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Consultation – summary of responses

Consultation on Interim Standards for Sustainable Drainage Systems (SuDS) in Wales

12 February – 30 April 2015

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1. Introduction

1.1 Purpose of consultation

On 12 February 2015, the Welsh Government published a Consultation on proposed Interim non-statutory standards for sustainable drainage systems (SuDS) in Wales. The full text of the consultation is available at: <http://www.wales.gov.uk/consultations/environmentandcountryside/sustainable-drainage-suds-in-wales/?lang=en>

These interim, non-statutory standards and associated guidance are for the design, construction, operation and maintenance of SuDS serving new developments in Wales. They are relevant for all developments of more than one house or larger than 300m² floor space in both rural and urban areas. They provide information for designers, property developers, local authorities and other interested parties, such as sewerage undertakers and Natural Resources Wales. They also contain links to additional supporting information relating to SuDS.

Well designed, easy to maintain SuDS will deliver a range of important benefits for the local environment, the development and local communities. They can:

- contribute to the delivery of Water Framework Directive, Local Flood Risk Management and Local Biodiversity Action Plan objectives;
- add social, economic and environmental value by improving the quality of urban design, adding enhanced amenity space and providing habitats and wildlife corridors;
- contribute to health and wellbeing through access to green space, reduced urban temperatures, improved air quality and noise buffering;
- help strengthen communities, providing a focus for environmental education and public engagement in environmental protection close to home;
- help improve the adaptability of the drainage system to development pressures; and
- support development resilience to climate change

1.2 Consultation period and distribution

The consultation ran for 12 weeks from 12 February to 30 April 2015 and was distributed to key stakeholders.

It was also published on the Welsh Government website.

In addition, extensive pre-consultation discussions were held both directly with a number of key stakeholders and as part of the development of the Welsh Government's Water Strategy, published in May 2015.

Although many respondents provided direct answers to the questions, there were a large number of detailed comments provided on the content of the standards.

1.3 Welsh Government comments

The Welsh Government is pleased with the response to this consultation and the detailed comments provided on the draft Standards for Sustainable Drainage Systems (SuDS) in Wales. We received 45 written responses.

Many respondents provided direct answers to the questions, and there were also a number of detailed comments provided on the content of the standards.

We have noted all the responses to the consultation and as a result a number of amendments have been made to the final version of the Standards and Guidance. A number of those responding to the consultation commented that without the implementation of a statutory process for the approval and adoption of SuDS, as outlined in Schedule 3 of the Flood and Water Management Act 2010, the impact of the Standards is likely to be limited. The Welsh Government recognises that this is the case, and we propose to undertake further work to resolve outstanding issues over the next 12-18 months, so that Schedule 3 can be implemented in Wales.

The Welsh Government is grateful to those who supported the development of this consultation and to those who responded to it.

2. Overview

All responses are considered in this summary. There was support for the proposed Standards from most of those who responded. However a small number expressed the view that the standards were too complex and that they would be unworkable. Most of the responses contained detailed or specific points to be taken into account in finalising the standards.

The answers to Questions 1-4 are summarised below, along with examples of some of the individual comments received. Question 4 was a free format question, which most respondents used as an opportunity to provide additional comments on the consultation. Many of these responses included suggested amendments to the draft Standards and the guidance. All of these have been considered in the drafting of the final document.

The draft Standards and Guidance emphasised the need for pre-development consultation and early consideration of drainage in the design of new developments. A number of those responding to the consultation supported this approach and suggested that it should be given greater emphasis.

Many of those responding expressed the view that without a mechanism for ownership and adoption, the desired aim of greater use of SuDS for new developments was unlikely to happen. Some local authorities expressed the view that they do not have the staff or skills to take on the responsibility for ownership and maintenance of SuDS.

A number of comments on the mechanism for implementing the requirement for SuDS on a statutory basis were also received. These will be taken into account in our consideration of the next steps for SuDS in Wales.

We received a wide range of general responses to the consultation. General comments on the Standards ranged from those who welcomed them, to those who thought them too complex. Many of these comments did not relate directly to the standards, or asked questions relating to the implementation of statutory standards. Examples of general comments include:

“we applaud the WG initiative that Amenity Value is as much a part of the approach towards SuDS as Quantity and Quality of run off.”

Consultants

“Whilst we fully support your efforts to encourage more SuDS systems being used in new developments in Wales, we feel that until there is a legislative mechanism in place to ensure that this happens, and indeed until the standards become statutory, they may not be as widely used as Welsh Government would want”

Utility company

“a basic “how to” guide on SuDS would be an extremely useful tool for many developers, particularly small or medium sized building companies”

Utility Company

“the supporting guidance has been allowed to become far too academic ..it lacks any real appreciation of the practicalities
Developer

“The Standards appear to be workable if introduced within the Statutory framework of Schedule 3 of the Flood and Water Management ActAdvise against implementation of the standards without Schedule 3”
Local Authority

“We congratulate the Welsh Government taking the lead on SuDS Greater clarity is required on adoption and ongoing operation and maintenance, which is arguably the greatest challenge to embedding SuDS”
Professional body

“We welcome the impetus placed on considering the drainage systems at the earliest stages of site design but feel that this could be re-emphasised by explicitly including it within one of the Standards”
Business

3. Responses to individual questions

Question 1

Although the principles of the SuDS approach to surface water drainage are not new, there are still many designers, developers and contractors who have little or no experience of their design and construction. The consultation document contained a set of principles for sustainable drainage, and six standards along with guidance on how these could be met. The first question sought views on their clarity and practicality.

Question 1: Are these proposed National Standards and related guidance clear to understand and practical to implement?

The majority (44%) of those who responded directly to this question thought the standards were simple and readily understood, and only 15% but did not agree. Of those who disagreed, several commented that they were too complex and impractical. A number suggested that further guidance would be helpful. The question of how a developer can demonstrate compliance with the standards was raised by local authorities, some of whom proposed that the requirement for a drainage strategy document for a major development might be a useful means of demonstrating compliance.

Responses included the following comments:

“Yes. The document is good overall with its overarching well recognised train of levels.”

Professional Body

“We believe the consultation takes an enlightened approach with clear principles and guidance.supports the approach of proposing interim non-statutory standards and guidance that can be amended on the basis of experience before being put on a statutory basis”

Trade body

“We would encourage the proposed standards are reviewed, seeking to shorten the document so that the requirements are clear to both designer and developers”

Consultant

“Whilst clear and comprehensive, overall we did not find it a user friendly document.”

Professional body

Welsh Government response

In writing the final version of the standards and guidance document, we have retained the basic structure, with a section outlining general principles followed by six standards. We have sought to simplify and clarify the standards themselves, taking into account the many comments we received.

The guidance has also been amended to provide a more logical structure and to reduce repetition.

We also propose to work with a range of interested organisations to write simplified guidance for small developments outlining how compliance with the standards can be readily achieved on such sites.

Question 2

The draft Standards covered a comprehensive range of issues relating to the services delivered through the SuDS approach. The related guidance aimed to provide adequate information to understand the aims of the Standards without providing comprehensive design guidance available elsewhere.

Question 2: Are there any additional aspects of sustainable drainage which you believe should be included in the standards?

Around half of the responses addressed this question directly. These responses included suggestions for specific mention of proprietary treatment systems and attenuation storage tanks. Other responses recommended making very clear the need to minimise connection of surface water to the public sewerage networks. Further guidance on the types of SuDS methods which are acceptable was also requested. The need for design allowances for climate change was raised in some responses. The protection of SuDS features in private ownership was raised in one response to this question.

Responses included the following comments:

“Piped drainage systems are of equal importance”

Developer

“the standards should be distilled to a more concise version, not expanded further”

Consultant

“More emphasis should be made of the biodiversity potential of SuDS and the ecosystem services that they may provide”

“The potential for case studies should be considered”

Local Authorities

“the use of a connected series of infiltration or attenuation is not made sufficiently clear ... it is inappropriate to convey water to a single large feature ...that would physically and visually dominate the open space ...”

Professional body

Welsh Government response

We have made a number of amendments to the standards to reflect the responses to this question. However, it remains a basic principle that SuDS design should aim to manage water at or close to the surface and as close to the source as possible.

The Standards do not preclude the use of underground systems, including pipes and some proprietary systems. But they do reflect a preference for designs which can deliver multiple benefits, including those for recreation, biodiversity and amenity, as well as protecting water quality and reducing flood risk. This will help to ensure that new developments in Wales take account of the Welsh Government's policies for sustainable development and our well-being goals in their design.

We have tried to balance the need for guidance to support the standards with the need for detailed technical guidance. For example, our guidance does not attempt to list techniques which are acceptable or not. The choice of how to meet the Standards is a site specific matter for the designer and developer to discuss with regulators in pre-development discussions.

On the specific issue of the protection of SuDS features in private ownership, this is included in Schedule 3 of the Flood and Water Management Act 2010 and will be part of our consideration of how we take forward SuDS in Wales.

Question 3

For many designers and builders, the adoption of the SuDS approach provides a technical challenge and will require new ways of working. We have endeavoured to provide links to suitable sources of additional information to enable the relevant professionals to change their practices.

Question 3: The guidance contains references to a number of additional sources of information on SuDS. Are you aware of any additional references which could usefully be included?

A third of the responses provided information on additional sources of information. A number of additional references, particularly in relation to biodiversity and habitats were suggested. Guidance documents produced by local authorities in Wales, elsewhere in the UK and abroad were also cited. Many of these contain useful information but are often specific to their location. Most of these documents can be accessed through the Susdrain¹ web site which is now included in a new Section 6 in the Standards and Guidance on “Additional references and useful sources of information”.

One particular comment addressed the availability of guidance:
“Only freely available sources of information should be referenced within the SuDS standards”

Business

Welsh Government response

The Welsh Government is grateful to those who provided suggestions for additional reference sources. A number of these have been included in the revised document where appropriate, in particular for Standards S4 – Amenity and S5 - Biodiversity. In addition, a new Section 6 has been added with additional references and useful sources of information.

Most of the sources of information cited in the Guidance are available on line and free of charge. This includes the SuDS Manual, which provides a comprehensive resource for SuDS design.

¹ www.susdrain.org

Question 4

The draft standards have the potential to affect most future developments in Wales and to significantly improve our management of surface water. The adoption of the SuDS approach could provide important benefits to the environment, health and wellbeing.

Question 4: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

There was a wide range of responses to this open question. A significant proportion of these responses addressed the issues around approval, adoption and maintenance of SuDS. The complexity of current drainage provisions for both new and existing developments was also subject to comment. A small number of responses called for the adoption of the same approach to SuDS as that adopted in England.

The lack of an authoritative definition of SuDS was highlighted in one response. Homebuilders expressed the view that the proposals in the consultation would affect the viability of new developments in Wales.

A number of local authorities used this section to make clear that their current policies include a presumption against roof and yard water being allowed to discharge to the highway drainage system. They were also concerned about the risk that their role could expand without having any additional resources or the appropriate experience and skills. A number of responses expressed the view that the document lacked technical detail and that case studies would be helpful.

The value of research in identifying suitable maintenance provision, lifespan of components and effectiveness of SuDS components was mentioned in a few responses.

Many respondents used this section to provide detailed comments on the standards. Although these comments are not reported in detail in this response document, they have been taken into account in the revision of the Standards and Guidance.

Specific responses included the following comments:

“Should the document be published in its current format, then it is expected that each Local Authority would need to develop its own SUDS guidance/standards document”

Local Authority

“The lack of technical detail may result in differences in interpretation during the planning process”

Local Authority

“There is a lack of public awareness of the issues associated with SuDS: it needs a long-term plan / policy of changing the public’s perception / knowledge of these issues.”

Third sector body

“We are not clear as to the size of development covered by the new standards”

Government body

“In Wales there is an opportunity to lead the UK in this type of work”

Consultant

“We support the proposals made within this consultation. With respect to the amenity and biodiversity standards they are clear to understand and practical to implementThey will result in SuDS which support wildlife and that people can enjoy”

Third Sector

Welsh Government response

Many of the responses to this consultation addressed the approval, adoption and maintenance of SuDS systems, which was outside the scope of the consultation. However, these comments will provide useful background information as we further consider how best the SuDS approach can be implemented for new developments in Wales. We are also of the view that the the SuDS approach, if properly integrated into the design of a new development should not impact on the viability of new developments.

The many detailed comments on the standards have been helpful in guiding the development of the final version of the Standards and Guidance, which we believe is much improved as a result.

In bringing forward these standards, it is the aim of the Welsh Government to ensure that in future, developments in Wales are designed and built with drainage taken into account at the earliest possible stage. We wish to see an integrated approach to the drainage of new developments in Wales, which takes account of the potential for multiple benefits available from well-designed surface water management schemes. We expect site drainage to be integrated into the design, using the sustainable drainage approach for all elements of surface water management, including roads and hardstandings. This will mean changes to historic practices and standards, and a more flexible approach by all those in local authorities who are involved in delivering new developments. In order to deliver the benefits of the SuDS approach, designers will need to consider how every part of a site can deliver multiple benefits.

The introduction has been amended to make clear the type of developments to which these may Standards apply.

4. Conclusion and next steps

The consultation received over forty responses, some of which provided very detailed comments on the Standards and in particular the associated Guidance. Local authorities, businesses and professional bodies were well represented in the replies. Most were supportive of the aims of the consultation, but expressed the view that the proposed Standards would not be effective without a statutory framework to make them mandatory.

Many helpful comments were made in both the written consultation and in the discussions and correspondence with stakeholders since the consultation. As a consequence we have made significant changes to the draft Standards and Guidance. The Welsh Government is grateful to those who made the effort to provide background information or to respond to the consultation, and in particular for the advice of steering group members responsible for the delivery of revised the SuDS Manual published by CIRIA in November 2015.

The standards have now been published. We propose to keep under review their effectiveness and to seek feedback from users. This will help to ensure that any potential improvements can be taken into account if and when the Standards become statutory.

We will now work with stakeholders including developers, consultants, local authorities, sewerage undertakers and NRW to publicise the proposed standards. We also propose to work with NRW, developers, local authorities and water undertakers to develop a simple guide to compliance to aid smaller developers.

We recognise the need to address the ownership and maintenance of SuDS for the future and note the many comments made on this during the consultation. We therefore propose to review the options, including the implementation of Schedule 3 of the Flood and Water Management Act 2010 over the next 12 months with a view to consultation on the options later in 2016.

5 List of respondents

Arup
Atkins
Bridgend County Borough Council
British Water
BSI Group
Caerphilly County Borough Council
Camarthenshire County Council
Canals and River Trust – Glandŵr Cymru
Concrete Pipeline Systems Association
Consumer Council for Water
Conwy County Borough Council
Ceredigion County Council
CIWEM
Concrete Pipeline Systems Association
D Nattress
Denbighshire County Council
Drainage, Sewers and SuDS Forum
Dŵr Cymru Welsh Water
EPG Ltd
Flintshire County Council
Flood Risk Management Wales
Home Builders Federation
Institution of Civil Engineers Wales Cymru
Lafarge Tarmac
Landscape Institute Wales
Merthyr Tydfil County Borough Council
Mott MacDonald
Neath Port Talbot Borough Council
National Sewage Association
Natural Resources Wales
Powys County Council
Rhondda Cynon Taf County Borough Council
Redrow
RTPI Cymru
SBWWI
SSE Water
SDS Ltd
Society of British Water & Waste Water Industries
Stormwater Management
Swansea University
Torfaen County Borough Council
UK Rainwater Management Association
Vale of Glamorgan Council
Wildfowl and Wetland Trust
Weetwood Services Ltd