRAINAGE  
ON THE 7<sup>TH</sup> JANUARY 2019**

**Background Papers**

None.

Officer to contact:

## **Appendix 1**

A brief overview of the aim of Sustainable Drainage Systems:

1. manage water on or close to the surface and as close to the source of the runoff as possible;
2. treat rainfall as a valuable natural resource;
3. ensure pollution is prevented at source, rather than relying on the drainage system to treat or intercept it;
4. manage rainfall to help protect people from increased flood risk, and the environment from morphological and associated ecological damage resulting from changes in flow rates, patterns and sediment movement caused by the development;
5. take account of likely future pressures on flood risk, the environment and water resources such as climate change and urban creep ;
6. use the SuDS Management Train, using drainage components in series across a site to achieve a robust surface water management system (rather than using a single “end of pipe” feature, such as a pond, to serve the whole development);
7. maximise the delivery of benefits for amenity and biodiversity;
8. seek to make the best use of available land through multifunctional usage of public spaces and the public realm;
9. perform safely, reliably and effectively over the design life of the development taking into account the need for reasonable levels of maintenance;
10. avoid the need for pumping where possible; and
11. be affordable, taking into account both construction and long-term maintenance costs and the additional environmental and social benefits afforded by the system.



## Appendix 2 – Workload Expected for a Typical Financial Year

Provides the Workload Associated with the Lowest estimates identified between 2014 – 2018 financial years based against the expected workload for a typical financial year.

Type of Application	Number of SAB Applications	Application Workload (Hours)	Inspection Workload (Hours)	Number of Pre-Applications	Pre Application Workload (Hours)	Number of Enforcement Cases	Enforcement Workload (Hours)	Number of Adoptions	Adoptions Workload (Hours)	Management (Hours)	Admin (Hours)
Small	88	1232	924	0	0	18	211	35	757	25	25
Medium	16	328	272	27	533	3	54	6	179	25	25
Large	20	640	575	3	97	4	96	8	404	25	30
Very Large	3	288	149	4	165	1	20	1	112	25	30
<b>Total</b>	<b>127</b>	<b>2489</b>	<b>1920</b>	<b>34</b>	<b>795</b>	<b>25</b>	<b>381</b>	<b>51</b>	<b>1452</b>	<b>100</b>	<b>110</b>
										<b>Total</b>	<b>7247</b>



## Appendix 3 – Existing Structure of Flood and Taps Risk Management Team

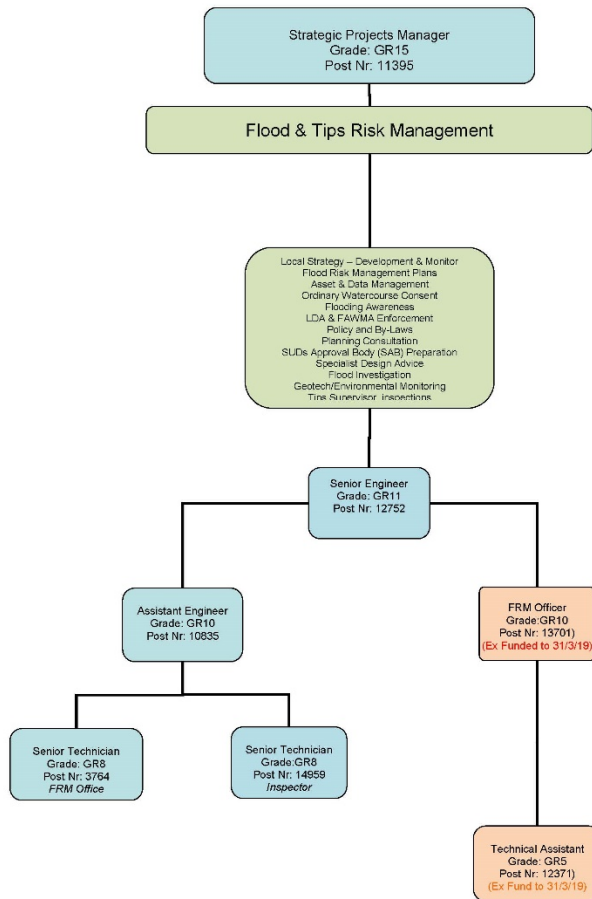
FRM Existing Structure – July 2018

**Legend**

Information Boxes

SAB Preparation  
Externally Funded Posts

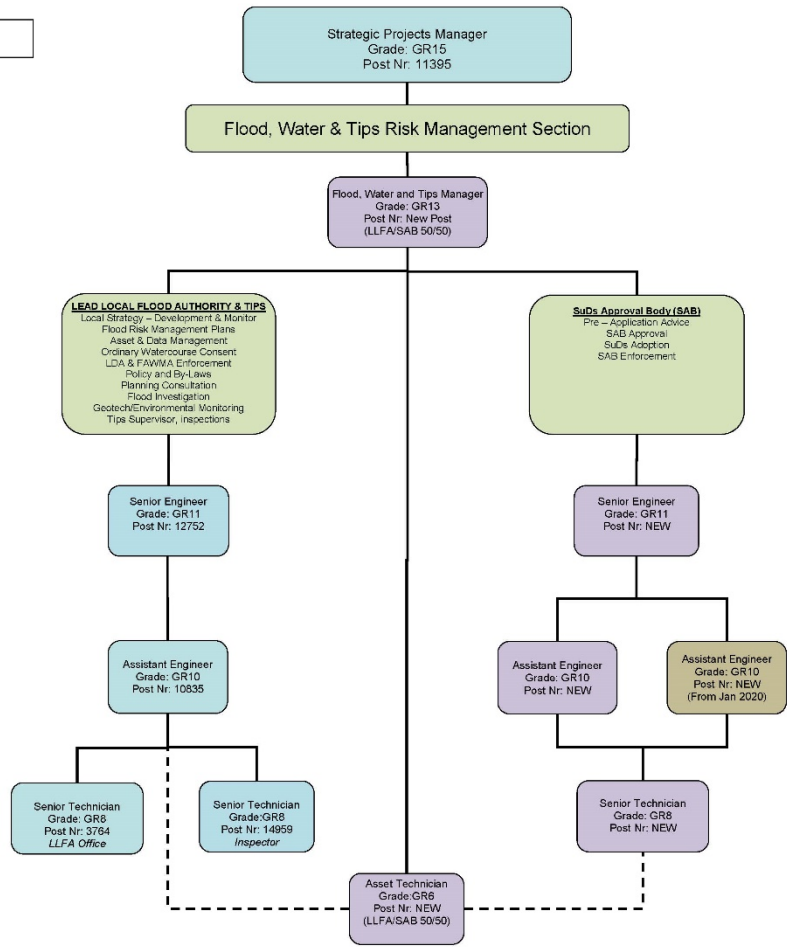
Existing Posts



# Appendix 4 – Proposed Structure of Flood, Water and Tips Risk Management Section

FRM, Tips and SAB Proposed Structure – July 2018

- Legend**
- Information Boxes
  - SAB Preparation Externally Funded Posts
  - Existing Posts
  - Phase 1 New Posts
  - Phase 2 New Posts



## Appendix 5 – Summary of estimated annual Costs on Implementation of SAB

Increase in Establishment Costs	£240,000
Estimated decrease in existing establishment costs due to increase in Capitalised establishment costs in Existing Flood Risk Management Team.	-£51,000
Estimated SAB Income (from approval process)	-£180,000
Estimated Adoption Income (from adoption fees)	-£33,000
Non -Staff Running Costs	£16,000
<b>Net Variance to Current Revenue Budget</b>	<b>-£8,000</b>