

# Supplementary Planning Document SPD 16: Sustainable Drainage Systems Consultation Report

## Introduction

This statement has been prepared by Brighton & Hove City Council and sets out the details of whom the Council consulted with following the development of the draft Sustainable Drainage Supplementary Planning Document (SuDS-SPD), a summary of the issues raised and how the issues have been addressed in the final SPD. The consultation was conducted in line with Brighton & Hove City Council's Statement of Community Involvement (SCI)

The following groups and individuals have been contacted by the city council for their views on the draft SPD:

- The public
- Local community and amenity groups
- Developers and landowners
- Highways England
- Natural England
- Historic England
- Environment Agency
- South Downs National Park (SDNP)
- The consultation was freely available to all on the Council's website, Customer Service Centres and Libraries.

## How these people were consulted

The draft SPD was subject to a 6 week public consultation between the 8<sup>th</sup> December 2018 and the 31<sup>st</sup> January 2019. The consultation included a press release, advertisement on the Council's website, emails sent to numerous stakeholders and interested parties, hard copies sent to all the libraries and Customer service centres. A workshop for B&HCC Planning Team, Southern Water and other interested parties were invited.

This consultation statement provides a summary of the main issues raised by those during the consultation period and how the issues raised have been addressed in the final version of the SPD.

## Summary of the main issues raised during the consultation

A total of 16 responses were received during the consultation period from 5 individuals, 5 statutory consultees and 6 from representatives of various organisations.

The 5 statutory consultees that responded to the consultation (Environment Agency, Highways England, Marine Management Organisation and Historic England) all broadly supported the content of the SPD.

Most responses raised few issues with the content of the document beyond small changes\minor alterations to various aspects of the document.

Topic Raised	Brighton & Hove City Council
<b>Q2a. - To what extent do you agree or disagree that sustainable drainage measures should be incorporated into new development in the Brighton and Hove City Council area?</b>	
All online responses were strongly agree No further Action	
<b>Q2b. - Is there anything we have not considered or do you have any comments about the inclusion of sustainable drainage measure within new development?</b>	
The project locations are part of a larger system. Repetition of the planned measures in the larger system can limit the flooding.	
<b>Q3a. - To what extent do you agree or disagree that draft document adequately identifies and encourages the incorporation of sustainable drainage measures into new development in the Brighton and Hove City Council area?</b>	
1 respondent "Strongly Agree" 2 respondents "Tend to agree" 1 respondent "Tend to disagree"	
<b>Q3b. - Is there anything that we have not considered or do you have any comments about identifying and encouraging the incorporation of sustainable drainage measures into new development in the Brighton and Hove City Council area?</b>	
Climate change requires a different lifestyle and adaptation. Possibly in the near future the traditional means of transport (cars) will be exchanged for other transport systems and possibilities, such as the loan car or Uber-ideas. This may create more space in the public space for adaptation of climate changes	This observation will be shared with our sustainable development officers. This suggestion is not appropriate for the SuDS-SPD
The SPD is silent on the impact of Class O 'Office to Residential' conversions which require a consideration of flooding impacts and account for a lot of new homes. It should be clear that the SPD applies to those as well. The Council should be requiring prior approval of drainage in line with the SPD	
<b>Q4a. - To what extent do you agree or disagree that draft document adequately identifies and encourages the delivery of the wider benefits of sustainable drainage measures, such as improved water quality, biodiversity and amenity space?</b>	
1 respondent "Strongly Agree" 3 respondents "Tend to agree" 1 respondent "Strongly disagree"	
<b>Q4b. - Is there anything that we have not considered or do you have any comments about identifying and encouraging the delivery of the wider benefits of sustainable drainage measures?</b>	
None, see previous comments	No further action

While the Intro and the SEA scoping refer to the multiple benefits of SuDS, the SPD is virtually silent with the exception of impacts on groundwater quality. You should emphasis the multiple benefits more, using an ecosystems services approach. B+H is in a Biosphere!	This will be addressed by suitably worded Local Guidance included in the Construction section and additional text within Appendix C, Sustainable Drainage Systems (SuDS) components.
Seek opportunities for multiple GI benefits beyond flood risk in installing SuDS, including designing in the most natural elements possible (for local biodiversity) and taking a strategic approach to linking SuDS with the B&H Green Network/NIA	Comment indicating SuDS should be designed in the most natural materials possible and that a strategic approach should be taken to link SuDS with green infrastructure and the nature improvement area. This will be addressed by suitably worded Local Guidance included in the Construction section and additional text within Appendix C, Sustainable Drainage Systems (SuDS) components.
<b>Q5a. - To what extent do you agree or disagree that the Local Guidance relating to flood risk outside of the development (LG1 to LG5) is clear and appropriate?</b>	
2 respondents "Tend to agree"	
<b>Q5b. - Is there anything we have not considered or do you have any comments about the Local Guidance relating to flood risk outside of the development?</b>	
No comments	
<b>Q6a. - To what extent do you agree or disagree that the Local Guidance relating to Peak flow control (LG6 to LG14) is clear and appropriate?</b>	
1 respondent "Tend to disagree" 1 respondent "Strongly disagree"	
<b>Q6b. - Is there anything that we have not considered or do you have any comments on the Local Guidance relating to peak flow control.</b>	
LG1+2 should refer to the impact on human health as well as the natural environment. All of the policies should; be worded in a more positive, active style. Some (e.g. LG6-8) are too long. Wooly wording is used such as 'close as reasonably practicable'. Use wording such as 'The city council will expect...' The policies (e.g. LG10, LG15) referring to a climate change allowance should be reworded to allow for an increase in requirements once UKCP18 is translated into guidance. As a general point, the Planning Practice Guidance is being updated, so you should probably wait until it is published to check you are compliant with it.	

<p>The greenfield run off rate will be related to surface condition. How is this rate to be judged? Is it the greenfield site as it existed prior to any development? Or the area around the development which maybe subject to change, natural or otherwise?</p>	<p>The concern raised seems to be focused on LG7, the calculation of greenfield runoff rates and the use of BRE365 testing to determine infiltration rates. While greenfield runoff rates will obviously vary depending on catchment conditions there are a number of methodologies used in the calculation of greenfield runoff rates. It has been decided that there be no reference made to these references, as the intention of the SPD is not to be prescriptive. Advice will be provided by the BHCC FRM team if sought by the applicant.</p>
<p><b>Q7a. - To what extent do you agree or disagree that the Local Guidance relating to Volume control and climate change allowances to be incorporated into the design of surface water attention measures (LG15) is clear and appropriate?</b></p>	
<p>1 respondents "Tend to agree" 2 respondent "Tend to disagree"</p>	
<p><b>Q7b. - Is there anything we have not considered or do you have any comments about the Local Guidance relating to Volume control and climate change allowances being incorporated into the design of surface water attention measures?</b></p>	
<p>No comments</p>	
<p><b>Q8a. - To what extent do you agree or disagree that the Local Guidance relating to Flood Risk within the development (LG16 to LG22) is clear and appropriate?</b></p>	
<p>2 respondents "Tend to agree" 1 respondent "Tend to disagree"</p>	
<p><b>Q8b. - Is there anything that we have not considered or do you have any comments about the Local Guidance relating to Flood risk within a development?</b></p>	
<p>Wording like 'Applicants are also encouraged to give consideration to the following guidance relating to best practice advice:' is too vague and the policies would be better written in a more active, positive way. The city council should prevent basements being used to house plant necessary for the functioning of critical infrastructure during flooding, as well as basement dwellings.</p>	
<p><b>Q9a. - To what extent do you agree or disagree that the Local Guidance relating to Designing for maintenance considerations (LG23 to LG26) is clear and appropriate?</b></p>	
<p>2 respondents "Tend to agree"</p>	
<p><b>Q9b. - Is there anything we have not considered or do you have any comments about the Local</b></p>	

<b>Guidance relating to Designing for maintenance considerations?</b>	
Monitoring of their technical performance in mitigating flood risk, as well as delivering other GI benefits, needs to be considered for major schemes	
<b>Q10a. - To what extent do you agree or disagree that the Local Guidance relating to the Construction of SuDs (LG27 to LG31) is clear and appropriate?</b>	
1 respondent "Tend to agree" 1 respondent "Strongly disagree"	
<b>Q10b. - Is there anything we have not considered or do you any comments about the Local Guidance relating to the Construction of SuDs?</b>	
You haven't considered the biodiversity, public amenity or climate change adaptation aspects of SuDS construction.	
<b>Q11a. - To what extent do you agree or disagree that the guidance provided in Section 5.2, setting out information to be supplied in support of outline major planning applications is clear and appropriate?</b>	
1 respondent "Strongly Agree" 1 respondent "Tend to agree"	
<b>Q11b. - Is there anything that we have not considered or do you have any comments about the guidance provided in Section 5.2, setting out information to be supplied in support of outline major planning applications?</b>	
Your choices in Q11a don't include disagree! Nothing about requiring multiple benefits of SuDs to be identified. Should be clearer that maintenance requirements for lifetime of development are required.	
<b>Q12a. - To what extent do you agree or disagree that the guidance provided in Section 5.3, setting out information to be supplied in support of full major planning applications and the approval of conditions or reserved matters relating to major planning applications is clear and appropriate?</b>	
1 respondent "Tend to agree" 1 respondent "Strongly Disagree"	
<b>Q12b. - Is there anything we have not considered or do you have any comments about the guidance provided in Section 5.3, setting out information to be supplied in support of full major planning applications?</b>	
See answer to Q11b	
<b>Q13a. - To what extent do you agree that the guidance provided in Section 5.4, setting out information to be supplied in support of minor planning applications is clear and appropriate?</b>	

<p>1 respondent "Tend to agree" 1 respondent "Strongly Disagree"</p>	
<p><b>Q13b. - Is there anything that we have not considered or do you have any comments about the guidance provided in Section 5.4, setting out information to be supplied in support of minor planning applications?</b></p>	
<p>What is meant by 'minor', which has a specific meaning in relation to flood risk? The cumulative impact of non-major developments is probably greater than major ones (e.g. in Carden Avenue area). The policy should be more ambitious e.g. refer to the Council enforcing the permitted development limitations on hard standings. See answer to Q11b. The policy should be stronger than requiring the developer to 'consider' the SuDS hierarchy.</p>	
<p><b>Q14. - Please provide any general comments you may have regarding sustainable drainage measures and the content of the draft document including the Appendices to the SPD and the SEA.</b></p>	
<p>The area around Warmdene road in Brighton is particularly susceptible to surface water flooding. Although some drainage systems exist they are only designed to remove the water once it has pooled up at the lowest point of the road (adjacent to house number 17). The use and introduction of additional SuDs further up the road to the north and south would significantly improve the flooding issues. The proximity of a large green space in form of the Patcham High School playing fields could be factored into any SuDs planning prior to its impending redevelopment (New sports pitches). Diverting surface run off to this green space could be achieved easily using the existing paths that run from Warmdene rd to the edge of the pitches.</p>	<p>Respondent "tends to disagree" that LG15 is appropriate (volume control) LG15 considered to be clear, no amendment proposed.</p> <p>Comments regarding Warmdene Road are too specific for inclusion in SPD but should be considered by the BHCC Flood Risk Management Team as part of its wider remit</p>
<p>I am concerned that Tennant Farmers have and continue to plough fields on steep sloping gradients which cause severe mud slides. Please ensure that appropriate advice from DEFRA regarding this is conveyed to all Farmers to ensure no reoccurrence of such mud slides and that they will be help responsible for not adhering to good practice from DEFRA to prevent mudslides which have serious consequences for residents.</p>	<p>While farming practice can have a significant effect on flood risk it is not appropriate to include guidance on this within the SPD.</p> <p>To be considered by the BHCC Flood Risk Management Team as part of its wider remit</p>
<p>The SPD provides a comprehensive framework</p>	<p>Comments supportive. No amendment</p>

<p>for the implementation of SuDS as part of new development. We welcome this initiative to address potential increases in the rates of run-off from new developments.</p>	<p>necessary</p>
<p>I strongly welcome the fact that the Council is introducing the SPD, but I feel it is not ambitious enough to stress the multiple benefits of SuDS (recognised, but not followed through) which will help to protect and enhance the City's Biosphere status and adapt to climate change. The wording of the advice isn't clear enough which will allow a lot of 'wriggle room' for developers. Make it stronger, clearer, more positive. The advice needs to be aimed at permitted development proposals subject to prior approval for flooding considerations. Figure 2 is too small which severely limits its usefulness. Fig 3 - typo - National Planning 'and' Policy Framework. Fig 3 should refer to LLFA role? Maintenance arrangements for whole life of development need to be clear. The layout of the guidance is confusing - LGs mixed in with NSs. Typo in 3.4. Should be 'principal' theme, not 'principle'. Index - page numbers are wrong.</p>	<p>The respondent "tends to disagree" or "strongly disagrees" that the draft document is adequate in many areas. Issues raised to be included.</p> <p>Wording too weak - BHCC indicated that the wording of early drafts of the SPD was too prescriptive emphasising that the SPD should build on existing policy / could not set policy - no amendment proposed.</p> <p>Greater emphasis of the multiple benefits of SuDS (i.e. biodiversity/ linking Nature Improvement Areas) should be made - text of Section 3.3.to be reviewed and possible inclusion of Local Guidance in section 4.4 under Construction</p> <p>Defer publication until after update of NPPG / incorporation of UKCP18 into policy - likely timescales unclear and not therefore felt to be appropriate.</p> <p>The city council should prevent basements being used to house plant necessary for functioning of critical infrastructure - the wording of LG 16 to be amended to align with DM43 to indicate that basements will not be permitted in areas of historic groundwater flooding .Amendments to LG17 to include reference to critical plant not being located in basements to be considered if appropriate.</p> <p>Should be clearer that maintenance requirements for lifetime of development are required - LG23 (and para 165 of the NPPF) are clear that details of proposed maintenance arrangements for sustainable drainage systems for the life time of the development should be provided. No amendment proposed.</p> <p>Enforcement of permitted development limitations on hard standings - beyond scope of SPD, would involve setting policy.</p> <p>Typo in figure 3 to be corrected.</p>

	<p>Include reference to LLFA in figure 3 - Figure 3 sets out policy documents (the LLFA role was introduced by the SuDS ministerial statement) and does not need to be specifically identified.</p> <p>Typo first line of 3.4 to be corrected. Page numbering to be reviewed as part of final formatting of document.</p>
<p>It is noted that the Building Research Establishment guidance BRE365 is to be used for determining infiltration rates. Calculations, using BRE365, for soakaway sizing, are based on a 1 in 10 year storm and related to a specific regional rainfall. However, the nature of the storm is not seen purely as a single type but based on ten different types of storms ranging in duration from a few minutes up to a whole day. A calculation is made for each type and that which provides for the largest soakaway chosen. The Supplementary Planning Document describes a rainfall event in a probabilistic way without apparently taking the nature of the event into consideration</p>	<p>Respondent strongly disagrees that LG6 to LG14 is clear.</p> <p>The concern raised seems to be focused on LG7, the calculation of greenfield runoff rates and the use of BRE365 testing to determine infiltration rates. While greenfield runoff rates will obviously vary depending on catchment conditions there are a number of methodologies used in the calculation of greenfield runoff rates. It has been decided that there be no reference made to these references, as the intention of the SPD is not to be prescriptive. Advice will be provided by the BHCC FRM team if sought by the applicant.</p> <p>It is however recommended that the wording of LG7 is amended to indicate that infiltration rates should be determined as specified in BRE365. And then, in a separate sentence that the calculations demonstrating compliance with the appropriate National and Local Standards should be based on the determined infiltration rates.</p>
<p>Enforcement of planning conditions to install SuDS, as well as checks on their existence and operation is needed beyond the initial development period and signoff Proactive work beyond the development control system is needed in Brighton &amp; Hove, to take a strategic approach to the city's needs and environment - ideally through a citywide GI Plan that covers a range of natural capital benefits as well as mitigating flood risk Proactive work should include the Biosphere programme (my role) and the Brighton CHAMP for Water project in which the Biosphere participates, and whose detailed comments on this consultation I endorse and support Lastly, proactive work could also usefully be directed at small-scale household measures outside of the planning system, such as DIY downpipe planters and permeable driveways (which is not being effectively controlled and</p>	<p>Response generally supportive.</p> <p>Comment indicating SuDS should be designed in the most natural materials possible and that a strategic approach should be taken to link SuDS with green infrastructure and the nature improvement area. This will be addressed by suitably worded Local Guidance included in the Construction section and additional text within Appendix C, Sustainable Drainage Systems (SuDS) components.</p> <p>Comments regarding the monitoring of the construction of SuDS, the performance of SuDS systems beyond construction and small scale household measures outside of the planning system fall outside of the scope of the SPD.</p>

enforced through ignorance of the national legislation and lack of council capacity for enforcement - a comms campaign and subsidised materials could be a useful approach).	
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The report for the stakeholder consultation workshop is included in an appendix to this document.

### **How these main issues have been addressed in the SPD**

- Concerns have been raised regarding the wording of the document being too weak – It was felt that the wording of early drafts of the SPD was too prescriptive and that the SPD must not set policy. No further amendment of the wording is therefore recommended.
- It was suggested during the workshop that key information for the likely audience (i.e. the Technical Guidance, and guidance on documents to be submitted in support of planning applications) should be brought to the front of the document – it is felt that some initial context setting is important/appropriate. The Technical Guidance and Supporting Information for Planning Applications have been grouped in separate chapters and are therefore easily assessable. It is however recommended that the following text is included in the Title of Chapter 4 “(including National Standards and Local Guidance)” to highlight its content.
- The multiple benefits of SuDS (i.e. biodiversity, environmental benefits, amenity value, linking green infrastructure and Nature Improvement Areas) should be emphasised. The text of Section 3.3 was reviewed and local guidance was added in the construction guidance in Section 4.4. Content of Appendix C Sustainable Drainage Systems Components was reviewed, including reference to CP8 Water Sustainability.
- During the workshop the Environment Agency emphasised the need to incorporate water quality measures within SuDS in the BHCC area and indicated that this needed to be given greater emphasis within the SPD. A new section will be added to Chapter 2 “Setting The Scene” emphasising that all drinking water in the BHCC is extracted from the chalk aquifer and the need to provide adequate water quality measures with SuDS. A map indicating the extent of the Groundwater Source Protection Zones was included along with text highlighting that the fractured nature of the chalk is likely to increase the speed of conveyance of any contaminants and that the Environment Agency is therefore likely to treat Source Protection Zone 2 in a similar manner to Source Protection Zone 1. Reference to the possible development of solution features as a result of point infiltration were included.
- It was suggested during the workshop that more examples of SuDS systems installed in the BHCC area or installed in small areas be included within development in Appendix C. Content of Appendix C was reviewed and examples of systems installed in the BHCC area have been included if available.
- Reference to the Shaping Climate Change Adaptive Places (SCAPE) project was made during the workshop and it was suggested that reference to this project should be made in the SPD – reference to the SCAPE project was added to Appendix C including a description of the planned

works in Carden Avenue and Norton Road with a link provided to the appropriate page on the BHCC website.

- It was suggested during the workshop that best practice relating to the use of permeable paving and service strips should be set out. This was added to Appendix C.
- Concern was raised during the workshop that contaminated land is often used by developers as a reason to discount the potential use of infiltration. The Environment Agency indicated that they would normally seek the removal of contaminated land and would not normally accept capping of contaminated land. Therefore, subject to suitable mitigation measures, contaminated land is not necessarily a barrier to the use of infiltration techniques. A section of text was added to Chapter 2 “Setting The Scene” following the proposed text regarding the need for adequate water quality measures indicating that the Environment Agency will normally require the removal of contaminated land / will not accept capping and that the presence of contaminated land should not necessarily be seen as a barrier to the use of infiltration techniques.
- It was suggested at the workshop that the guidance on the documents to be submitted in support of planning applications should be tightened. Again this relates to the wording being weak. For the reasons indicated above no further amendment of the wording is recommended.
- The city council should prevent basements being used to house plant necessary for functioning of critical infrastructure – it was recommended that the wording of LG16 be amended to align with DM43 to indicate that basements will not be permitted in areas of historic groundwater flooding. LG17 was amended to include reference to critical plant not being located in basements.
- The wording of LG7 was clarified to indicate that infiltration rates should be determined as specified in BRE365. In a separate sentence that the calculations demonstrating compliance with the appropriate National and Local Standards should be based on the determined infiltration rates.
- Typo in figure 3 to be corrected (National Planning “and” Policy Framework). Typo first line of 3.4 to be corrected (principle v principal). Page numbering was reviewed as part of final formatting of document.
- The cumulative effects of small scale development was raised at the workshop and in responses received via the website and email. Text was added to section 2.3.1 and section 5.4 emphasising the potential cumulative effects of small scale development and the need to consider how surface water runoff from such development can be reduced.
- A themed table containing the National and Local Guidance is suggested to make the document more user friendly. A draft table has been prepared for clarity.
- Include reference to the Historic England publication “Flooding and Historic Buildings” in the references section of the SPD – include in Section 4 of Appendix B
- Concern regarding the discharge of surface water to highway drainage systems serving the Strategic Road Network - it was recommended that a section indicating that the A27 trunk road forms part of the Strategic Road Network and quoting Highways England’s policy was added to the end of Section 3.2

- Include reference to the South Inshore and Offshore Marine Plans – it was recommended that reference to these plans be added to the Statutory Requirements in Figure 3 in Section 2.4
- The Sussex Wildlife Trust made a number of helpful suggestions regarding the text of the draft document and the following amendments will be incorporated in the final SPD - amendment of the wording of the final sentence of Section 3.3.4, additional bullets to Section 3.3.5, addition of new para 3.5 relating to the Wider Landscape (with the reference to natural flood management removed), addition of “and body responsible for maintenance long-term” to bullet in Section 5.2 and addition of suggested wording to bullet point in Section 5.3.

