



Llywodraeth Cymru
Welsh Government

Sustainable Drainage (SuDS) Statutory Guidance

For local authorities on the implementation of Schedule 3 to the Flood and Water Management Act 2010, the mandatory use of SuDS on new developments and approval and adoption by the SuDS approving body (the SAB)

Guidance

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Section 1: Introduction

Context for this guidance

- 1.1 From 7 January 2019, Schedule 3 to the Flood and Water Management Act 2010 (“the 2010 Act”) requires all new developments in Wales where the construction area is 100 square metres or more, to feature sustainable drainage systems (SuDS) for the management of surface water.
- 1.2 The SuDS must be designed and built in accordance with the Welsh Ministers’ Statutory SuDS Standards (the Statutory Standards)¹ and designs for SuDS schemes must be approved by the local authority, acting in its SuDS Approving Body (SAB) role, before any construction work begins. This includes early enabling works, such as site clearance works, level changes, infilling of sub-surface voids and cut and fill activities.
- 1.3 All of these works have the potential to influence how rainwater drains into the ground and runs across the surface of the site and therefore are considered to be construction works with drainage implications in accordance with paragraph 7 of Schedule 3 to the Act. A SAB application is additional to (and different from) a planning application and can be required in some circumstances where a planning application is not.
- 1.4 Upon completion of the works, SABs must adopt any compliant SuDS that serve two or more properties.²

Who this guidance is for

- 1.5 SuDS Approving bodies must have regard to this guidance under Schedule 3 to the 2010 Act.
- 1.6 This guidance is also aimed at applicants, their agents, statutory consultees and developers, to provide some clarity around the process of seeking and obtaining SAB approvals, and about how the Statutory Standards could be met in different settings. Applicants must demonstrate compliance with the Statutory Standards to obtain SAB approval (see further below).

Status of this guidance

- 1.7 This document is statutory guidance to which local authorities must have regard when exercising their SuDS approving body function under paragraph 6 of Schedule 3 to the 2010 Act.

¹ Statutory SuDS Standards for designing, constructing, operating and maintaining surface water drainage systems, available at: <https://gov.wales/topics/environmentcountryside/epg/flooding/drainage/?lang=en>

² The duty to adopt does not apply if the system serves a site which is owned, managed or controlled by a single person or two or more persons together, as defined in regulations – see regulation 9 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

- 1.8 This guidance is effective from the date of publication and replaces the statutory guidance issued in 2019. This guidance should be read with the current Statutory Standards.
- 1.9 This guidance is issued by the Welsh Government on behalf of the Welsh Ministers. In the event of a SAB seeking to determine the appropriate handling of an issue not specifically addressed by this guidance, it is best practice to engage with other SABs, either at a regional level or at a national level via the mechanism of the SuDS Community of Practice or the SAB Society for Wales. SABs across Wales should collaborate to reach a consensus approach to such issues, so that these are handled consistently and equitably across Wales, and to better inform future guidance issued by the Welsh Ministers.
- 1.10 If you are a potential applicant seeking advice about the interpretation of the Statutory Standards, this guidance, or what is deemed likely to be approved under a SAB application, you should seek advice from your local SAB as early as possible and ideally at site-conceptual stage.
- 1.11 It is important to note that Welsh Government officials have no power or authority to provide any interpretive or technical advice, either to SABs or to applicants, in individual application cases, nor subsequently to critique the decision making of a SAB, owing to the Welsh Ministers' statutory role in potential appeals against SAB decisions. This appeals function is delegated to Planning and Environment Decisions Wales (PEDW). Specific advice to applicants around how to make an appeal can be accessed from [here](#).
- 1.12 The guidance is issued by virtue of the Welsh Ministers' powers under:
- Paragraph 15 of Schedule 3 to the 2010 Act, which provides for guidance to be issued about the process of seeking and obtaining approval - and for all other aspects contained in this guidance which do not come under this provision;
 - Section 58A of the Government of Wales Act 2006, which transfers executive functions to the Welsh Ministers to do things which are conducive or incidental to their other functions.

What is a SAB?

- 1.13 Schedule 3 to the 2010 Act establishes SuDS Approving Bodies (SABs) in local authorities. The legislation gives those bodies statutory responsibility for approving and, in specified circumstances, adopting the approved drainage systems.
- 1.14 The SAB is established to:
- Evaluate and approve surface water drainage applications for new developments, where construction work has drainage implications, and

- Adopt and maintain SuDS schemes, subject to the conditions and exemptions specified in the 2010 Act and the approvals and adoption procedure regulations³.

What is a SuDS application?

- 1.15 An application demonstrating compliance with the Statutory SuDS Standards for the design, construction, operation and maintenance and operation of surface water systems serving new developments, where the land covered is 100 square metres or more, must be submitted to the SAB.
- 1.16 Applications may be submitted to the SAB for determination either as a free-standing application or alongside the planning application via the Local Planning Authority (LPA) (a combined application). It is recommended that LPAs and SABs should work in partnership, as far as possible, to more smoothly deliver the best possible outcomes for applicants.
- 1.17 It is important to note that construction work which has drainage implications must not be commenced unless the drainage system for the work has been approved by the SAB.
- 1.18 For every new development, the Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.

Wider legal framework and interaction with the Statutory Standards

- 1.19 Schedule 3 to the 2010 Act requires that the Welsh Ministers publish national standards for the design and construction of sustainable surface water drainage systems on new developments. It requires that the proposals for such systems are approved by the SAB before any construction work may begin and when considering an application, the SAB needs to satisfy itself that the drainage system meets the SuDS Standards both when first constructed and for the lifetime of the development through appropriate and robust maintenance.
- 1.20 The 2010 Act also provides the framework for the approval and adoption of these surface water drainage systems. Its implementation in Wales is supported by six statutory instruments, which deal with:
- Approval and Adoption ([The Sustainable Drainage \(Approval and Adoption\) \(Wales\) Order 2018](#)) (external link);
 - Procedural matters relating to approval and adoption ([The Sustainable Drainage \(Approval and Adoption Procedure\) \(Wales\) Regulations 2018](#)) (external link);

³ See The Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

- Fees ([The Sustainable Drainage \(Application for Approval Fees\) Wales Regulations 2018](#)) (external link);
- Enforcement of the requirement for approval by the SuDS Approving Body ([The Sustainable Drainage \(Enforcement\) \(Wales\) Order 2018](#)) and [The Sustainable Drainage \(Enforcement\) \(Wales\) \(Amendment\) Order 2020](#));
- Appeals against decisions of the SuDS approving body ([The Sustainable Drainage \(Appeals\) \(Wales\) Regulations 2018](#)) (external link).

- 1.21 The legislation, together with the Statutory Standards establishes an approvals and adoption mechanism, which is explained and supported by this guidance.
- 1.22 The guidance provided in this document has been refreshed with input from the members of the SuDS Community of Practice
- 1.23 Where appropriate, SABs may wish to provide further supplementary guidance to build on the guidance provided in this document and support the delivery of the approval and adoption role. However, care must be taken to ensure such guidance does not contradict this guidance (or give the impression of superseding it). SABs should consider engaging with relevant stakeholders prior to publishing any such supplementary advice.

A note on the compliance of Public Works

- 1.24 In line with the Well-being of Future Generations (Wales) Act 2015, all public bodies in Wales are legally required to act in accordance with the sustainable development principle and to take decisions that maximise their contribution to Wales' seven well-being goals. The Act places a clear duty on public bodies to think long term, prevent problems, integrate their actions, collaborate effectively, and involve people in the decisions that affect them.
- 1.25 In this context, any public body commissioning or undertaking construction works to which the statutory SuDS requirements apply is expected to demonstrate exemplary compliance with those requirements. This means taking all reasonable steps to ensure that SuDS are designed, approved, delivered, and maintained in a way that supports environmental resilience, prevents future flooding and pollution risk, and contributes meaningfully to wider well-being objectives. By embedding SuDS compliance fully within project planning and delivery, public bodies will fulfil their obligations under the Act, support a more resilient and globally responsible Wales, and ensure that infrastructure developed today does not compromise the well-being of future generations.

Section 2: Implementation

The main provisions of Schedule 3 to the Flood and Water Management Act 2010

- 2.1 The key provisions relating to sustainable drainage in Schedule 3 to the 2010 Act make the use of sustainable drainage in all new developments (including re-developments) with drainage implications mandatory, together with providing a duty and a mechanism for ensuring their future adoption and maintenance.
- 2.2 The 2010 Act requires the Welsh Ministers to publish Standards for sustainable drainage.
- 2.3 In order to deliver the aims of the 2010 Act, it:
- makes each unitary authority in Wales responsible for approving SuDS designs before any construction work with drainage implications can commence
 - requires the SAB, to adopt drainage systems serving multiple properties, making it responsible for ensuring a surface water drainage system adopted by the SAB is maintained in accordance with the Statutory SuDS Standards.
 - amends the Water Industry Act 1991 to make the right to connect surface water to public sewers conditional on the drainage system being approved by the SAB as meeting the Statutory SuDS Standards.
 - requires the Welsh Ministers to make secondary legislation providing for a right of appeal against approval and adoption decisions by the SAB; enforcement of the requirement for approval; and for approval fees
 - enables secondary legislation to be made relating to various matters concerning approval and adoption.
 - sets out the statutory consultation requirements for the approval process.
- 2.4 A flow chart of the SuDS application process with SAB input is at Annex 2.

Sustainable Drainage

- 2.5 Paragraph 2 of Schedule 3 of the 2010 Act defines sustainable drainage as managing rainwater with the aim of:
- Reducing damage from flooding,
 - Improving water quality,
 - Protecting and improving the environment,
 - Protecting health and safety, and

- Ensuring the stability and durability of drainage systems.

Statutory Standards for SuDS - principles, standards and guidance

2.6 The aim of the Statutory SuDS Standards is to provide a framework in the form of principles and standards, together with guidance for ensuring good quality SuDS on new developments which will stand the test of time. On considering an application for approval the SAB must⁴:

- grant it, if satisfied that the drainage system if constructed as proposed will comply with the Statutory SuDS Standards; or
- refuse it if not satisfied.

2.7 When granting an application for approval, the SAB may apply conditions to the approval. These conditions are limited in scope but may:

- Relate to the construction of the drainage system (which may involve modification of the proposal for construction)
- Provide that approval takes effect only if and when the applicant provides a non-performance bond, which may in turn be subject to a legal agreement between the SAB and the Developer
- Relate to inspection
- Require the payment of additional fees (e.g. inspection fees)

2.8 The approved statutory SuDS Standards are published on the Welsh Government's web site as the Welsh Ministers' [Statutory Standards for Sustainable Drainage Systems](#) (external link)⁵. Unless a development is exempt from the SAB approval requirement (see section 2 of this guidance), the applicant must demonstrate compliance with the statutory SuDS Standards.

2.9 The statutory SuDS Standards contain:

- A set of Principles, which in order to obtain SAB approval must be applied in the design of any surface water drainage scheme, and
- Six standards, numbered S1 to S6 which deal in turn with:
 - S1 - Runoff destination
 - S2 - Hydraulic control
 - S3 - Water quality

⁴ See paragraph 11(1) of Schedule 3 to the 2010 Act.

⁵ The Statutory SuDS Standards for designing, constructing, operating and maintaining surface water drainage systems, are available at; <https://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

- S4 - Amenity
- S5 - Biodiversity
- S6 - Construction, operation and maintenance

2.10 Each of the Statutory SuDS Standards is numbered and presented in the document in a grey box. For example:

S3 Surface water quality management

Surface water runoff should be treated to prevent negative impacts on the receiving water quality and/or protect downstream drainage systems, including sewers

2.11 The Statutory SuDS Standards are followed by Welsh Ministers' Guidance in paragraphs prefixed with a G. For example:

Guidance on Standard S3 - Water Quality

G3.1 Runoff from roads, commercial and other urban environments can, in particular, contain grits, sediments, oils and PAHs, metals, and dissolved salts – each of which has the potential to cause pollution of receiving surface water or groundwater. SuDS can be effective at reducing a wide range of these pollutants through enabling sedimentation, filtration and a range of photolytic, chemical and biological processes.

2.12 The Guidance in the Statutory SuDS Standards is to provide clarification on the intentions of the Standards. There are a wide range of techniques which can be used in designing a sustainable drainage scheme for a development, and applicants should be prepared to demonstrate how they have balanced both the Principles and the Standards with site specific constraints.

2.13 For details of the range of available solutions, designers should consider the comprehensive SuDS Manual and Guidance on the Construction of SuDS published by CIRIA.⁶

2.14 It is important to note that no specific drainage technique is ruled out by the statutory SuDS Standards. They do, though emphasis the preference for solutions close to source and on the surface which deliver multiple benefits through both the principles and the hierarchy within S1. This aligns with the duties on public bodies in Wales for maintaining and enhancing biodiversity and for improving the environmental, social, economic and cultural well-being of Wales.

2.15 The statutory SuDS Standards encourage a variety of SuDS techniques which can help increase access to green spaces and provide community facilities to bring people together such as wetlands, swales, ponds and vegetated systems or even green walls and roofs. This is highlighted as a

⁶ The CIRIA SuDS Manual, is available from: https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753

“best buy” to prevent mental ill health and improve mental well-being by Public Health Wales. Studies also suggest that people living closer to good quality green space are more likely to have higher levels of physical activity, are more likely to use the space and to do so more frequently.

The design and delivery of multiple benefits SuDS

2.16 The definition of sustainable drainage laid out in legislation and the statutory standards for sustainable drainage both highlight that SuDS need to deliver more than just management of surface water volume.⁷ This guidance aims to facilitate and guide the SAB and others in identifying how and if a SuDS proposal will deliver these multiple benefits.

At the strategic planning level

2.17 It is important that strategic planning provides for SuDS, ensuring space within development so that surface features which are more likely to provide multiple benefits can be accommodated and SuDS do not have to be “squeezed in” and compromises made.

2.18 Where very large sites are identified for development within Local Development Plans which are likely to involve different companies developing different parcels of land within the same site, the best interests of the future residents (as well as the SAB) will be served if SuDS are designed with the whole site in mind, rather than discrete parcels of land.

2.19 Understanding where SuDS can deliver multiple benefits at the strategic level is important for understanding the impact of development and SuDS at a landscape and catchment scale and mitigating any cumulative impacts of development.

Identifying multi-beneficial SuDS in applications

2.20 In identifying the multi benefit options available in a development it is important to include designing for multiple benefits from the outset. This includes consulting with relevant local expertise, such as catchment and coastal partnerships, local wildlife trusts and ecologists. The best results will be obtained if this is initially undertaken at the master planning stage, if there is one, or otherwise at the pre-application stage.

2.21 Multi-benefit SuDS can be cost-beneficial in even the most constrained sites if considered from the outset with the right experts at the table.

2.22 In assessing whether multiple benefits have been effectively integrated into a development, the SAB should consider whether the following have been assessed and included appropriately in the design of the SuDS:

- ecological and hydrological needs within the site and surrounding area
- practical opportunities offered by existing water features and land forms

⁷ See paragraph 2 of Schedule 3 to the 2010 Act for the definition of “sustainable drainage”.

- water quality issues (this could include proximity to Special Areas of Conservation, or SACs)
- the needs of the site users and surrounding community
- strategic green infrastructure needs
- opportunities to create, restore, or ecologically link habitats
- opportunities to combine SuDS with landscaping, recreation, active travel, and play provision.

2.23 If opportunities for multiple benefits have not been taken, a robust argument for the decision must be made. Criteria for this could be developed by the SAB to ensure a fair and standard approach and ensure decision making is transparent. These criteria should be developed using in-house expertise such as biodiversity officers and in consultation with relevant stakeholders such as Natural Resources Wales. Importantly, even with infiltration constraints, a wide range of SuDS such as green roofs and rain garden boxes can still be used which can deliver for multiple benefits. Infiltration constraints are not a valid reason alone for a development not to incorporate multi-beneficial SuDS.

2.24 Cost benefit analysis should include full assessment of social and environmental costs and benefits. It should be considered alongside the need for SuDS to deliver other standards recommended in legislation, such as the accessible green space standards in Planning Policy Wales Technical Advice Note 16 on Sport, Recreation and Open Space.⁸ This is especially important for understanding viability. We advise that a standard approach to cost benefit analysis is promoted by SABs to place all developers on a level playing field and to make it easier to understand where shortcuts may be being taken. All cost benefit analysis will have gaps and it is important to understand the specific weaknesses in valuing certain costs or benefits in any standard approach adopted. This is acceptable as long as those weaknesses are factored into decision making. The Organisation for Economic Development and Co-operation (OECD) has developed significant literature on cost benefit analysis.⁹

Ensuring longevity of multiple benefits

2.25 Proposals for a maintenance plan need to be submitted by the developer with the application to the SAB for approval.¹⁰ It is often the case that surface features and those providing multiple benefits are simpler to manage than traditional drainage options and below surface features. However, they do need to be managed to ensure that they continue to function properly; the delivery of multiple benefits continues; and that compliance with national standards is maintained. As such we recommend that the maintenance plan

⁸ Planning Policy Wales Technical Advice Note 16 on Sport, Recreation and Open Space, available at: <https://gov.wales/topics/planning/policy/tans/tan16e/?lang=en>

⁹ The OECD report on Cost-Benefit Analysis and the Environment, is available at: <http://www.oecd.org/env/tools-evaluation/cost-benefitanalysisandtheenvironmentrecentdevelopments.htm>

¹⁰ See the Principles at Section 2 of the Statutory SuDS Standards.

includes proposals to manage the SuDS in a way which supports the practical ongoing delivery of multiple benefits.

- 2.26 For example maintaining various levels of sward height for biodiversity or using vegetation rather than fencing to avoid accidents. The maintenance plan must make clear the multiple benefits provided by the SuDS and how to best manage them in order to facilitate maintenance.
- 2.27 Adoption and funding – Any maintenance plan should include objectives around maintaining the multiple benefits provided by the SuDS (as detailed in the maintenance plan). Maintenance plans should also include an agreement for adequate biosecurity measures to avoid spread of invasive non-native species. Funding needs to account for maintaining multiple benefits.
- 2.28 Monitoring and reporting – any monitoring and reporting of the maintenance plan overseen by the SAB should show that the multiple benefits laid out in the maintenance plan are being delivered. The SAB may wish to agree with the developer an appropriate monitoring and reporting process.
- 2.29 Community engagement – it is important that the community understands the multiple benefits that the SuDS provide in order to gain community buy in to the schemes. If a community feels proud of its green spaces, they are more likely to succeed in delivering multiple benefits for the long term. Possible approaches include using signs to explain how the system works and involving the local school/community group in designing, planting or even maintaining the scheme.

Engaging communities and householders

- 2.30 The move to a requirement for the SuDS approach to be used for new developments has started to change the appearance of these developments and bring people into closer contact with their local environment. This “reconnection” of people with water is an important outcome of implementing SuDS but requires the development of a common approach for communicating about SuDS and their benefits.
- 2.31 The Welsh Government will work with SABs and other interested groups to develop suitable resources for communities and householders in particular.
- 2.32 It will also be important for those with single premises sites, where the system is exempt from the duty to adopt and not voluntarily adopted by the SAB, to understand their responsibilities for upkeep and the consequences of failing to undertake appropriate maintenance. We propose to work with stakeholders to develop suitable resources which can be shared across Wales.

Exemptions from the need for SAB approval

- 2.33 SAB approval is not required for:

- Permitted development covering an area of land under 100 square metres.¹¹
- Developments with drainage implications where the area of land covered by the construction work is less than 100 square metres, or
- In the case of any other type of construction work, the area of land covered is less than 100 square metres.¹²

2.34 Schedule 3 to the 2010 Act exempts from the need for SAB approval work requiring development consent as a nationally significant infrastructure project.¹³

2.35 The 2010 Act allows Welsh Ministers to make orders about further exemptions.¹⁴ The following construction works are exempt from the need for SAB Approval:¹⁵

- construction work carried out by an internal drainage board in exercise of its functions under the Land Drainage Act 1991;
- construction work carried out for the purpose of, or in connection with, the construction of—
 - (i) road for which the Welsh Ministers are the highway authority, or
 - (ii) a railway by Network Rail.

Limits and clarification of the exemptions for road and rail

2.36 All new roads to be adopted and maintained by the Welsh Government remain exempt from statutory SuDS legislation, specifically motorways and trunk roads (major A-roads). However, any roads created as part of a new Welsh Government highway project (i.e. one in receipt of Welsh Government funding), that are either owned or adopted by a Local Highway Authority (or other landowner) are not exempt from the legislation and may be subject to enforcement action if SAB approval is not obtained prior to their construction.

2.37 Any new rail installed by Network Rail is exempt from the statutory SuDS legislation¹⁶, but specifically only the track and bed. Any other associated facilities including station buildings, platforms, roofing, or car parking areas (etc.), are not exempt from the legislation and may be subject to enforcement action if SAB approval is not obtained prior to their construction.

SuDS subject to SAB approval but not adoption

¹¹ See article 4 of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018.

¹² See article 6 of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018.

¹³ See paragraph 7(3) of Schedule 3 to the 2010 Act, this exempts developments requiring development consent under Section 31 of the Planning Act 2008.

¹⁴ See paragraph 7 (4)(b) of Schedule 3 to the 2010 Act.

¹⁵ See article 3 of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018.

¹⁶ See The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018 (article 3(2)(b)(ii)).

2.38 Subject to the exemptions from the need for SAB approval, the SAB approves but does not adopt SuDS if the scheme:

- Serves a single property.¹⁷
- Is a publicly maintained road to which section 41 of the Highways Act 1980 applies.¹⁸

Linking with existing processes - Planning, Highways and Parks departments

2.39 It is important that however the SAB duty is delivered, those responsible for its delivery work closely with planning, highways, parks and other relevant colleagues within each Local Authority. SAB approval and adoption duties are technical approval processes akin to Building Regulations technical approval rather than planning decision making.

2.40 Whilst Schedule 3 to the 2010 Act allows for combined planning and SuDS applications to be made, it is important that the separation between the SAB approval and planning processes is clearly understood. Neither process is dependent on the outcome of the other. For example, a development proposal may receive planning approval but not meet the requirements of the SAB process and vice versa.

2.41 Technical Advice Note 15 on Development, flooding and coastal erosion (TAN15) advises that a situation where a development receives planning permission, but is refused SAB approval, or vice versa should be avoided wherever possible.

2.42 To avoid these scenarios, it is important that SAB requirements are considered as early as possible in the development process and in parallel with planning requirements. This can be best achieved by applying for SAB approval and planning permission simultaneously, either as separate stand-alone applications or as a single, joint application.

2.43 Where planning permission is sought prior to SAB approval, a Drainage Statement, as set out in TAN15, should be provided to the Local Planning Authority. It is highly recommended to seek early engagement with the SAB through pre-application advice services to ensure that the Drainage Statement is developed in accordance with the Statutory Standards and any local SAB requirements to help minimise the risk of failing to gain all consents or delays resulting from re-planning of a development. Missing, inadequate or fundamentally flawed Drainage Statements may be a reason for an LPA to refuse the planning application.

2.44 A Flood Consequences Assessment (FCA) is required for any development located fully or partly in Surface Water and Small Watercourses Flood Zones 2 and 3. Local Authorities may exercise some discretion for

¹⁷ See paragraph 18 of Schedule 3 to the 2010 Act and for the definition of single property exception regulation 9 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

¹⁸ See paragraph 19 of Schedule 3 to the 2010 Act.

householder / single property applications where the risk may be lower due to the nature of the development proposed and the requirements of the FCA should be proportionate to the development proposal. An FCA should also be undertaken for development on sites outside of these zones, but which has the potential to affect the course of surface water and / or excess water from ordinary watercourses.

- 2.45 This level of discretion and additional requirements will normally be developed in partnership between the Lead Local Flood Authority (LLFA), SAB and LPA. Local Authorities may publish further guidance on when FCAs may not be required, proportionate approaches to the requirements of FCAs and additional Critical Drainage Areas (CDAs) or where there is a potential impact on Critical Flood Risk Asset (for example, already adopted SuDS, culverted watercourses with known capacity issues, and structures or natural features designated under Schedule 1 to the Flood and Water Management Act).
- 2.46 Information relating to the location of Critical Flood Risk Assets is available to view on NRW's National Flood Asset Database. However, it is recommended to either run Planning and SAB applications simultaneously as noted above or engage with the SAB through pre-application advice services if planning is being progressed ahead of SAB approval for any developments in Surface Water and Small Watercourses Flood Zone 2 and 3 or in the vicinity of CDAs or Critical Flood Risk Assets.
- 2.47 Missing, inadequate or fundamentally flawed FCAs may be a reason for an LPA to refuse the planning application.
- 2.48 Drainage should be considered at the earliest stages of site design to influence the layout of roads, building and open spaces.
- 2.49 Potential purchasers of new properties, including those buying 'off plan', will need to know whether the sewers, highway, roads and SuDS will be adopted. Local authorities will need to be able to respond to such routine inquiries.

Planning

- 2.50 Opportunities for SuDS will be maximised through cooperative working between the SAB and Local Planning Authorities. Developers should demonstrate compliance with the statutory SuDS Standards and local policy when submitting planning applications.
- 2.51 There is likely to be a continuing role for planning permission to be granted subject to section 106 conditions under the Town and Country Planning Act 1990 designed to ensure adequate drainage arrangements for surface and foul water are in place.

Highway Development

- 2.52 Opportunities for SuDS will be maximised through cooperative working between the SAB and Highway Authorities. Highways planned by new developments are required to comply with the statutory SuDS Standards (unless exempt). The legislation requires Highway Authorities to consider for adoption of SuDS approved by the SAB. Where a Highway Authority adopts a road maintainable at public expense they must act in accordance with the approved drainage design, including the maintenance regime, in compliance with the statutory SuDS Standards. Highway adoption policies should be reviewed to reflect this.
- 2.53 The SAB is exempt from adopting any part of a sustainable drainage system for which the highway authority is already responsible or for which it could be responsible for maintenance.

Public open space

- 2.54 Opportunities for SuDS will be maximised through cooperative working between the SAB and Local Authority departments with responsibility for parks, recreation, green space, biodiversity, and countryside. The statutory SuDS Standards encourage good quality SuDS (such as wetlands, swales, ponds and vegetated SuDS) which can help enhance access to green spaces.

Biodiversity Net Benefit and meeting the Biodiversity Standard

- 2.55 Standard 5 of the Statutory SuDS Standards (the Biodiversity Standard) sets out how well-designed SuDS should enhance and protect existing wildlife habitats, use native planting, create wildlife-supporting features, and contribute to wider ecosystem resilience as part of multifunctional drainage design.
- 2.56 Under the planning process in Wales, all new developments are expected to deliver measurable biodiversity enhancements and to protect existing wildlife and habitat, and SuDS are expected to provide additional benefits in this domain.
- 2.57 The direction of travel is becoming even stronger, as signalled by the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill which completed Stage 4 in February 2026, and embeds environmental principles into decision making and strengthens the section 6 duty of the Environment (Wales) Act 2016, to maintain and enhance biodiversity. This will give further weight to the expectations already embedded in the Biodiversity Standard and raise the bar for compliance even higher.
- 2.58 At the time of publication, developers and SABs are required to interpret Standard 5 in the context of:

- **Environment (Wales) Act 2016** – requiring public bodies to *maintain and enhance biodiversity* and promote ecosystem resilience.
- **Sustainable Management of Natural Resources (SMNR) principles** – mandating nature-based, ecosystem-led design.
- **Planning Policy Wales (Edition 12)** – requiring development to deliver *a net benefit for biodiversity*.
- **Nature Recovery Action Plan for Wales** – setting national priorities for habitat restoration and species recovery.

2.59 Taken together, the prevailing legislative and policy framework establishes a clear expectation that SuDS should go beyond simple mitigation and protection and deliver measurable, enduring and maintained improvements for biodiversity. In this context, SuDS are expected to play an active role in enhancing ecological resilience and contributing positively to nature recovery objectives at both local and national levels.

2.60 Effective delivery of biodiversity outcomes begins with a thorough understanding of existing site ecology. Design proposals should therefore demonstrate how ecological assets are protected and, where possible, strengthened, with careful consideration given to the presence of existing habitats, species, and ecological networks. SuDS features should be integrated sensitively into the wider landscape to support ecosystem connectivity and resilience, and their contribution to relevant Nature Recovery Action Plan priorities should be clearly articulated.

2.61 In addition to protection, SuDS are expected to provide tangible biodiversity enhancements. They should be conceived as multifunctional elements of green infrastructure, capable of supporting wildlife as well as managing surface water. Opportunities may include the creation of wetlands, ponds, swales, and basins that function as habitats, the use of native and locally appropriate planting to support pollinators and priority species, and the incorporation of varied structures and microhabitats such as marginal vegetation, deadwood, and changes in water depth. Any enhancements proposed should be proportionate to the scale and context of the development, grounded in evidence, and clearly linked to identified ecological opportunities.

2.62 Biodiversity considerations should shape SuDS design from the earliest stages rather than being appended after layouts are fixed. Ecological surveys and assessments should inform the location, form, and function of SuDS features, with a strong preference for naturalistic, open systems over engineered or underground solutions wherever feasible. Proposals should also demonstrate how SuDS contribute to wider green infrastructure networks beyond the site boundary, reinforcing their role in delivering strategic environmental benefits.

2.63 The long-term success of SuDS in delivering biodiversity gains depends on appropriate management and stewardship. Developers are therefore expected to set out how ecological functions will be maintained over time,

including through the provision of a Landscape and Ecological Management Plan that aligns with SAB requirements. Where habitats are created or enhanced, monitoring arrangements should be proportionate to their scale and sensitivity, ensuring that intended biodiversity benefits are sustained and can be demonstrated over the lifetime of the development.

Setting SAB fees and service standards

Ensuring SAB fees are fair and represent good value for money

- 2.64 At the time of publishing, SAB fees remain as they were when they were first established in 2019 and have not risen to take account of inflation or other cost factors.
- 2.65 At the time of publishing, options for revising the fees for SABs is being considered as part of the work of the Welsh Government led SuDS Community of Practice (an external stakeholder group representative of developers, the WLGA, local authorities and other key stakeholders). This work is in its early stages and will report to the Welsh Ministers before any decisions or action is taken to revise the fees.
- 2.66 Our objective is to ensure that charges are fair to both applicants and local authorities. Local authorities must ensure overall charges for their services achieve cost recovery but should represent good value for money for both small scale and large developers.
- 2.67 Local authorities have been asked to undertake annual reporting on the delivery of their SAB function to the Welsh Government. This will inform our approach for monitoring overall service standards and setting future fees
- 2.68 Any updates or changes of relevance to SAB fees and service standards will be published to the SuDS pages of the Welsh Government website.

Section 3: SuDS Approval

A summary of the SuDS application process is attached at **Annex 2**.

Before an application for SAB approval is made

Shaping new development

- 3.1 Implementing SuDS on new developments requires a fundamental change in how drainage is considered.
- 3.2 SuDS are intended to maximise the opportunities and benefits that can be provided by the effective management of surface water. This can only be achieved when the principles of SuDS are considered fundamental to the design practice **right from the start of the development process, at the conceptual stage.**
- 3.3 The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage. Implementing effective SuDS on a development site will require a joined-up approach by the local authority across multiple disciplines, and early involvement of drainage/flood risk engineers, landscape architects, highways engineers, biodiversity and amenity staff, building control and planners is considered key to secure quality effective SuDS.
- 3.4 Those planning any surface water drainage system, including SuDS schemes need to take account of a range of legislation. Further guidance on the links between SuDS and other relevant legislation is provided in the Statutory SuDS Standards under the section on Sustainable Drainage - the Regulatory Framework.

Early engagement

- 3.5 The SAB should work with planners, highways departments and others, such as sewerage undertakers, to encourage pre-application discussion in advance of formal applications being made. There should be an emphasis on partnership working to bring together all those involved in the process at an early stage of site development. This will be critical to achieving the necessary planning, SAB and other approvals and to successful implementation of effective and compliant SuDS.
- 3.6 Pre-application discussions involving all interested parties provide an opportunity to resolve potential conflicting priorities, to consider downstream issues and the potential for mitigation of problems elsewhere. They may influence proposals to comply with national standards and local policy. Pre-application discussion can help ensure the applicant is fully aware of requirements at the outset, thereby limiting delays to approval and reducing cost in the long term. The SAB will often have local knowledge of assets, flood risk, water quality constraints or ecological context that they can bring to pre-application discussions

- 3.7 The SAB should encourage developers to engage stakeholders at the earliest opportunity in the pre-application stages; advice should be sought from the Local Authority as SAB, Local Planning Authority (LPA), Lead Local Flood Authority (LLFA) and from relevant parties such as statutory consultees. Although some bodies may charge for pre-application advice, we consider it is worth investing at this stage to prevent later delays.
- 3.8 Early engagement with sewerage undertakers will enable developers to take a holistic view of the design of foul and surface water drainage systems. Such discussions are particularly important if the surface water will enter its network at any stage. If the developer wants to connect a surface water system to the public sewer, either directly or indirectly, it must make that explicit in its proposals for SAB approval.¹⁹
- 3.9 The extent of advice and support that developers will need may vary. In particular, smaller developers may be less familiar with SuDS concepts and are likely to have less access to expert advice. They may be reluctant to seek early engagement. It may be appropriate for SABs to produce simple guidance suitable for such infrequent, small-scale developers.
- 3.10 The local authority (which is also the SAB) may choose to use powers available to them under other legislation²⁰ to seek to recover costs which they incur for undertaking SAB functions but which are not covered by the application fee, such as pre-application advice.

Consulting with statutory and non-statutory consultees

- 3.11 The SAB is required to consult with specified bodies where a SuDS application may impact upon that consultee.²¹
- 3.12 The consultees are:
- Natural Resources Wales,²²
 - any Sewerage Undertaker whose public sewer may be impacted,
 - Canal and River Trust/Glandŵr Cymru, and
 - the relevant Highway Authority.
- 3.13 These bodies were given a statutory role in recognition of the potential impact of surface water drainage discharges on either their assets or their regulatory interests. To avoid undue delay in the approvals process and for the purposes of the consultation the SAB will want to consider the information needs of statutory consultees and how to best to share the information.

¹⁹ See paragraph 16 of Schedule 3 to the 2010 Act, which adds a new section 106A (sustainable drainage) to the Water Industry Act 1991.

²⁰ Such as for example section 93 of the Local Government Act 2003.

²¹ See paragraph 11 (3) of Schedule 3 to the 2010 Act.

²² Natural Resources Wales are the “drainage body” under section 72 of the Land Drainage Act 1991.

- 3.14 The comments of statutory consultees should be regarded as a material consideration by the SAB. For example, if some (or all) of the flows are likely to enter a sewerage undertaker's network, its views must be carefully considered by the SAB and mutually acceptable arrangements sought
- 3.15 We expect the SAB to establish good relationships with statutory consultees to ensure that the consultation process works effectively. Consultees may wish to identify matters it would expect to be consulted on and establish criteria in relation to the potential impact, location, destination and size of applications to prioritise those most likely to be of concern to their interests. This would allow them to have a standard response for many applications and site-specific responses where needed.
- 3.16 Where the SuDS application may have a direct or indirect impact on the interests of the statutory consultee we expect as minimum that the SAB should provide the following information to a statutory consultee for the purposes of or in connection with the consultation:
- a copy of the application form relating to a relevant application,
 - the reference number allocated by the SAB to the application,
 - any plans or drawings in connection with the relevant application;
 - any proposals concerning where and when the application may be inspected,
 - any reports and or supporting information in connection with the relevant application which is issued to the SAB, and
 - any other information the SAB considers appropriate.
- 3.17 Where a site-specific response is requested, statutory consultees should provide this within the prescribed three-week timescale²³ or seek an agreed extension. The SAB may disregard any comments received after the agreed date.
- 3.18 Statutory consultees should provide timely responses to consultation requests. For many applications, this may be in the form of confirming what other consents / permissions may be required (e.g. connection to a public sewer under S.106A of the Water Industry Act, Flood Risk Activity Permit, protected species licenses, etc.) and provision of standing advice or a link to a web page with the same information. Where a site-specific response has been requested by the SAB within the consultation request, statutory consultees are expected to provide detailed observations and information relating to the application and in the context of their operational and regulatory responsibilities.
- 3.19 Where the SAB makes a decision against the advice of the statutory consultees, it should inform them prior to granting approval, allowing sufficient time for further representations to be made.

²³ See regulation 4 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

3.20 Statutory consultees are also given the status of interested parties for the purposes of appeals.²⁴ This is intended to provide for statutory consultees to be told of the appeal and to be given the opportunity to submit representations to be taken into account in its determination by ministers.

3.21 The SAB may also wish to undertake additional non-statutory consultation, where appropriate. There is no regulatory requirement for non-statutory consultation, however to avoid delay any non-statutory consultation should be undertaken within the time-frame permitted for statutory consultation.

Making an application to the SAB for approval – requirements, determination, conditions and the application form

3.22 An application for approval of a drainage scheme may be made to the SAB separately from or alongside a planning application. The planning and SAB approvals are independent systems and there may be circumstances where separate applications are appropriate, for example for permitted developments, where planning approval is not required but SAB approval is. The legislation is flexible and designed to allow both SAB only applications and applications for both in parallel

Validly made applications

3.23 As a minimum, a valid SuDS application to the SAB needs to be accompanied by:

- a plan specifying the construction area and the extent of the drainage system, drawn to an identified scale and showing the direction of North,
- information on how the construction work will comply with the Statutory SuDS Standards (this information may assist the SAB with its determination of the application in accordance with provisions in legislation),²⁵
- a statement on whether or not the application relates to a development that is the subject of an EIA²⁶ application (if subject to an EIA, the time limit for SAB determination of the application for approval will be 12 weeks, instead of 7 weeks as for all other applications),²⁷
- the appropriate application fee,²⁸

3.24 Additionally, the Statutory SuDS Standards contain a principle²⁹ so that SuDS applications should be submitted with proposals for a maintenance plan and the means of funding for the scheme for its design life, which

²⁴ See regulation 9(3)(d) of the Sustainable Drainage (Appeals) (Wales) Regulations 2018 and article 17(3)(g) of the Sustainable Drainage (Enforcement) (Wales) Order 2018.

²⁵ See paragraphs 5(3) and 11(1) of Schedule 3 to the 2010 Act.

²⁶ Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

²⁷ See regulation 5 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

²⁸ See regulations 3, 4, 5, 6, 7 and 9 of the Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018.

²⁹ See the Statutory SuDS Standards under the section on Principles.

should be equivalent to the lifetime of the development (see Standard G6.17 or section 4 of this guidance concerning funding and maintenance)

- 3.25 If the SAB application is combined with a planning application, as long as the plan accompanying the former shows the extent of the drainage system, a separate plan should not be necessary.
- 3.26 In addition to the above provisions, the SAB may set any other specific requirements as to the form and any information it requires for applications for approval.³⁰

The SuDS application form

- 3.27 Each SAB is responsible for its own application form requirements (although in practice these are very similar), specific to the area they serve.
- 3.28 As a matter of good practice we expect that SABs will take a proportionate and risk-based approach to the information they request from applicants, taking into consideration factors such as the size of the proposed development, local hydrogeology and topography, downstream risks, and ease of application for end users of the service.
- 3.29 We encourage SABs to work collaboratively with one another (via mechanisms such as the SAB Society for Wales) and to engage with service users to help ensure consistency of approach (where appropriate) and to drive improvements in the design of the application service.

Determination of applications

- 3.30 If for any reason the SAB application is not valid, the SAB must notify the applicant as soon as practicable, explaining why the application has been rejected and return the fee.³¹ In practice the SAB is encouraged to contact the applicant in the first instance to ask for any missing information to be submitted, and to agree an extension to the determination deadline.
- 3.31 The SAB has 7 weeks to determine applications other than those requiring an Environmental Impact Assessment, in which case it has 12 weeks.³² An extension of the timescale can be mutually agreed if needed, but a failure to determine the application within the relevant timescale will result in the application being deemed to have been refused.
- 3.32 It is important to note that SAB approval of the SuDS application for a development proposal is independent of the planning approval process. Timescales for SAB approval prescribed in regulations are aimed at ensuring the SuDS approval process does not impact on overall development timescales.

Approval subject to conditions

³⁰ See paragraphs 9(2)(a) and (b) and 10(2) of Schedule 3 to the 2010 Act.

³¹ See regulation 3 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

³² See regulation 5 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

3.33 It is open to the SAB to grant approval subject to conditions.³³ The non-exhaustive list below provides examples of matters which conditions could relate to:

- construction of the drainage system,
- modifications of a proposed drainage plan,
- associated fees and/or payment of a fee in relation to work done by the SAB in connection with approval,
- securing agreements for non-performance bonds,
- the maintenance plan and the means of funding for the scheme for its design life,
- testing periods for the SuDS following construction,
- inspections by the SAB before, during and after construction (based on the fee for inspection set in regulations),³⁴
- programme of works and phased construction plans showing management of surface and ground water during the life cycle of the construction phases.

3.34 Conditions should only be imposed where they are:

- necessary,
- relevant to the SAB approval and adoption process,
- relevant to the development to be approved,
- enforceable,
- precise, and
- reasonable in all other aspects.

3.35 Conditions should not duplicate requirements of other legislation.

3.36 A breach of a condition of approval can be enforced under the sustainable drainage enforcement regime.³⁵

Notice of approval decisions

3.37 The SAB must notify the applicant, LPA and statutory consultees of the decision as soon as reasonably practical after determining an application for approval.³⁶ If the application is refused, the applicant may appeal the decision (see section 5 of this guidance).

³³ See paragraph 11(2) of Schedule 3 to the 2010 Act.

³⁴ See regulation 8 of the Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018.

³⁵ The Sustainable Drainage (Enforcement) (Wales) Order 2018.

³⁶ See paragraph 11(4) of Schedule 3 to the 2010 Act.

Stipulating what inspections will be required

- 3.38 The SAB may stipulate in conditions of approval what inspections of the SuDS schemes will be required to ensure they are built to the appropriate standard with the specified or suitable materials.³⁷ The SAB can recover the costs of these inspections from the developer.³⁸
- 3.39 The SAB and the developer should establish the need for inspections and their timing and frequency, as part of the approval process. This will provide a degree of certainty over potential costs for both developer and SAB.
- 3.40 Advice relating to key stages of construction of SuDS features is given in CIRIA's Guidance on the Construction of SuDS. This guidance also includes checklists that can be used before, during and after construction of SuDS to record key parameters and observations.

Considering SAB agreements

Is an agreement needed to support adoption?

- 3.41 SuDS applications need to be accompanied by proposals for a maintenance plan and the means of funding for the scheme for its design life. As set out under the principles section of the Statutory SuDS Standards, this will enable applicants to demonstrate how the SuDS scheme will **perform safely, reliably and effectively over the design life of the development, taking into account the need for reasonable levels of maintenance.**
- 3.42 As part of the approval for the construction of a sustainable drainage system, the SAB may require a legal agreement to be entered, to ensure all works function for the duration of the SuDS design life and for the lifetime of the development in accordance with SAB approval, including any conditions.³⁹ The agreement may be entered into whether or not the works are to be adopted by the SAB in accordance with the regulatory criteria for adoption.
- 3.43 By way of example, the legal agreement may need to cover:
- the transfer of land,
 - easements,
 - access.
- 3.44 When an application is submitted, the SAB and developer should also discuss a legal agreement as a formal means of setting out any detailed arrangements concerning; the maintenance of the sustainable drainage system for the life-time of the development, the means of funding for the SuDS scheme for its design life (including any commuted sum or maintenance funding) . In relation to securing agreements to ensure the

³⁷ See paragraph 11(2) of Schedule 3 to the 2010 Act.

³⁸ See regulation 8 of the Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018.

³⁹ See paragraph 11 (2) of Schedule 3 to the 2010 Act.

SuDS remains compliant for the design life of the development, the SAB may wish to rely on existing powers available to local authorities under local government legislation.⁴⁰

Deciding whether a Non-Performance Bond is required

3.45 The SAB may require the deposit of a non-performance bond (the bond) as a condition of approval, so that SuDS approval will only take effect if and when the developer provides the bond.⁴¹ The kind and value of the bond is to be specified by the SAB in the condition.⁴²

3.46 The value of the bond may be set by the SAB at any level up to but not exceeding the best estimate of the overall cost of the works required to ensure the drainage system accords with approved proposals. The best estimate of overall cost is the maximum value for the bond.⁴³

3.47 Pre-application discussions between the SAB and the developer are a vital part of the process. These will provide an early opportunity to consider SAB conditions of approval and to resolve any potential disagreements. Appeals against decisions by the SAB about a condition⁴⁴ should only ever be considered a last resort.

3.48 The bond will be payable to the SAB if it certifies⁴⁵ that the drainage system:

- has been constructed in a manner that is not in accordance with the approved proposals; or
- is unlikely to be completed.

Purpose of the bond

3.49 The bond is intended both to underpin and to facilitate the provision of sustainable drainage on new development. It provides a vital safeguard to ensure the SAB has the means to remediate poorly constructed or incomplete SuDS. The bond should also incentivise applicants to complete works in a satisfactory manner to avoid the SAB draw on the bond.

3.50 The SAB may decide whether a bond is necessary. Having a bond may in particular ensure:

- local communities, businesses and occupiers are protected from flood risk resulting from new development,
- the downstream environment will be protected from the consequences of failure to complete sustainable drainage systems to the appropriate standards,

⁴⁰ See for example; Section 106 of the Town and Country Planning Act 1990, Section 2 of the Local Government Act 2000, and Section 111 of the Local Government Act 1972.

⁴¹ See paragraph 11 (2)(b) of Schedule 3 to the 2010 Act.

⁴² See paragraph 12 (1) of Schedule 3 to the 2010 Act.

⁴³ See paragraph 12 (5) of Schedule 3 to the 2010 Act.

⁴⁴ See paragraph 25 (1) (a) of Schedule 3 to the 2010 Act.

⁴⁵ See paragraph 12 (2) of Schedule 3 to the 2010 Act.

- the cost of rectifying any construction faults does not fall to the public purse,
- the SAB is not obliged to adopt poorly constructed or incomplete SuDS
- without having the financial means of undertaking repair or completion,
- both the SAB and the developer have a common understanding about the level of financial or related guarantee needed to secure sustainable drainage systems.

Calculating the value of the bond

3.51 The value of the bond must not exceed the SABs best estimate of the maximum likely cost of work required to ensure that the drainage system accords with approved proposals.

3.52 The value of the bond must not be set any higher than is needed to fulfil its purpose. The aim of the bond is to facilitate development; the SAB must ensure the value of the bond is reasonable and justifiable for the developer.

3.53 Estimates of costs are expected to be subject to detailed discussions between the SAB and the developer before the bond value or the manner of its release is set as a condition of SAB approval.

3.54 The costs of SuDS construction should be based on the most up-to-date information available. Where possible, to ensure consistency for developers the SAB should calculate the bond using industry standard guidance, where this is available. Where this is not possible, the SAB will need to make the best estimate of the cost implications for the non-performance bond. SABs are expected over time to make available a body of reliable data of the costs of SuDS elements.

3.55 The evidence required to calculate the bond value should normally be provided by the developer as part of the SuDS application. The SAB may request this or any other relevant information to accompany the application.⁴⁶

3.56 The starting point for calculating the value of the bond is the likely cost of the works needed for the construction of the SuDS proposals as approved. The SuDS application should therefore include:

- sufficient detail about the design and dimensions of the drainage system to allow the SAB to quantify each of the elements to be constructed, and
- the unit cost for each element of the SuDS.

3.57 This information should enable the SAB to calculate the cost of construction for each element of the SuDS.

⁴⁶ See paragraph 9(2)(b) and 10(2) of Schedule 3 to the 2010 Act.

3.58 To estimate the overall cost of construction the SAB may also need to take into account local factors likely to affect the cost of constructing each of the SuDS components. This may for example include:

- the special characteristics of the application site,
- the nature of the development proposed on the site,
- local costs of labour and materials,
- risks of failure in SuDS construction and
- site safety, security and welfare provisions.

3.59 The SAB will need to ensure that elements which should not be included in the cost of construction for bond purposes are identified and excluded from the calculation. This may for example include:

- site investigation, design costs and land costs,
- any SuDS elements unlikely to be subject to SAB remediation under the bond,
- any SuDS elements which drain only the highway, which should be covered by the highway bond rather than the SuDS bond,
- any removable items or features not required for the SuDS operation.

3.60 Ultimately the SAB is responsible for setting the value of the bond. It is for the SAB to ensure all information and calculations provided by the applicant are checked and that cost calculations together with any local factors taken into account are based on robust evidence, so that the bond is both reasonable and justifiable for the developer.

Draw down of the bond

3.61 In the event that the constructed system does not comply with the approved design or the construction is not completed the SAB will request the developer to undertake the necessary work to achieve compliance. Where the developer does not, for any reason, undertake the necessary work, the SAB may need to utilise some, or all, of the bond to undertake the work itself.

3.62 Before doing so, the SAB must consult⁴⁷ with the developer. It may then issue a certificate to the developer that the work has not been constructed or completed as approved or is unlikely to be completed. Once the SAB has consulted with and given notice of the certificate to the developer, it may then proceed to undertake any work necessary to achieve compliance. The sums received under the bond will be used by the SAB to meet the cost of

⁴⁷ See paragraph 12 (3) of Schedule 3 to the 2010 Act.

the works. Any sums remaining under the bond are to be returned to the developer.⁴⁸

Return of the bond

- 3.63 Where a bond has not been drawn down and the SAB is satisfied that the drainage system has been constructed in accordance with approved proposals, including any conditions of the approval which may specify a defect period and/or establishment period, the SAB must release the bond.⁴⁹
- 3.64 In the case of a development where the duty to adopt applies, or the SAB is voluntarily adopting the SuDS, the time period for doing so is within 4 weeks beginning on the first day after the SAB has given notice of its intention to adopt or its decision in response to a request to adopt.⁵⁰
- 3.65 In the case of a development where the duty to adopt does not apply and the SAB is not voluntarily adopting the SuDS, the time period for release of the bond is within 4 weeks beginning on the first day after completion of a drainage system that is constructed in accordance with the approved proposals.
- 3.66 While there is no legislative requirement on SABs to do so, SABs are encouraged to provide a completion certificate to confirm to developers that the works have been completed satisfactorily and in accordance with the approval and the National Standards. Where a SAB opts to provide such certification, the SAB can provide it in whatever format it deems appropriate.
- 3.67 Where the SAB uses the bond following certification, on completion of the works the SAB will, within four weeks:⁵¹
- send to the developer a full account of any sums received under the bond that have been applied to the expense of carrying out the work,
 - pay the developer any excess, and
 - release the bond.

Charging fees for approval and inspections

- 3.68 Regulations⁵² enable the SAB to charge a fee based on cost recovery for all applications for approval. The fee must be submitted at the same time as the application for SAB approval.⁵³

⁴⁸ See paragraph 12 (4) of Schedule 3 to the 2010 Act.

⁴⁹ See paragraph 23 (6) (g) of Schedule 3 to the 2010 Act.

⁵⁰ See regulation 7 (1) of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

⁵¹ See regulations 7 (2) and (3) of the Sustainable Drainage (Approval and Procedure) (Wales) Regulations 2018.

⁵² See regulations 3, 4, 5, 6, 7 and 9 of the Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018.

⁵³ See paragraph 9 (2) (c) and 10 (2) of Schedule 3 to the 2010 Act.

Fee structure for calculating application fees

3.69 A national fee structure for approving applications has been set in regulations, which provides for fees to be charged on the basis of a set amount for each application plus an additional amount determined by the size of the construction area. For the latest details of the fee structure and how it is to be understood please visit the Welsh Government web page: [Sustainable Drainage Application Fees](#)

Section 4: SuDS Adoption

Adoption duty

- 4.1 Under Schedule 3 to the 2010 Act, subject to conditions the SAB must adopt SuDS that serve two or more properties.⁵⁴ The duty to adopt does not apply if the system serves a site which is controlled by a single person or two or more persons together, as defined in regulations.⁵⁵
- 4.2 In adopting the SuDS system, the SAB should take responsibility for the whole system (which may include features such as pipes and underground stores as well as green features such as swales) from the point at which the duty to adopt applies until flows leave the system either to be reused, enter the ground, enter a highway drainage system maintained by the Local Highway Authority, drain to a surface water body, or the sewerage undertaker's network.

Adoption conditions that must be satisfied

- 4.3 The SAB is required to adopt drainage systems which satisfy certain conditions.⁵⁶ The adoption duty does not apply for SuDS that serve single properties or publicly maintained roads.
- 4.4 The conditions that must be satisfied are:
- that the drainage system was constructed and functions in accordance with approved proposals, including any conditions of approval, and
 - that the drainage system is a “sustainable drainage system”, meaning those parts of a drainage system that are not vested in a sewerage undertaker under a section 104 agreement of the Water Industry Act 1991.
- 4.5 Once the terms of the approval have been met, including any period required for the establishment of vegetation, the SAB can decide to adopt the drainage system itself or respond to a request from the developer (using any form provided by the SAB for doing so).⁵⁷ Any requests for adoption must be determined by the SAB within 8 weeks. Failure to do so, will be taken as a refusal to adopt unless the SAB and developer have agreed beforehand to extend the time period.⁵⁸

Notice of adoption decision

- 4.6 Where the SAB adopts on its own initiative or in response to a request, it must notify the developer as soon as is practicable after making a decision

⁵⁴ See paragraph 17 and 18 of Schedule 3 to the 2010 Act.

⁵⁵ See regulation 9 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

⁵⁶ See paragraph 17 of Schedule 3 to the 2010 Act.

⁵⁷ See paragraph 23 (2) and (3) of Schedule 3 to the 2010 Act.

⁵⁸ See regulation 7 of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018.

concerning adoption.⁵⁹ The notification must specify the reasons for the decision and the date of the decision.⁶⁰

4.7 Where the SAB refuses to adopt, the applicant may appeal the decision.⁶¹

4.8 The SAB must copy the notice to:⁶²

- the sewerage undertaker,
- any person who appears to own or occupy land on which the drainage system is (including details of any arrangements under the approved proposals for access and maintenance,
- any other person whom the approving body were obliged to consult on the application for approval,
- any person who appears to own or occupy land from which water will be drained by the system.

Exceptions to the duty to adopt

4.9 Single property drainage systems and any part of a drainage system which is a publicly maintained road are exempt from the SAB adoption duty.⁶³

4.10 Highways authorities⁶⁴ are already responsible for the drainage and maintenance of publicly maintained roads. The SAB would be exempt from adopting any part of a SuDS which the highway authority would already be responsible for maintaining, for example swales alongside roads and permeable surfacing. The highway authority must act in accordance with the approved drainage design, including the maintenance regime, in compliance with the statutory SuDS Standards.

4.11 The SAB duty to adopt includes any SuDS in or along private roads, if the private road and, therefore, by extension the SuDS, serve two or more properties. Examples include parking courts or access roads for 2 more properties that are not offered to the Highway Authority for adoption. If the road became publicly maintained, at a later date, then the highway authority will become responsible for maintenance, subject to the appropriate adoption processes at that time.

4.12 The SAB does not have a duty to approve or adopt SuDS constructed by a sewerage undertaker under a section 114A of the Water Industry Act 1991. This relates specifically to systems designed to reduce surface water loading on existing sewerage systems which will remain the responsibility of the undertaker.

⁵⁹ See paragraph 23 (4)(b) and (5) of Schedule 3 to the 2010 Act.

⁶⁰ See regulation 6 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

⁶¹ See paragraph 25(1)(b) of Schedule 3 to the 2010 Act

⁶² See paragraph 23(6) of Schedule 3 to the 2010 Act.

⁶³ See paragraphs 18 and 19 of Schedule 3 to the 2010 Act and Regulation 9 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018 for the definition of single property.

⁶⁴ All local authorities in Wales are highways authorities for the local road network within their areas.

4.13 A sewerage undertaker must accept any surface water from a publicly maintained road, where the drainage system construction is in accordance with SAB approval.⁶⁵

Voluntary adoption

4.14 The SAB may voluntarily adopt a sustainable drainage system where it is not under a statutory duty to do so.⁶⁶ For example, this may include existing SuDS which may not have been built to the statutory SuDS Standards, schemes serving developments which are exempt from adoption under the transitional arrangements or SuDS serving a single property. The SAB must notify any sewerage undertaker or person impacted by its decision to adopt.⁶⁷ The notice specifying the reason for adoption and the date of adoption must be given as soon as is practicable after making a decision concerning adoption.⁶⁸

Maintenance and the means of funding for the scheme for its design life

Maintenance plans

4.15 The developer is expected to develop and produce in partnership with the SAB a maintenance plan and the means of funding for the scheme for its design life, as set out in the earlier section regarding valid applications. The Principle for this is set out in the Statutory SuDS Standards, in addition the SAB has some discretion to impose conditions of approval, which may be used to ensure that the sustainable drainage systems will be maintained for the lifetime of the development. As a minimum, the maintenance plan needs to include the following:

- a) The type of maintenance activities that are required to ensure that the drainage system operates as designed to manage flood risk and deliver multiple benefits;
- b) The anticipated frequencies of those activities;
- c) The estimated duration of those activities;
- d) Any specific plant and equipment required to undertake those activities;
- e) The estimated costs to complete those activities;
- f) A site plan showing maintenance areas, access routes and the locations where maintenance activities are anticipated;

⁶⁵ See paragraph 16 (3) of Schedule 3 to the 2010 Act, which amends Section 115 to the Water Industry Act 1991.

⁶⁶ See paragraph 21 of Schedule 3 to the 2010 Act.

⁶⁷ See paragraph 24 of Schedule 3 to the 2010 Act.

⁶⁸ See regulation 11 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

- g) A statement describing any secondary function (e.g. recreation area) above or within the SuDS component and details describing how this function is to be managed and by whom. Consideration should be given to features that may be flooded periodically (e.g. a recreation area that is used for temporary flood storage for infrequent storm events) and how this area can be returned to beneficial use as quickly as possible following a storm event. This may include remedial activities, such as cleaning of debris from the area.
- h) The anticipated life of SuDS features and details of how and when these features are to be replaced at the end of their life should this be prior to the end of the life of the development. End of life replacement of SuDS features should consider each of points (c), (d), (e), (f) and (g) above.
- i) Any running costs, for example, energy costs for pumps or remote monitoring equipment.

SuDS approval body maintenance and funding

- 4.16 Developers will need to work closely with the SAB and communities to develop maintenance options and a maintenance plan, together with funding which provides for the SuDS to be maintained according to statutory SuDS Standards for the lifetime of the development.
- 4.17 To be effective we suggest the maintenance plan should clearly identify who will be responsible for undertaking maintenance and ensure that funding is fair for household and premises occupiers.
- 4.18 Where the SAB has a duty to adopt it is ultimately responsible for ensuring the adopted drainage system is maintained in accordance with statutory SuDS Standards.⁶⁹ In relation to securing agreements to support maintenance arrangements, including any commuted sum or maintenance funding, the SAB may wish to rely on existing powers available to local authorities under local government legislation.

Commuted sums

- 4.19 Securing a sustainable funding mechanism for a new development is a key objective of the SAB; they have a responsibility for the management and maintenance of SuDS assets. Commuted sums aim to ensure that the SAB has the resources to cover the upkeep and (where appropriate) the replacement of the assets that have been adopted. The effectiveness of SuDS and the associated multiple benefits will rely on appropriate maintenance.
- 4.20 The calculation of a commuted sum includes consideration of:
 - The estimated periodic maintenance cost of the asset to the adopted body. The SuDS Manual provides useful information on this element.

⁶⁹ See paragraph 22 of Schedule 3 to the 2010 Act.

- Its future cost of renewal (where appropriate)
- The duration over which the sum is required.
- The effective annual interest rate that will provide a return on the sum invested prior to its expenditure after the effects of inflation have been taken into account (called the discount rate).

4.21 It is recommended that a pragmatic approach is taken to setting the duration of commuted sums, and that these should be balanced between accurately reflecting costs for the SAB, whilst accounting for the financial viability of the proposed development, this assuming that the SuDS design is deemed reasonable to both the SAB and the developer in terms of layout and cost.

4.22 As a matter of best practice, every SAB is strongly encouraged to have a commuted sums calculator (CSC), to provide a clear and practical method of deriving realistic commuted sums costs for developers. The CSC needs to:

- recognise the true costs of the respective SAB;
- be amended periodically to account for inflation and other price factors, such as prices increasing or decreasing according to market forces, etc;
- be available at the start of any development design process, so that the client is fully aware of the maintenance costs and may be guided by these in producing the best and most viable design.

4.23 It is recognised that there may be significant variability between individual SABs on costs due to service and material availability, geography, the method of service delivery and other factors.

Local Government

4.24 Local authorities may wish to outsource the maintenance of sustainable drainage systems. Local authorities could work collaboratively to deliver this service or could enter into contractual arrangements with private management companies or other service providers.

Management Company

4.25 Management companies are often set up to maintain public spaces and other assets on new developments. The SAB may choose to appoint a management company for the maintenance of the drainage system over the lifetime of the proposed development.

4.26 The SAB should ensure any management company appointed is competent to maintain SuDS. The management company should be required to:

- create and maintain a commuted sums calculator to accurately reflect maintenance costs and
 - make the commuted sums calculator available to both the SAB and those parties responsible for paying maintenance costs to the management company
- 4.27 Charitable trusts, including not for profit community enterprises, could also serve as management companies and are expected to follow the same requirements of a management company.
- 4.28 Provision for the SAB to intervene in the event of the failure of the management company should be included in the management agreements.
- 4.29 In all cases where the SAB adopts a drainage system, it remains responsible for ensuring the system is maintained in compliance with the Statutory Standards.

Private individuals – property owners or occupiers

- 4.30 Owners and occupiers of properties served by SuDS that do not also drain other properties should maintain their own drainage system to ensure that it functions as designed.
- 4.31 Where these systems are simple, with minimal or no proprietary products, are easy to maintain and serve only small numbers of properties, the owners or occupiers of these properties may wish to maintain the SuDS collectively.
- 4.32 The developer should provide owners and occupiers with full instructions on the maintenance of the SuDS, including repair and replacement requirements.
- 4.33 The SAB are advised to include mandatory inspections on SuDS features adopted and maintained by other bodies, to ensure that the features are maintained appropriately. This should be both during construction and periodically over the lifetime of the development. This can be enforced as a condition as part of the SAB approval, including reasonable costs associated with inspections.
- 4.34 For some communities with relatively simple maintenance requirements, the SAB may wish to engage with the communities in relation to community-led maintenance. However, where SuDS serve two or more properties, the ultimate responsibility for ensuring maintenance continues to rest with the SAB.

Designation - Asset register, monitoring and reporting

- 4.35 Within 4 weeks of giving notice of its decision to adopt⁷⁰ the SAB must arrange for:

⁷⁰ See regulation 8 of the Sustainable Drainage (Approval and Adoption Procedure)(Wales) Regulations 2018.

- The LLFA to include the drainage system (whether adopted or not) in the register of structures of features likely to have a significant effect on the flood risk in an area (Section 21 of the 2010 Act requires a LLFA to establish and maintain a register and information regarding structures or features which are likely to have a significant effect on a flood risk in its area).
- The provisional designation for those parts of the drainage systems that are not owned by the SAB, and are eligible for designation with the designating authority (Schedule 1 to the 2010 Act defines designating authority and the procedure for provisional designation notice).
- The designation under section 63 of the New Roads and Street Works Act 1991 (streets with special engineering difficulties) of any adopted part of the drainage system that is a street, within the meaning of section 48 of that Act.

4.36 The SAB must arrange for the inclusion within four weeks beginning on the first working day after giving notice of its decision about adoption made under paragraph 23 (2) of Schedule 3 to the 2010 Act.

4.37 This register could be used by local authorities to better understand the cumulative impact of SuDS and potentially how developers could extend existing SuDS schemes to incorporate additional development rather than creating new systems. As such it is recommended that section 21 registers include the following information regarding sustainable drainage systems:

- Surface catchment area
- SuDS components
- SuDS area
- Design runoff rate
- Design runoff volume
- What and where is the end point of the SuDS management train e.g. watercourse, combined sewer owner

4.38 For privately maintained SuDS, a record of maintenance and any monitoring to be undertaken should be identified between the SAB and the developer to include within a maintenance plan. This will ensure the SuDS can be adequately maintained to comply with the SuDS standards and should help reduce the need for ongoing inspections by the SAB. Monitoring data could be recorded, and where possible this could be done automatically through the use of smart technology. It may be possible for local wildlife or community groups to collect data.

4.39 This information could then be used to produce a regular statement of compliance. If these flag up any irregularities an inspection can be arranged. SABs could arrange an inspection at any time if there are complaints or if they otherwise deem it appropriate.

- 4.40 The registers are public documents and must be available for inspection at reasonable times.
- 4.41 For drainage systems which remain in private ownership, for example on a single property such as a supermarket site, the SAB may need to undertake inspections from time to time to ensure that they are maintained adequately and functioning as approved. The local authority (which is also the SAB) may use powers available to them under other legislation⁷¹ to recover associated costs.

⁷¹ Such as for example section 93 of the Local Government Act 2003.

Section 5: When things don't go to plan

Resolving disagreements - appeals

- 5.1 We believe that a negotiated solution is best when dealing with disputes around SAB decisions. However, a formal mechanism for appeals to the Welsh Ministers is provided in regulations.
- 5.2 Full details of the procedure for appeals, including; how an appeal may be made, the information to be provided, duties of the SAB in providing information, timescales for appeal decisions and the specific duties for the Welsh Ministers, are contained in the regulations⁷².
- 5.3 It should be noted that making an appeal does not suspend a decision and a developer appealing against a condition of an approval must not start construction.

SAB decisions that can be appealed and the time-limit for doing so

- 5.4 In the event that a developer and the SAB cannot find a mutually acceptable resolution of a dispute over a SAB decision, which may relate to:
- an application for approval,
 - approval conditions, including a condition specifying a non-performance bond,
 - request to adopt a drainage system.
- 5.5 The developer may by notice appeal to Welsh Ministers against the decision, the appeal must at the same time be copied to the SAB. In practice, Planning and Environment Decisions Wales (PEDW) will handle the appeal on behalf of the Welsh Ministers. A copy of the form needed to make an appeal is available by contacting PEDW:
- Website: <https://www.gov.wales/planning-and-environment-decisions-wales>
 - Email: PEDW.Casework@gov.wales
 - Telephone: 0300 123 1590
- 5.6 An appeal must be made to the Welsh Ministers (PEDW) and copied to the SAB within the time-limit set in regulations,⁷³ as follows.
- Any appeal concerning an application for approval or a request to adopt must be made within the period of 6 months beginning with:
 - Any appeal concerning a condition of approval, including a condition specifying a non-performance bond, must be made within the period of 6 months beginning with the date approval is granted.

⁷² See The Sustainable Drainage (Appeals) (Wales) Regulations 2018

⁷³ See regulation 5 of the Sustainable Drainage (Appeals) (Wales) Regulations 2018

Appeal type	Either	Or
An application for approval (other than a decision about a condition)	The date of the decision	If the appeal is against the deemed refusal of the application arising from the failure of the approving body to determine the application within the period prescribed in regulations, ⁷⁴ the last day of that period.
A request to adopt	The date of the decision	If the appeal is against the deemed refusal of the request arising from the failure of the approving body to determine the request within the period prescribed in regulations ⁷⁵

5.7 In addition, the appellant must identify a choice of appeal mechanism:

- Written representation
- Oral hearing
- Enquiry

5.8 Appeals may be submitted electronically or by post. An appeal may be withdrawn at any time by the appellant by giving notice in writing to the Welsh Ministers (PEDW), copied to the SAB.

Enforcement

5.9 Full details of how the enforcement regime works are contained in the Order.⁷⁶ The Order provides similar provisions to those available under planning legislation where feasible and practicable but deviates where necessary to reflect the differences in the regimes, such as the duty to adopt.

5.10 The SAB and the LPA may arrange that the LPA will exercise the enforcement functions on behalf of the SAB.⁷⁷

5.11 To determine if there has been a breach of the requirement for approval the SAB may exercise powers of entry and issue a temporary stop notice. The temporary stop notice must set out the details of the activity that is believed to be a breach and prohibit the developer from continuing the activity.

⁷⁴ See regulation 5 of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

⁷⁵ See regulation 7 of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018.

⁷⁶ See the Sustainable Drainage (Enforcement) (Wales) Order 2018.

⁷⁷ See article 3 of the Sustainable Drainage (Enforcement) (Wales) Order 2018.

5.12 The SAB after consulting the developer may certify⁷⁸ that the drainage system:

- has not been constructed in accordance with the approved proposals, or
- is unlikely to be completed.

5.13 In which case the SAB, drawing on the non-performance bond may arrange for any work to be carried out to ensure the drainage system is completed to comply with the Statutory SuDS Standards.

5.14 Within 4 weeks after completion of the work, the SAB must send to the developer a full account of any sums received under the bond that have been applied to the expense of carrying out the work, pay any excess bond and release the bond.⁷⁹

Enforcement notices

5.15 Under the Order⁸⁰ if a developer breaches the requirement for approval the SAB may issue an enforcement notice. An enforcement notice may be given at any time before a drainage system for the construction work is adopted, but not later than four years after the breach has occurred. The enforcement notice may require the developer to take certain steps to rectify the breach or a failure to comply with an enforcement notice.

5.16 A developer who is given an enforcement notice may by notice appeal to the Welsh Ministers (PEDW) against the decision on the grounds that it was based on an error of fact, wrong in law, unreasonable or there was no breach of the requirement for approval.

⁷⁸ See paragraph 12(2) and 12(3) to the 2010 Act.

⁷⁹ See regulation 7(3) of the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

⁸⁰ See articles 8-20 of the Sustainable Drainage (Enforcement) (Wales) Order 2018. Section 6 : Advice notes for the design and construction of SuDS in different settings.

Section 6: Advice notes for the design and construction of SuDS in different settings

SAB Approval

- 6.1 In Wales, SuDS Approving Body (SAB) applications are a legal requirement for any new construction of 100 square metres or more. The SAB function is a statutory duty carried out by the Local Authority.
- 6.2 These notes provide guidance on some of the surface water drainage proposals which would require SAB approval. These notes are intended for applicants but may be useful for agents and developers.

Why are SuDS needed?

- 6.3 SuDS are a legal requirement in Wales for construction areas equal to or exceeding 100 square metres. This is because using SuDS helps reduce downstream flood risk, improves water quality, and reduces the pressure on the existing sewer system. They also help provide increased biodiversity, improved wildlife habitats and amenity benefits for people.
- 6.4 SuDS manage water in a way that mimics nature, reducing the reliance on methods such as gullies and pipes. SuDS capture rainwater close to where it falls to reduce and slow the water passed downstream. This is in contrast to previously conventional buried pipe systems which convey water quickly and can cause flooding and water quality problems downstream. SuDS can also improve amenity and biodiversity in ways buried systems cannot.

How to use these notes

- 6.5 These notes should be read in conjunction with the preceding statutory guidance to SABs and the Welsh Government's [Statutory national standards for sustainable drainage systems](#) (the Statutory Standards). Applicants must demonstrate compliance with the Statutory Standards to obtain SAB approval, but the drainage design and SAB application does not necessarily need to be undertaken by a drainage professional, but this will depend on the complexity of the site and proposed development. Early discussion with your local SAB is recommended ahead of any potential design or application and may help you to decide whether you will require professional help to undertake these.

Requirements for Quarry and Mining Applications

- 6.6 Quarry and mining operations can be among the qualifying (non-exempt) developments in Wales that may trigger the 100 square metre threshold for obtaining approval from the Sustainable Drainage Systems (SuDS) Approving Body (SAB) before construction begins. Such operations can

disrupt natural drainage patterns, increasing risks of runoff, groundwater displacement, flooding, and pollution.

- 6.7 To mitigate these impacts, developers must design drainage systems that comply with the Welsh Minister' Statutory SuDS standards. This requirement ensures effective management of surface water and groundwater to prevent flooding, protect water quality, and support environmental sustainability. Starting work without SAB approval may lead to enforcement action, including Stop Notices, under the Sustainable Drainage (Enforcement) (Wales) Order 2018

Key Requirements

- **Mandatory SuDS Approval:** No construction or excavation may start without SAB approval
- **Integrated Design:** Drainage strategies must follow SuDS principles:
 - Manage water near its source.
 - Use natural features (swales, infiltration basins, rain gardens).
 - Deliver water quality, maintained and enhanced biodiversity, and amenity benefits alongside flood prevention.
- **Groundwater Management:** Groundwater encountered during quarrying must be managed under approved schemes. Discharge into surface systems requires prior consent.
- **Pre-Application Engagement:** Early consultation with SAB officers (and statutory consultees, where appropriate) is strongly advised to ensure compliance and site-specific suitability.

- 6.8 For further guidance, those undertaking quarry operations should also consult:

- The relevant Local Authority SAB Portal for forms and guidance.
- Statutory Standards for Sustainable Drainage Systems (Welsh Government, 2018).
- The SuDS Manual (CIRIA C753).
- Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion.
- Natural Resources Wales: Building in Flood Risk Areas (April 2025)

Requirements for Forestry Applications

- 6.9 Forestry operations are among the qualifying developments in Wales that may trigger the 100 square metre threshold for obtaining approval from the Sustainable Drainage Systems (SuDS) Approving Body (SAB) before construction begins.

- 6.10 Whilst forestry operations are often remote from urban settlements and well-managed forests can provide multiple benefits for the water environment, many forest management practices can adversely impact on the water environment because of soil and vegetation disturbance or through alterations of pathways of water movement.
- 6.11 Poor forest management can diminish or reverse the benefits provided by forests and woodlands, contribute to local flooding and risk severe water pollution (e.g. by increasing sediment run-off and water turbidity).
- 6.12 This requirement ensures the effective management of surface water and groundwater to prevent flooding, protect water quality and support environmental sustainability. Starting work without SAB approval may lead to enforcement action, including Stop Notices, under the Sustainable Drainage (Enforcement) (Wales) Order 2018.

Key Requirements

- **Mandatory SuDS Approval:** No construction activity (including altering of levels and formation of haul roads, parking or stacking areas) may commence until SAB Approval is obtained (Paragraph 7(1) Schedule 3). Note that other consents, such as Ordinary Watercourse Consent may also be required.
- **Comply with good practice:** Whilst applications for SAB Approval will be assessed in accordance with the Welsh Government National Standards for Sustainable Drainage Systems, use of good sustainable forest management practices, for example as outlined in the UK Forestry Standard (UKFS) and associated Practice Guide will generally be compatible with obtaining SAB Approval. UKFS confirms SAB approval as a **legal requirement**.
- **Work with Natural Processes:** Plan the layout and sequencing of works in relation to pathways of water movement and existing streams or watercourses and associated buffer areas. The forest itself may be used to help manage runoff by allowing water to discharge, fan out and slow down on flatter, planted areas.
- **Pre-Application Engagement:** Early consultation with SAB Officers (and statutory consultees, where appropriate) is strongly encouraged to ensure compliance and site-specific suitability.

Further Guidance

Applicants should consult:

- Council SAB pages for forms and guidance
- [National standards for sustainable drainage systems \(SuDS\) | GOV.WALES](#)
- [SAB Society Wales Knowledge and Resources](#)

- [The UK Forestry Standard - GOV.UK](#) and [Managing forest operations to protect the water environment - Forest Research](#)

Single dwelling and agricultural developments

6.13 The more detailed notes that follow in the sections below are written to provide some specific guidance on how the standards could be met for the following types of development:

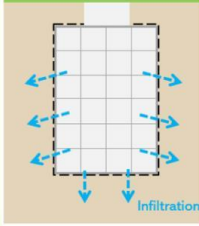







- Single dwellings
- Extensions
- Parking and Access Areas
- Agriculture Buildings
- Coverings
- Clean Yards

6.14 In the case of agricultural developments, in addition to the overarching notes provided below, potential applicants may wish to consult the detailed technical guide to applying the statutory SuDS standards which is available via the Welsh Government website's SuDS pages.

What are SuDS?

6.15 SuDS features take different forms and combine to create a system.

6.16 In the case of single dwellings, the SuDS features in Figure 1 below are generally best suited. At least one feature (but typically several linked together) is required to meet the Statutory Standards, see Figure 2.

Simplest infiltration option	Best options for combining with soakaways into a "treatment train"		Handy add-ons	
 <p data-bbox="239 548 438 705">Soakaways Pits or underground chambers which collect water and allow it to soak slowly into the ground around and beneath. Often the best option for single dwelling developments (if infiltration rates allow) as they keep all additional runoff from new buildings on-site and avoid additional connection fees.</p>	 <p data-bbox="486 448 646 593">Filter drains Work well next to driveways, uncovered patios, and small car parks. They clean rainwater running off these hard surfaces, which can be contaminated by vehicles.</p>	 <p data-bbox="662 448 821 548">Blue roofs/green roofs Roofs with a layer of substrate/dirt and a vegetation layer that stores water and encourages evaporation.</p>	 <p data-bbox="845 448 1005 571">Rain gardens Shallow vegetated depressions that temporarily store water and allow some of it to soak into the ground. The plants help filter out contaminants in the water. May be connected to a soakaway.</p>	 <p data-bbox="1061 448 1189 526">Water butts Systems that collect water such from surfaces such as roofs and gutters and store it for use on the site or for slow release after the storm.</p>
	 <p data-bbox="574 761 726 862">Permeable surfaces Any type of hard-standing that allows water to flow through the surface. Examples are gravel driveways and special pavement slabs.</p>	 <p data-bbox="782 761 917 862">Ditches/swales Planted channels of different sizes and shapes to convey, store, and clean rainwater runoff. These also provide amenity and biodiversity.</p>	 <p data-bbox="1053 739 1197 851">Downpipe rain gardens Small planted boxes with a water storage compartment and an overflow. These collect rainwater from downpipes and delay it reaching the drainage network.</p>	

6.17 In agricultural settings, the requirement for SAB approval includes new buildings, roofs, or coverings, along with associated areas of paving, that add up to more than 100 square metres in plan area. For example, erecting and/or covering an existing livestock feeding area, animal housing, silage or slurry store. See Figure 2 for examples of SuDS features best suited for use in agricultural settings.



Green roofs
Areas of vegetation installed on top of buildings and structures. They look great, reduce rainwater runoff and enhance biodiversity.



Rainwater harvesting
Ideal for capturing rainwater from roofs, then using it around the site for animal drinking water, washing down equipment or for irrigation. This can save money on annual water bills. Guttering is required.



Filter drains
Work well next to access tracks and small car parks. They cleanse rainwater running off these surfaces which can be contaminated by vehicles.



Sediment traps
Remove sediment that is mixed with rainfall. This improves the quality of the water and reduces the risk of blockages in other SuDS features downstream (e.g. Swales).



Infiltration basins
Vegetated depressions that store rainwater on the surface while it soaks slowly into the ground beneath.



Swales
Planted channels of different sizes and shapes to convey, store and cleanse rainwater runoff. These also provide amenity and biodiversity.



Wetlands
Permanent shallow water with planting, excellent at cleansing rainwater. Water can deepen slightly during rainfall to provide storage volume.



Ponds
Similar to wetlands but with deeper water. These are excellent for storing and cleansing water, and support additional aquatic life.

Figure 2 – Typical SuDS features used in agriculture

6.18 Where SuDS features need to be linked together ditches, swales or pipework can be used to convey the rainwater. It is preferable to use ditches or swales where possible to convey water at the surface as this will make it easier to maintain (i.e. clear blockages). Keeping water close to the surface can also be less expensive to construct and provides amenity and biodiversity benefits.

6.19 The [CIRIA SuDS Manual](#) (external link) provides detailed information on the design, construction and maintenance of SuDS features.

Applying the Statutory Standards in urban and agricultural settings (Courtesy of Arup)

The Statutory Standards should be referred to for full explanation of how each can be achieved. In summary, the Statutory Standards are:

Standard 1 – Surface water runoff destination

Where the rainwater will be discharged to once it has been managed by SuDS on the site.

Standard 2 – Surface water runoff hydraulic control

Reducing the rate and volume of water discharged. This requires storage of rainwater which can be provided by the SuDS features.

Standard 3 – Water quality

Removing pollution from the water after it has fallen on a surface.

Standard 4 – Amenity

Using SuDS to improve spaces for people.

Standard 5 – Biodiversity

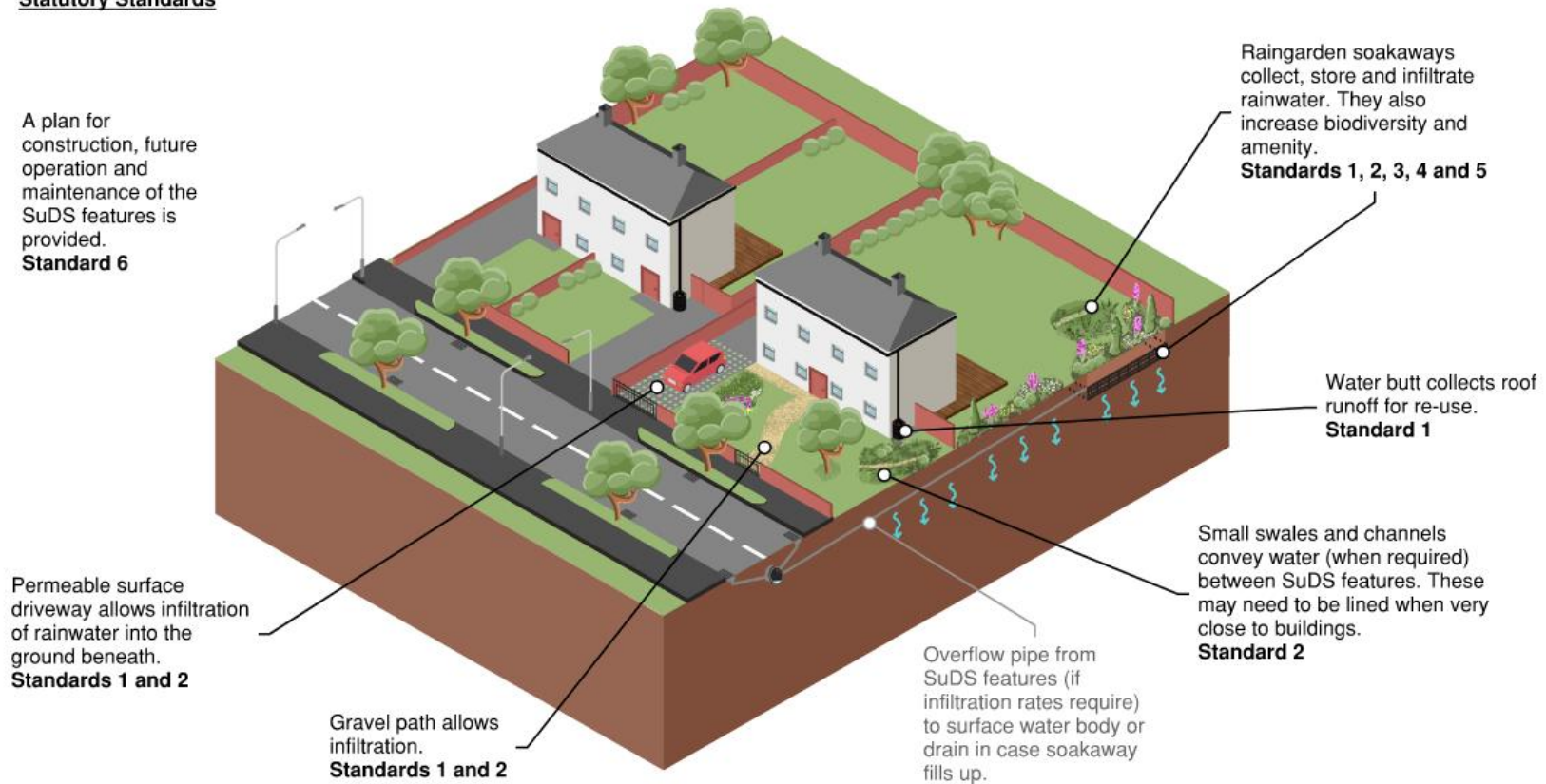
Creating, protecting and enhancing wildlife habitats.

Standard 6 – Design of drainage for construction, operation, and maintenance

Ensuring the design can be built and maintained safely, cost-effectively, and sustainably for the lifetime of the development.

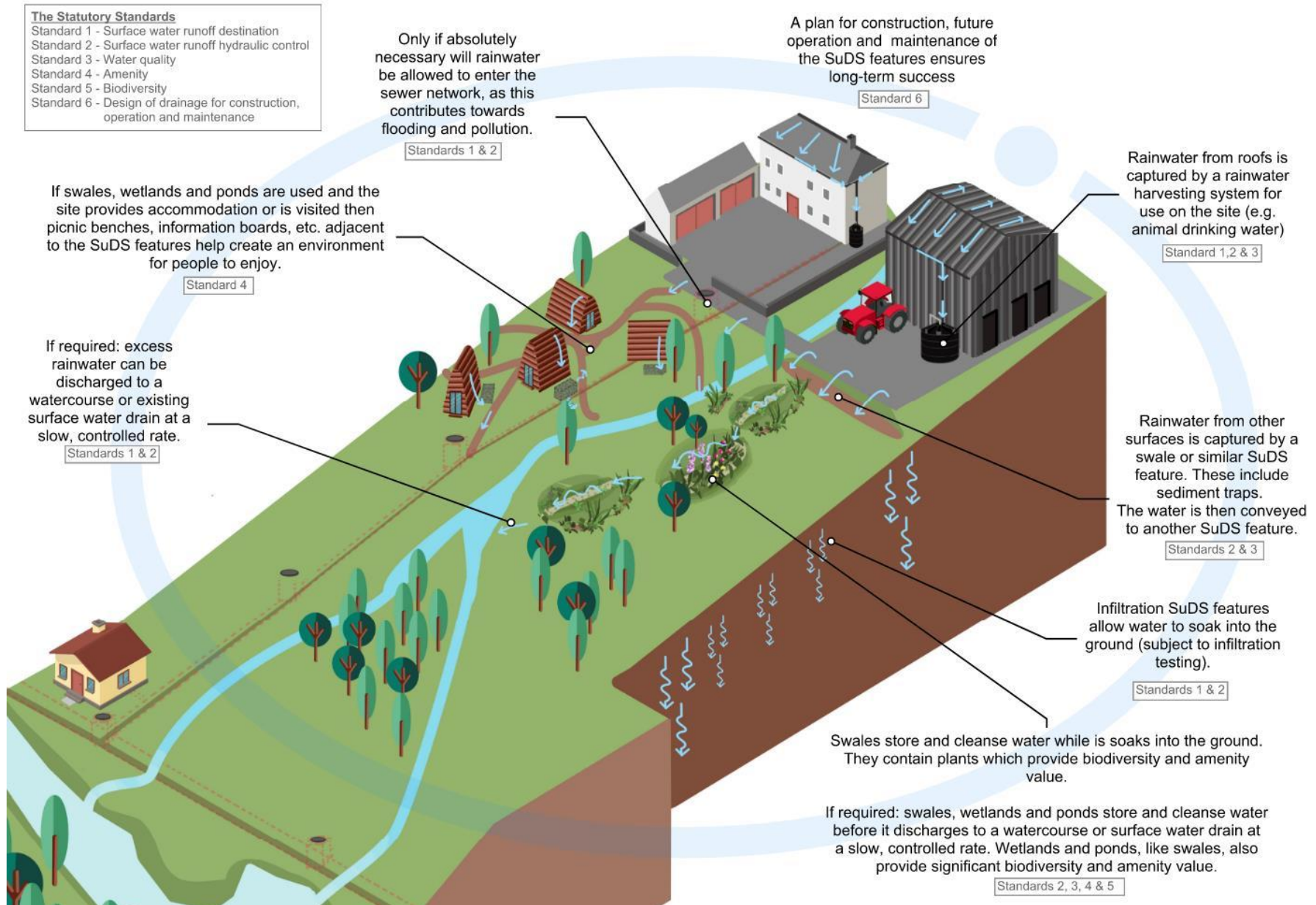
Example single dwelling development achieving the Statutory Standards

A plan for construction, future operation and maintenance of the SuDS features is provided.
Standard 6



Types of SuDS features generally used for single dwellings

Applying the Statutory Standards in urban and agricultural settings (Courtesy of Arup)



What is SAB Approval?

- 6.20 SAB approval has been required in Wales since January 2019. The SAB is a team of people in the Local Authority. Applicants should become familiar with the Statutory Standards before undertaking a SAB application.
- 6.21 SAB approval is different and separate to planning approval. It is best practice to give early consideration to the drainage requirements of the site on which you are planning to construct, before you develop your construction plans. This is one of the intended effects of the legislation. Early consideration of drainage requirements should lead to better design and can save applicants time and money for both SAB and planning approval, for the reasons set out below.
- 6.22 Although it is good to consider both planning and SuDS approval alongside each other, it may be safer to obtain SAB approval before making a planning application. Constructions designed without early consideration of drainage, and especially those where thought is not properly given to drainage until planning approval has been sought, are not likely to meet the required statutory standards for SuDS. When planning applications are approved, but SuDS applications have not met the standards required, then both planning and SAB applications may have to be resubmitted. **It is illegal to start construction until SAB approval has been granted.**
- 6.23 While it is beyond the scope of this note to provide advice on planning requirements, those who submit planning applications ahead of seeking SAB approval will still need to consider the Drainage Statement requirements of TAN 15 as part of the planning approval process. Further details of this can be obtained [here](#). Be aware that the requirement for a Drainage Statement is intended to provide the planning authority with confidence that the planning applicant is undertaking the preparatory work necessary to be likely to obtain SAB approval: the Drainage Statement does not (and cannot) provide a guarantee that detailed SAB approval will then be obtained.
- 6.24 **An initial conversation with the SAB ('early engagement') followed by more detailed pre-application (pre-app) advice is recommended to help ensure a successful SAB application and avoid construction delays.** Early engagement advice is generally free of charge; pre-app advice can have associated fees (specified by each local SAB).

Local Authority	SAB Email Contact
Blaenau Gwent	SAB@merthyr.gov.uk
Bridgend	SAB@bridgend.gov.uk
Carmarthenshire	SAB@sirgar.gov.uk
Cardiff	SAB@cardiff.gov.uk
Ceredigion	SAB@ceredigion.gov.uk
Conwy	sab@conwy.gov.uk
Caerphilly	SAB@caerphilly.gov.uk
Denbighshire	landdrainage.consultations@denbighshire.gov.uk
Flintshire	SAB@Flintshire.gov.uk
Gwynedd	ccs@gwynedd.llyw.cymru
Isle of Anglesey	PEMHT@anglesey.gov.uk
Merthyr Tydfil	SAB@merthyr.gov.uk
Monmouthshire	sab@monmouthshire.gov.uk
Neath-Port talbot	SAB-HDC@npt.gov.uk
Newport	sab@newport.gov.uk
Pembrokeshire	SAB@pembrokeshire.gov.uk
Powys	sab@powys.gov.uk
Rhondda Cynon Taff	SAB@rctcbc.gov.uk
Swansea	sab@swansea.gov.uk
Torfaen	sab@torfaen.gov.uk
Vale of Glamorgan	sab@valeofglamorgan.gov.uk
Wrexham	sab@wrexham.gov.uk

When is SAB Approval Needed?

6.25 SAB approval is a legal requirement for new developments with a construction area of 100 square metres or more which have 'drainage implications'. This means the construction of buildings and/or surfaces with a total footprint equal to or exceeding 100 square metres requires SuDS. The total footprint of the works is the construction area.

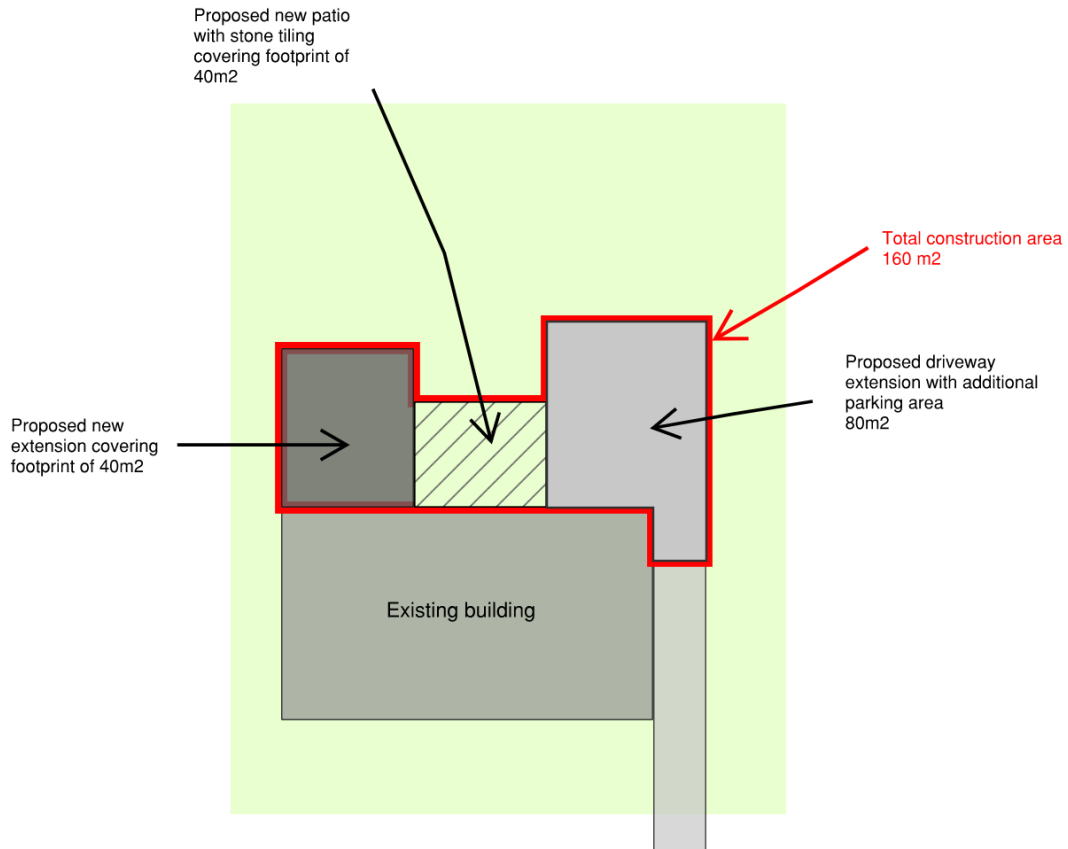


Figure 3 - Example of a residential development where total construction area exceeds 100 square metres

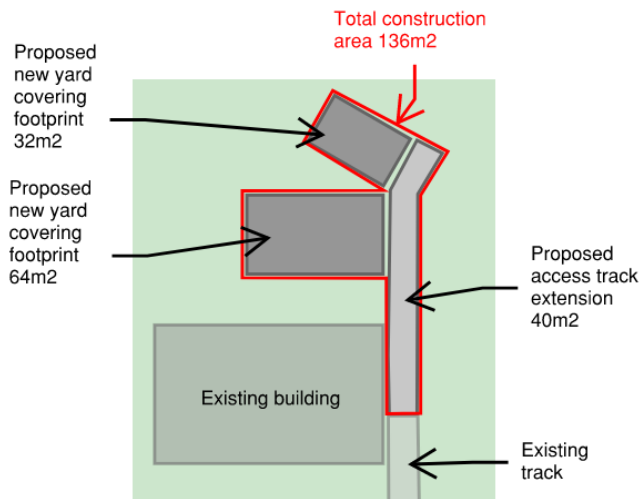


Figure 4 - Example of an agricultural development where total construction area exceeds 100 square metres

Drainage Implications

6.26 To have 'drainage implications' and therefore count towards the 100 square metre SuDS requirement threshold, a development must cover land and affect the ability of the land to absorb rainwater.

6.27 If you are unsure if your proposed development has 'drainage implications' you should seek advice from your SAB.

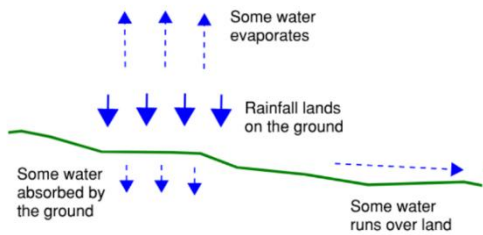


Figure 1 - Before construction

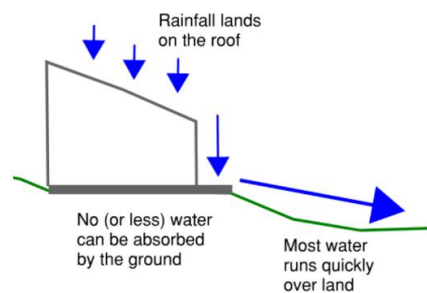


Figure 2 - After construction – example of drainage implications

Different types of building and surfaces requiring SAB approval

6.28 Most new development will require SAB approval if they have a construction area of 100 square metres or more. If in doubt, this should be confirmed with the SAB. Development with drainage implications and a footprint contributing to 100 square metres or more can include:

Examples in Urban Settings

New surfaces:

- Footpaths
- Driveways
- Parking areas
- Patios

Any other new surface.

Note: a new gravel driveway would be included as part of the 100 square metres but would also contribute as a SuDS solution as it is a type of permeable surface.

New buildings and roofing:

- House extensions
- Conservatories
- Garages
- Sheds

Any other new building or roof.

Note: Demolition of existing buildings and rebuilding on the same footprint (even if same size) also requires SAB approval.

Examples in Rural Settings

New surfaces and structures such as:

- Footpaths
- Roads & access tracks
- Car parks
- Access tracks
- Clean yards
- Open slurry tanks, silage clamps and animal feeding areas*

Any other new surface or structure...

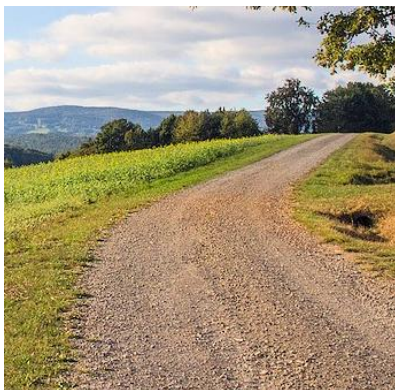


Figure 7 - Access tracks
(Courtesy of CLA)

New buildings and new roofing such as:

- Yard/feeding area coverings
- Storage/slurry coverings (with exceptions, as set out below)
- Lagoon coverings
- Packing sheds
- Stables
- Farm buildings
- Compost toilets
- Glamping pods

Any other new building or roof...

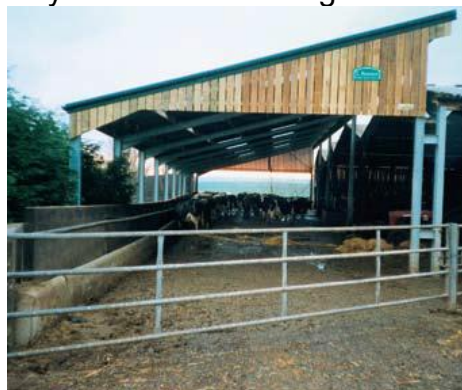


Figure 8 - Roofs to buildings and yard coverings
(Courtesy of KeBeK)



Figure 3 - Glamping pods and associated access tracks
(Courtesy of campsites.co.uk)

Interaction between SuDS legislative requirements and The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

6.29 The Water Resources (Control of Agricultural Pollution) (Wales) Regulations (the slurry 2021 (the slurry regulations) refer to two slurry related flows:

- slurry
- Lightly fouled water

- 6.30 Neither is suitable for SuDS treatment as the level of contamination would not be adequately managed by any current form of SuDS design scheme and should therefore be managed under the current slurry regulations.
- 6.31 Ordinarily, the requirements for SuDS would *not* apply to slurry stores if they are *without* a roof, this assuming all “rainwater” (as defined in paragraph 1(1) of Schedule 3 to the Flood And Water Management Act 2010), is contained within the store, as SuDS are not normally required in those instances as there is no water run-off from the area.
- 6.32 However, rainwater uncontaminated by slurry *could* potentially fall under the statutory SuDS legislation, if rainwater from a newly constructed area of 100 square metres or more entered its catchment. For an example of how this might apply, please see the illustration on page 40 of [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021: guidance for farmers and land managers](#).
- 6.33 Another example of this would be where a new roof was added to a slurry facility, draining rainwater, and thus reducing the volume of liquid slurry requiring management under the slurry regulations. If this flow was from a roof area of 100 square metres or more, then it would require SAB approval for that area.
- 6.34 Standard S1 of the Welsh Statutory SuDS Standards is called “*Surface Water Runoff Destination*.” It sets out the required order of preference for where surface water must be discharged, prioritising infiltration and natural drainage before any connection to sewers. Under this, rainwater harvesting would be the first outlet option considered and is invariably used in agricultural locations to reduce potable water requirements. However, the employment of this solution this does not rule out the requirement for SAB approval, as any rainwater tank installed has to be assumed full when calculating for any rainfall event. In other words such a new roof will always create a new flow path as a result of its installation, which must be segregated from any slurry or ‘light fouled water’ flow.

Undertaking the design and SAB Application for single dwelling developments

- 6.35 To make the application process as simple as possible, the crucial factor is management of water onsite wherever possible through infiltration SuDS.
- 6.36 Managing water onsite avoids the need for additional calculations and for obtaining permission to discharge (e.g. from NRW or Dŵr Cymru Welsh Water).
- 6.37 If water cannot be managed onsite, it must be discharged to a suitable watercourse, drain or sewer. Permission to do this will only be given when every possible SuDS measure to manage the water onsite has been considered and justifiably rejected.

6.38 Proving that all measures have been taken requires calculations for greenfield runoff and proof of restricted flow rates and attenuation, which may require the services of an engineer. The SuDS required will be more extensive when compared to infiltrating SuDS. This is shown in 10 and Figure .

6.39 The Statutory Standards outline the following discharge destination priorities for the management of surface water:

Priority Level 1:	Surface water runoff is collected for use
Priority Level 2:	Surface water runoff is infiltrated to ground
Priority Level 3:	Surface water runoff is discharged to a surface water body
Priority Level 4:	Surface water runoff is discharged to a surface water sewer, highway drain, or another drainage system
Priority Level 5:	Surface water runoff is discharged to a combined sewer

6.40 Priority levels 1 and 2 correspond with managing water onsite and are strongly encouraged to reduce the complexity of the design, construction and application process for the landowner. Priority levels 3 to 5 require discharge offsite and generally require more design, construction and associated documentation/agreements.

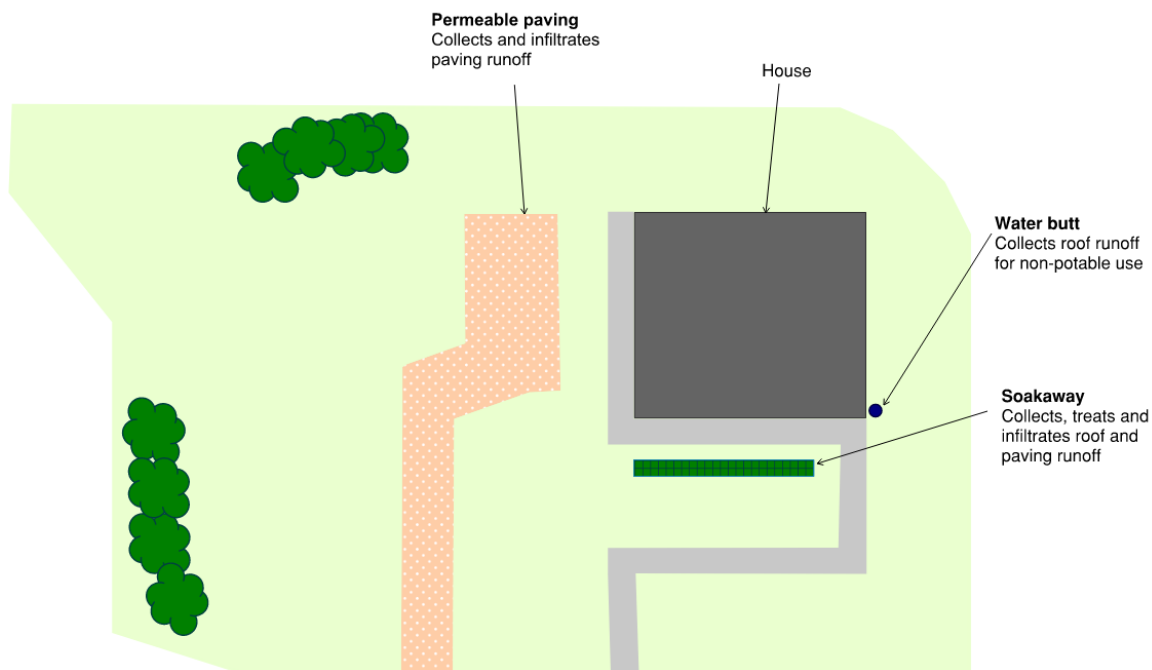


Figure 10. Example of single dwelling development with high infiltration rate soils.

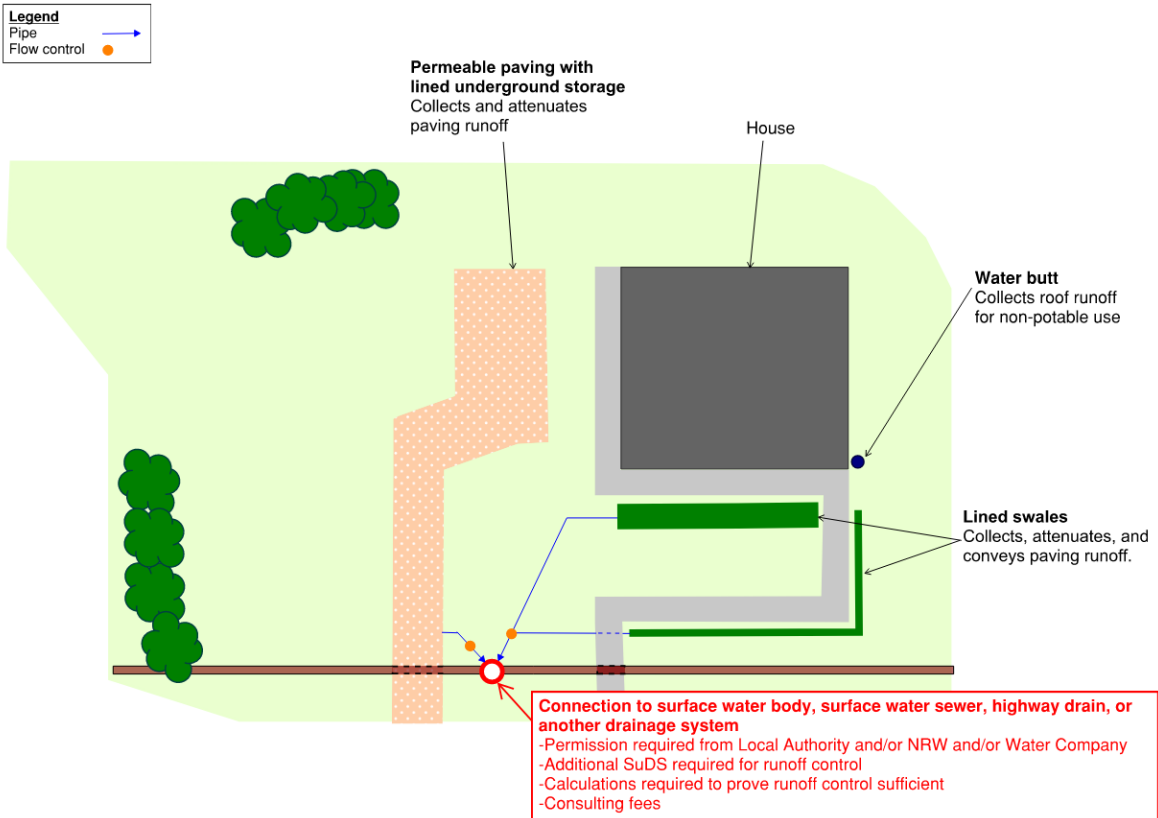
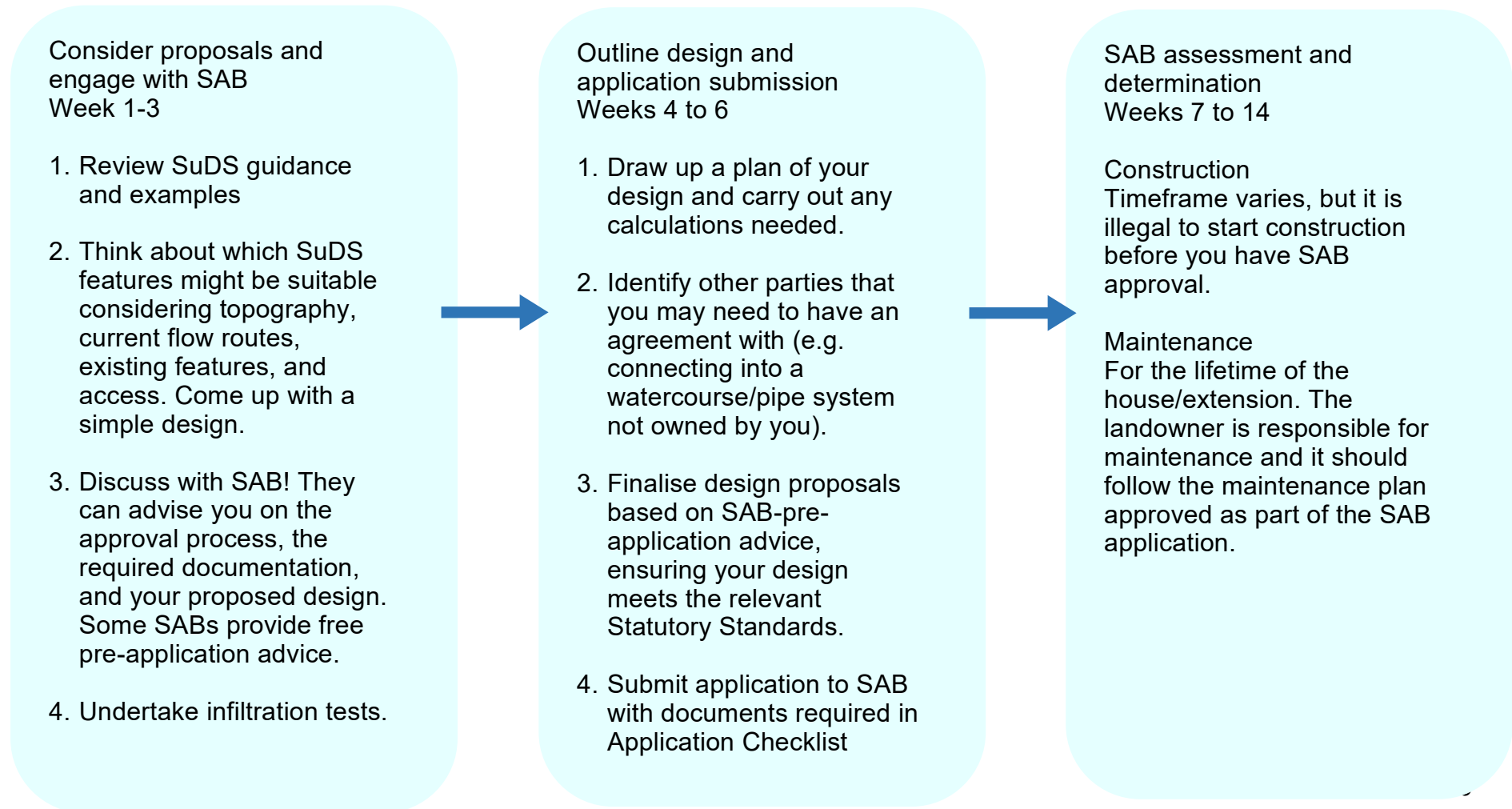


Figure 11. Example of single dwelling development with low infiltration rate soils.

3 Step SAB Process for single dwelling developments

6.41 The diagram below shows a typical design and application process for single dwelling developments. As such the SuDS are not adopted by the SAB, so the landowner is responsible for their operation and maintenance for the lifetime of the development. Legal agreements with the SAB are therefore unlikely to be required (but this will depend on your local SAB).



Application Checklist for single dwelling developments

- 6.42 This application checklist can be used to help ensure all required information has been included in a SAB application. It can be completed and submitted as part of a SAB application for single dwellings, extensions, and parking and access areas.
- 6.43 The items in the application checklist are the typical requirements for a valid application. However, not all of items will be applicable in all cases. **It is important to consult your local SAB in advance of filling in the application, as they may be able to reduce the number of items you need to complete.**
- 6.44 Further detail and survey may be required for specific sites if significant constraints or risks are present.
- 6.45 The [CIRIA SuDS Manual](#) (external link) provides comprehensive information on the design, construction and maintenance of SuDS.

Standard 1 – Surface water runoff destination
<p>Location plan</p> <p>Block and site plans submitted as part of a planning application can often meet this requirement.</p> <p>The plan should highlight the location of your site in relation to the surrounding area. Suggested scale 1:2500, and this may fit onto the Site Plan.</p>
<p>Site/drainage plan(s)</p> <p>A scale suitable for the site. This needs to be clear so may not all fit onto one plan. This should include:</p> <ul style="list-style-type: none"> • Existing site features such as buildings, surfaces, hedgerows, tracks, watercourses, drainage, fences, trees, etc • Existing topography, such-catchments, and flow paths for the site. This should highlight the route water currently takes across the surface of the site • Extent of the proposed development such as buildings, roofs, surfaces including a plan area in square metres of each. It should include any other changes being made to the site to facilitate construction. It should include a red line around the construction area stating its size • Extent of the proposed drainage scheme serving the site, labelling each of the SuDS features proposed and where discharges are being made to.
<p>Desk based assessment – ground investigation</p> <p>A note with an initial check of geology and hydrology. This can be done using:</p> <ul style="list-style-type: none"> • BGS chargeable service for sister specific infiltration potential maps⁸¹ • BGS highlighting ground risks within their chargeable Geosure service⁸² <p>However, you should discuss with your SAB whether more detailed analysis is required, which may require a suitably qualified geotechnical engineer. This will be based on the perceived risk at your site.</p>
<p>Undertake and provide details of infiltration (soakaway) tests</p> <p>It may be possible to present results from a neighbouring site (if agreed with the local SAB)</p> <p>If the site is obviously impermeable (e.g. clay), photographic evidence of water in holes over time may be sufficient (if agreed with the local SAB)</p> <p>Many SABs are happy for you to undertake soakaway tests yourself. If you are undertaking the test yourself, SABs will generally require you to provide the following information:</p>

⁸¹ <https://www.bgs.ac.uk/datasets/infiltration-suds-map/>

⁸² <https://www.bgs.ac.uk/datasets/geosure/>

<ul style="list-style-type: none"> • Date of test(s) • Weather conditions • A plan of the test location(s) and reference for each location (e.g. TP01, TP02 etc.) • Methodology followed (BRE or CIRIA, confirm with your SAB via phone/email before undertaking) • Photo of the trial pit(s) • Photo of excavated soil(s) • Photo of measuring equipment in trial pit (to provide scale) • Dimensions of the trial pit (width, length, depth to base from ground level) • Whether any groundwater entered the pit, and if so at what depth did it enter (part of the trial hole should extend 1m below the proposed base level of the soakaway to confirm if it's encountered). • Description of the soil layers from ground level down to the base of the pit. • Test results
<p>If applicable: Written agreements/consents for discharge or for access to third party land Depending on Standard 1 – destination, this could include Discharge consents & licenses to watercourses; Rights to lay pipes on third party land/easements; Easement details; Permission from riparian owner to discharge; Water Industry Act 1991 Section 106 (Connection) agreements from water company.</p> <p>Discharge offsite should be limited to the greenfield runoff rate.</p>

<p>Standard 2 – Surface water runoff hydraulic control</p>
<p>NRW Flood Maps showing the site These are free to obtain using the National Flood Hazard and Risk maps from the NRW website (external link). You can print maps to a PDF from this website to include within your SAB application.</p>
<p>Check maps of environmental designation and potential risks Freely available from NRW Map Viewer (external link), mapping shows environmental designations. Check for utilities within the ground, for example using Linesearch.</p>
<p>Hydrological characteristics for the site A summary of the rainfall characteristics for the site that have been used. This should include the average annual rainfall for the site (SAAR), greenfield runoff rates, design rainfall (1 in 100 year), and peak rainfall intensity being used for design of conveyance components (swales and pipes).</p>
<p>Demonstrate interception compliance Interception criteria aims for no runoff from 5mm rainfall event. The Statutory Standards provides Table G2.1 which lists SuDS features with assumed compliance. The application should demonstrate that compliance is met for all surfaces and corresponding SuDS features.</p>
<p>Storage calculations for SuDS features Stating the storage volume of each SuDS feature and how this was calculated. The UKSuDS website (external link) provides free tools that can assist with calculations.</p> <ul style="list-style-type: none"> • Rainwater harvesting calculation (if used) • Infiltration design calculations (if used) • Other storage calculations to meet an agreed discharge rate (if used).
<p>Hydraulic calculations for conveyance Stating the peak runoff along each drainage run and how it was calculated, and the capacity of the conveyance features (e.g. swale or pipe) and how this was calculated. For swales, the calculation of peak velocity should also be shown.</p>
<p>Assessment of exceedance This should consider exceedance of the system and the consequences of this. As a minimum this will be a simple plan showing flow paths from different SuDS features in the event of failure or overflow showing where water will eventually end up (i.e. a watercourse or ponding within a depression elsewhere on the site)</p>
<p>Detailed drawings Scaled drawings including:</p> <ul style="list-style-type: none"> • A long section from the roof or surface to the discharge destination, highlighting each SuDS feature, conveyance and/or control device used. Existing and proposed

<p>levels should be shown (e.g., mAOD) along with falls/gradients of SuDS and conveyance features (e.g., 1 in 150). Top water levels should also be highlighted at each SuDS feature.</p> <ul style="list-style-type: none"> • A minimum of one cross section for each SuDS features with details of materials/products, dimensions, gradients. • Details of any features such as silt traps, flow controls, check dams. Rainwater harvesting systems design is sometimes undertaken by suppliers/installers, which needs to be provided in detail stating compliance with BS 8515. <p>*Concept drawings may assist with pre-app discussions. For example, extracts from the SuDS Manual indicating proposals.</p>
<p>Specifications (if required) Material specifications may be shown on detail drawings. Specifications for materials used for different SuDS features can be obtained from the SuDS Manual if required.</p>
<p>Standard 3 – Water quality</p>
<p>Land Use plan A plan clearly identifying the different surfaces being proposed as part of the development and what these will be used for (i.e. GRP roof over feeding area, car park with expected number of cars per day etc.).</p>
<p>Water quality assessment (if required by your local SAB) Assuming use of the simple index approach for 'Low' Pollution Hazard Level, this should include a table or similar demonstrating:</p> <ul style="list-style-type: none"> • The Pollution Hazard Level for each of the surfaces highlighted in the Land Use plan, and the area (in square metres) of each surface. • The SuDS features used and the Mitigation Indices for each (using the Simple Index Approach within the SuDS Manual). <p>This is based on compliance with interception requirements of no runoff for a 5mm rainfall event (refer to Standard 2).</p>
<p>Standard 4 - Amenity</p>
<p>Plan showing amenity areas It is expected that for this type of application this plan can be combined with that of Standard 5 – Biodiversity. Any amenity features integrated within/alongside the SuDS features should be included. It is noted in the Statutory Standards that in assessing amenity the SAB will have regard for Standard 1.</p>
<p>Standard 5 - Biodiversity</p>
<p>Planting plan A plan showing the arrangement, numbers and density of proposed seeding areas, planting and trees within and adjacent to SuDS features. It is noted in the Statutory Standards that in assessing biodiversity the SAB will have regard for Standard 1.</p>

Standard 6 – Design of drainage for construction, operation, and maintenance**Recognition of maintenance responsibility**

Some SABs request a statement from the landowner acknowledging they (the landowner) are responsible for the operation and maintenance of the SuDS features. This is typically a few lines stating the site address, scheme name and SuDS features that will be maintained to the agreed Management & Maintenance schedule/plan.

Management & Maintenance plan

This must cover the lifetime of the development and should be specific to each SuDS feature proposed. The plan should be in a format which can be easily understood by the future owners who will be responsible for undertaking or arranging the maintenance.

The plan should:

- List each type of drainage (e.g. pipe) & SuDS (e.g. swale) component separately.
- Incorporate a simplified site layout drawing clearly identifying the locations of the above and below ground
- drainage & SuDS components. This should also show how access is achieved where required.
- For each type of drainage & SuDS component itemise the tasks to be undertaken and the frequency at which
- they are to be performed over the lifetime of the development. Notes this must include remedial works where the product design life is less than the lifetime of the proposed development.
- Machinery used for maintenance for each of the above.
- Include product information. For example, certificates (such as BBA certificates), manuals or recommended maintenance guides for products e.g. attenuation systems, flow control devices.

Construction management plan

This can be a simple plan showing the order that things will be constructed on the site. It should highlight potential risks which could impact on the environment (e.g. sediment runoff into watercourses), and also things that could impact on the long-term performance of the SuDS (e.g. compaction of the ground at soakaway locations). It should then briefly describe measures being put in place to mitigate against these risks.

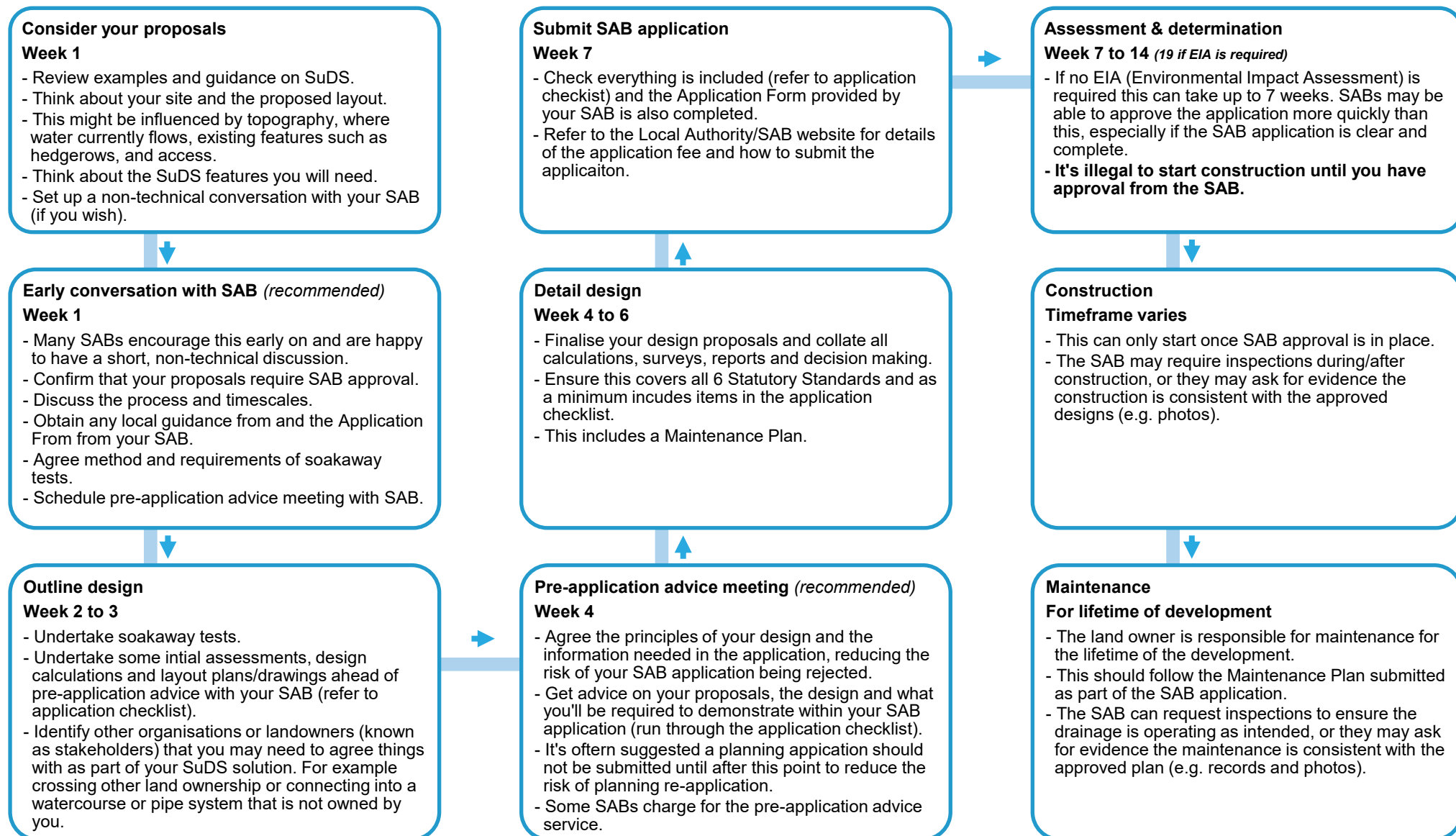
Undertaking the design and application process for small agricultural developments

6.46 The flowchart diagram on the following page shows a typical design and application process for small agriculture development within single land ownership. As such:

- The SuDS don't become adopted by the SAB, and so the land-owner will be responsible for them. Therefore legal agreements between the land-owner/developer and the SAB are unlikely to be required (however this will depend on your local SAB).
- The land-owner is responsible for the maintenance of the SuDS for the lifetime of the development.
- Limited additional agreements or consents are required relating to interaction with other organisations/assets. If other consents or formal agreements are required (e.g. from NRW, water company or other) the process can take longer.

6.47 In addition to the notes provided in this section, potential applicants may wish to consult the detailed technical guide to applying the statutory SuDS standards which is available via the Welsh Government website's SuDS pages.

Example SuDS application process and indicative timeframes for development within single land ownership.



Application checklist for a small agricultural development

Pre-application (pre-app) advice is not compulsory but is recommended.

If it's taken, producing and sending draft versions of items in this checklist before your pre-app advice will help the SAB give more site-specific advice. Suggested items are shaded in light blue, although all the items in the list can be discussed at the pre-app.

6.48 This checklist assists with completing a SAB application for a small agricultural development. The items in the checklist include plans, drawings, calculations and assessments which should be attached to your SAB application form, which you can obtain from your local authority.

6.49 The below are typical minimum requirements for a valid application of this kind. Further detail, survey and information may be required for your specific site if significant constraints or risks are present.

Standard 1 - Surface water runoff destination
<p>Location plan This should highlight the location of your site in relation to the surrounding area. Suggested scale 1:2500, and this may fit onto the Site Plan.</p>
<p>Site plan(s) A scale suitable for the development. This needs to be clear so may not all fit onto 1 plan. This should include:</p> <ul style="list-style-type: none"> Existing site features such as buildings, surfaces, hedgerows, tracks, watercourses, drainage, fences, trees etc. Existing topography, sub-catchments and flow paths for the site. This should highlight the route water currently takes across the surface of the site. Extent of the proposed development such as buildings, roofs, surfaces including a plan area in square metres of each. It should include any other changes being made to the site to facilitate construction. It should include a red line around the construction area stating its size. Extent of the proposed drainage scheme serving the development, labelling each of the SuDS features proposed and where discharges are being made to.
<p>Water use information Calculations and evidence of water use to justify use of rainwater harvesting. If water use is limited or highly variable this needs to be stated, as this provides reasoning for using the next level of the destination hierarchy.</p>
<p>Desk based assessment - Ground Investigation A note with an initial check of geology and hydrology. This can be done using:</p> <ul style="list-style-type: none"> BGS chargeable service for site specific infiltration potential maps⁸³ BGS highlighting ground risks within their chargeable Geosure service⁸⁴ <p>However, you should discuss with your SAB whether more detailed analysis is required, which may require a suitably qualified geotechnical engineer. This will be based on perceived risk at your site.</p>
<p>Undertake and provide details of infiltration (soakaway) tests Many SABs are happy for you to undertake soakaway tests yourself. If you are undertaking the test yourself, SABs will generally require you to provide the following information:</p> <ul style="list-style-type: none"> Date of test(s) Weather conditions A plan of the test location(s) and reference for each location (e.g. TP01, TP02 etc.) Methodology followed (BRE or CIRIA, confirm with your SAB via phone/email before undertaking) Photo of the trial pit(s) Photo of excavated soil(s) Photo of measuring equipment in trial pit (to provide scale) Dimensions of the trial pit (width, length, depth to base from ground level) Whether any groundwater entered the pit, and if so at what depth did it enter (part of the trial hole should extend 1m below the proposed base level of the soakaway to confirm if it's encountered). Description of the soil layers from ground level down to the base of the pit.

⁸³ <https://www.bgs.ac.uk/datasets/infiltration-suds-map/>

⁸⁴ <https://www.bgs.ac.uk/datasets/geosure/>

<ul style="list-style-type: none"> • Test results
<p>If applicable: Written agreements/consents for discharge or for access to third party land Depending on Standard 1 – destination, this could include Discharge consents & licenses to watercourses; Rights to lay pipes on third party land/easements; Easement details; Permission from riparian owner to discharge; Water Industry Act 1991 Section 106 (Connection) agreements from water company.</p>

<p>Standard 2 - Surface water runoff hydraulic control</p>
<p>NRW Flood Maps showing the site. These are free to obtain using the National Flood Hazard and Risk maps from the NRW website (external link). You can print maps to a PDF from this website to include within your SAB application.</p>
<p>Check maps of environmental designations and potential risks Freely available NRW Map Viewer (external link) mapping shows environmental designations. Check for utilities within the ground, for example using Linesearch (external link)</p>
<p>Hydrological characteristics for the site A summary of the rainfall characteristics for the site that have been used. This should include the average annual rainfall for the site (SAAR), greenfield runoff rates, design rainfall (1 in 100 year), and peak rainfall intensity being used for design of conveyance components (swales and pipes).</p>
<p>Demonstrate interception compliance Interception criteria aims for no runoff from 5mm rainfall event. The Statutory Standards provides Table G2.1 which can be used to demonstrate assumed compliance. The application should demonstrate that compliance is met for all surfaces and corresponding SuDS features.</p>
<p>Storage calculations for SuDS features Stating the storage volume of each SuDS feature and how this was calculated. Rainwater harvesting calculations (if used)</p> <ul style="list-style-type: none"> • Infiltration design calculations (if used) • Other storage calculations to meet an agreed discharge rate.
<p>Hydraulic calculations for conveyance Stating the peak runoff along each drainage run and how this was calculated, and the capacity of the conveyance feature (e.g. swale or pipe) and how this was calculated. For swales, the calculation of peak velocity should also be shown.</p>
<p>Assessment of exceedence This should consider exceedence of the system and the consequence of this. As a minimum this will be a simple plan showing flow paths from different SuDS features in the event of failure or overflow showing where water will eventually end up (i.e. a watercourse or ponding within a depression elsewhere on the site).</p>
<p>Detailed drawings Scaled drawings including:</p> <ul style="list-style-type: none"> • A long section from the roof or surface to the discharge destination, highlighting each SuDS feature, conveyance and/or control device used. Existing and proposed levels should be shown (e.g. mAOD) along with falls/gradients of SuDS and conveyance features (e.g. 1 in 150). Top water levels should also be highlighted at each SuDS feature. • A minimum of one cross section for each SuDS feature with details of materials/products, dimensions, gradients. • Details of any features such as silt traps, flow controls, check dams. Rainwater harvesting systems design is sometimes undertaken by suppliers/installers, which needs to be provided in detail stating compliance with BS 8515. <p>*Concept drawings may assist with pre-app discussions. For example, extracts from the SuDS Manual that indicate what is proposed.</p>
<p>Specifications (if required) Material specifications may be shown on detail drawings. Specifications for materials used for different SuDS features can be obtained from the SuDS Manual (external link) if required.</p>

<p>Standard 3 - Water quality</p>
<p>Land Use plan A plan clearly identifying the different surfaces being proposed as part of the development and what these will be used for (i.e. GRP roof over feeding area, car park with expected number of cars per day etc.).</p>
<p>Water quality assessment</p>

Assuming use of the simple index approach for 'Low' Pollution Hazard Level, this should include a table or similar demonstrating:

- The Pollution Hazard Level for each of the surfaces highlighted in the Land Use plan, and the area (in square metres) of each surface.
- The SuDS features used and the Mitigation Indices for each (using the Simple Index Approach within the SuDS Manual).

This is based on compliance with interception requirements of no runoff for a 5mm rainfall event (refer to Standard 2).

Standard 4 - Amenity

Plan showing amenity areas

It is expected that for this type of application this plan can be combined with that of Standard 5 – Biodiversity. Any amenity features integrated within/alongside the SuDS features should be included.

It is noted in the Statutory Standards that in assessing amenity the SAB will have regard for Standard 1.

Standard 5 - Biodiversity

Planting plan

A plan showing the arrangement, numbers and density of proposed seeding areas, planting and trees within and adjacent to SuDS features.

It is noted in the Statutory Standards that in assessing biodiversity the SAB will have regard for Standard 1.

Standard 6 - Design of drainage for construction, operation and maintenance

Recognition of maintenance responsibility

Some SABs request a statement from the landowner acknowledging they (the landowner) are responsible for the operation and maintenance of the SuDS features. This is typically a few lines stating the site address, scheme name and SuDS features that will be maintained to the agreed Management & Maintenance schedule/plan.

Management & Maintenance plan

This must cover the lifetime of the development and should be specific to each SuDS feature proposed. The plan should be in a format which can be easily understood by the future owners who will be responsible for undertaking or arranging the maintenance.

The plan should:

- List each type of drainage (e.g. pipe) & SuDS (e.g. swale) component separately.
- Incorporate a simplified site layout drawing clearly identifying the locations of the above and below ground drainage & SuDS components. This should also show how access is achieved where required.
- For each type of drainage & SuDS component itemise the tasks to be undertaken and the frequency at which they are to be performed over the lifetime of the development. Notes this must include remedial works where the product design life is less than the lifetime of the proposed development.
- Machinery used for maintenance for each of the above.
- Include product information. For example, certificates (such as BBA certificates), manuals or recommended maintenance guides for specified products e.g. rainwater harvesting tanks, attenuation systems, flow control devices.

Construction management plan

This can be a simple plan showing the order that things will be constructed on the site. It should highlight potential risks which could impact on the environment (e.g. sediment runoff into watercourses), and also things that could impact on the long-term performance of the SuDS (e.g. compaction of the ground at soakaway locations). It should then briefly describe measures being put in place to mitigate against these risks.

6.50 In addition to the overarching notes above, potential applicants may wish to consult the detailed technical guide to applying the statutory SuDS standards which is available via the Welsh Government website's SuDS pages.

Annex 1 - SuDS Hierarchy Checklist

Standard 1 – SuDS Hierarchy Checklist for designers/applicants and SABs

Surface water runoff destination must be confirmed before other statutory standards and associated designs can proceed. The table below is a useful visual method to ensure that due diligence is followed in prioritising the most sustainable destinations. It is recommended that it is used for each application.

Priority Level	Surface water run-off destination	Chosen destination (Y/N) *	Justification for <i>not</i> choosing the destination **
1	Collected for use (rainwater harvesting)		
2	Infiltrated to ground		
3	An open water body/watercourse/main river		
4	A surface water culvert or sewer		
5	A highway drain		
6	A combined sewer		

If there is more than one destination, then mark the appropriate with a **Y**

** Refer to and attach any relevant documentation relating to the decision to/not to choose as a destination

Annex 2 – SuDS application process (diagram)

