**SUDS and the Water Framework Directive –**

**Tackling diffuse urban pollution – January 2011 Brief**

**Introduction**

Diffuse pollution from urban surface water runoff has been identified as a locally significant issue in River Basin Management Plans.

A wide variety of sources have been identified, ranging from vehicle cleaning and wrongly connected drainage systems to road drainage and industrial site housekeeping. An equally wide range of possible interventions has also been identified, from pollution prevention through to regulatory interventions.

The sustainable drainage systems (SuDS) approach to surface water management has been identified as one measure that has the potential to deliver long term benefits in tackling both diffuse pollution and surface water flood risk. A similar approach has been widely used in the USA, Australia and Europe for some time, and became mandatory in Scotland recently.

In England and Wales, the SuDS approach was included in the Flood and Water Management Act 2010 in response to the Pitt Report on the 2007 floods in England. Although the Pitt Report was produced for the Westminster Government, the findings were recognised as also having relevance for Wales. We have therefore worked closely with Defra in the development of the SuDS provisions in the Act and in the associated standards and implementation.

This note does not discuss the mechanisms by which SuDS contribute to tackling diffuse pollution or the range of SuDS techniques available. It aims to outline how SuDS will be delivered through the Flood & Water Management Act 2010 and the next steps in implementation. Background information on SuDS techniques and their benefits is available in the Environment Agency publication *Sustainable Drainage Systems – an introduction[[1]](#footnote-1)*.

**Provisions in the Act**

The principles behind the SuDS approach have been understood for some years and have been embedded in building regulations on surface water drainage. But difficulties in agreeing adoption and maintenance had often prevented SuDS being used for new developments (and also prevented their use in retrofit situations). Schedule 3 of the Act resolves this issue by making local authorities responsible for the adoption and maintenance of new SuDS. This is achieved through the creation of a new “SuDS Approving Body” (SAB) duty for upper tier or unitary local authorities. The SAB will be responsible for approving surface water drainage from new developments, checking their construction and then, where they are in the public domain, adopting and maintaining them.

Developers will have to apply to the SAB for approval, generally this will be in parallel with a planning application for the site. The SAB will consult with statutory consultees (which include the Environment Agency, WaSCs and road authorities where appropriate), check that the application is in accordance with National Standards and issue the approval (which may be conditional). The SAB can require that a performance bond is deposited to ensure completion of the SuDS in accordance with the design.

**What does this mean for diffuse pollution?**

The implementation of the SuDS approach for the drainage for new developments should ensure that these sites do not contribute to the degradation of water quality in urban watercourses or groundwaters. This is clearly an incremental approach, which will apply for Greenfield sites (ensuring no deterioration) and for previously developed sites, where there should be a reduction in harm.

Clearly, this approach will take some considerable time to have a measurable effect on both water quality and flood risk. But we need to make a start, and establishing clear mechanisms for ownership should also help with future proposals for the use of the SuDS approach in retrofit applications to relieve overloaded drainage systems.

**Wider benefits**

It is important to recognise that the SuDS approach brings a wide range of benefits, including greater flexibility to adapt to climate change, habitat, recreation and amenity benefits, a reduction in the urban heat island effect, a potential benefit for water resources and possible reductions in energy use and CO2 emissions.

**Next steps**

We are currently working closely with Defra to develop National Standards for SuDS and the regulations required to implement the Act provisions. These will be the subject of public consultation, hopefully later this year. It is likely that the SAB application requirement will be phased, starting with larger developments and moving to smaller sites once the SAB approval system has “bedded in”. The provisions of the Act allow the SAB a large amount of flexibility in the way the duties are delivered. The SAB may delegate its activities to other bodies – for example the local planning authority could deal with approvals and maintenance could be undertaken by WaSCs – but retains responsibility for their delivery. Given the expectation that in the initial phase of implementation there may be relatively few applications and a shortage of appropriately qualified staff, some authorities may decide to work together to establish a regional SAB to deliver on their behalf.

Further consideration of how to encourage SuDS retrofit is expected in the Water White Paper in preparation for England – we will need to consider how to mirror this for Wales.

Phil Chatfield 10 January 2011

1. <http://publications.environment-agency.gov.uk/epages/eapublications.storefront/4d2c2b2d0179756e2741c0a802960670/Product/View/GEHO0308BNSS&2DE&2DE> [↑](#footnote-ref-1)