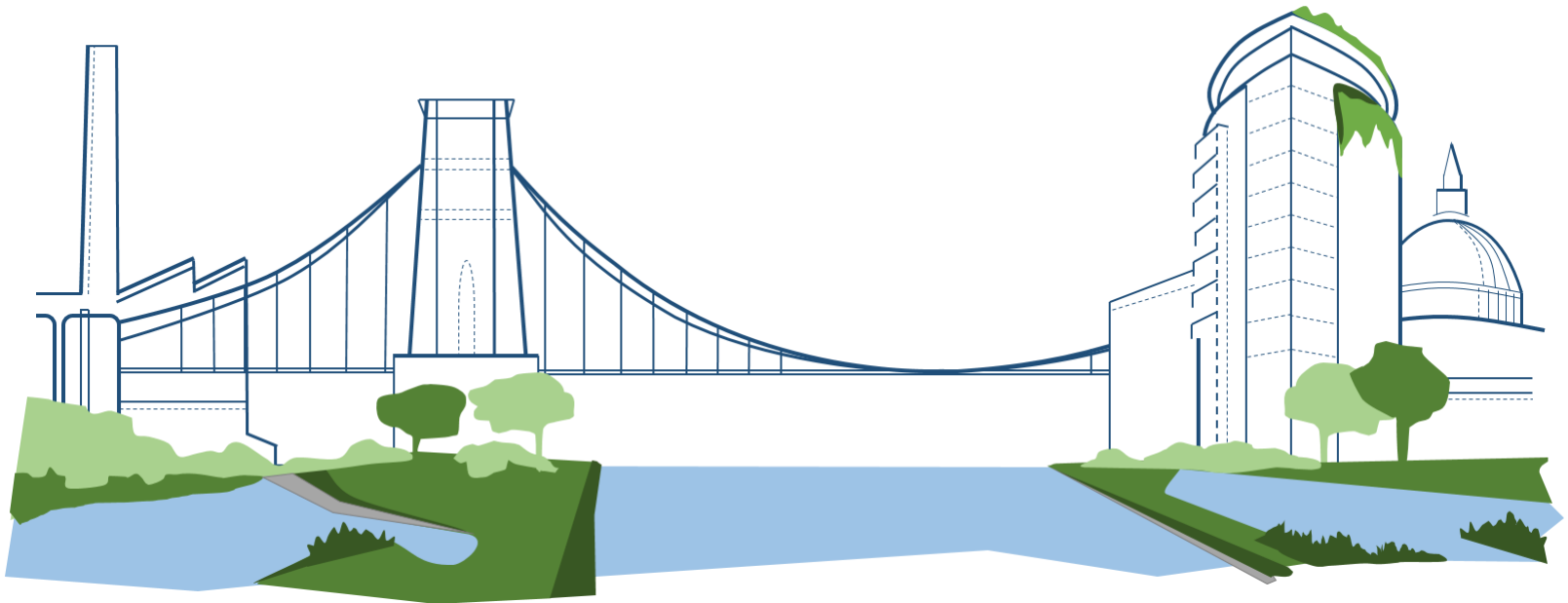


Implementing SuDS through the planning system: barriers and opportunities

Tudor Vilcan and Karen Potter
The Open University

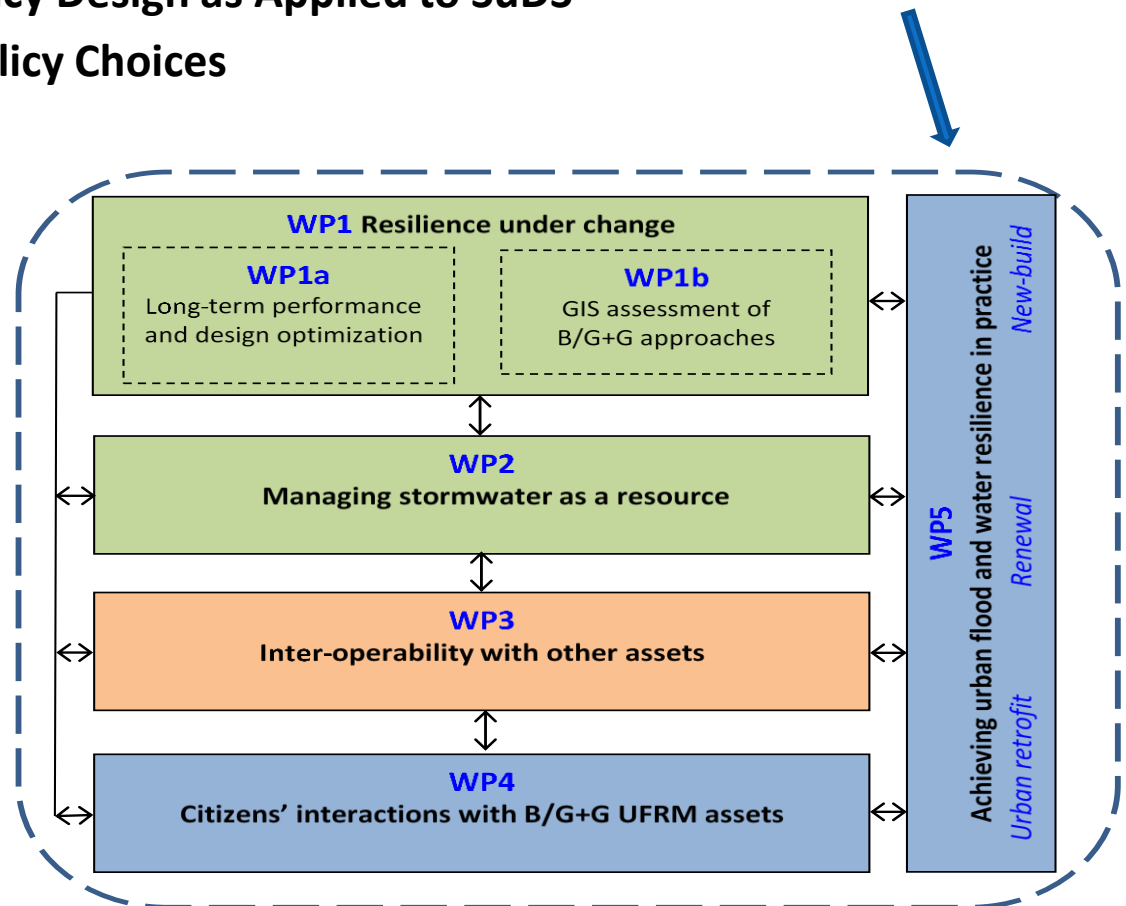


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Overview of the seminar

- Setting the Context to the Different SuDS Policy Arrangements in England & Wales
- The Different Types of Policy Design as Applied to SuDS
- The Effects of the SuDS Policy Choices
- Discussion



Policy Agenda Setting – England & Wales

- The Pitt Review into the 2007 floods in England raised the profile of the seriousness of climate change and the need for effective flood risk management
- Led to the Flood and Water Management Act 2010 – Schedule 3, to increase the use of SuDS in all new developments through national standards and establishing ‘SABs’ - approval bodies separate to planning, within upper-tier local authorities

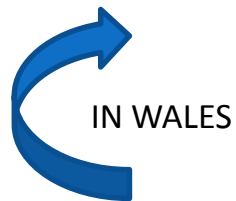


Source: Coulthard.org.uk

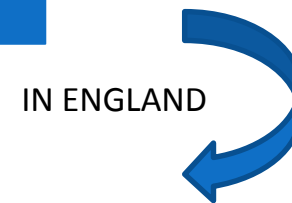
Examining Different Policy Arrangements:

*2018 - Commenced Schedule 3
of the Flood & Water Management Act*

(See: <https://beta.gov.wales/implementation-sustainable-drainage-systems-new-developments-draft-regulations-and-national>)



Flood and Water Management Act 2010



*2014 - Schedule 3 arrangements withdrawn and SuDS to be
delivered through a 'strengthened planning system'*

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

Public Policy:

- Public policy (headed by government) - sets a course of action chosen to address a certain problem or issue. Policy making affects how much public authority and resources will be allocated to address problems
- Planners have their authority to act granted by higher levels of government, hence decisions are shaped by rules and decisions made by other levels of government and choices influenced by other governmental and non-governmental actors
- The lack of support or protection from national policy can weaken the drive and support for local initiatives and innovation, particularly if facing strong resistance from affected interests

Following Vogel and Henstra (2015) Studying local climate adaptation: A heuristic research framework for comparative policy analysis, *Global Environmental Change* (31), 110–120.

Different types of policy designs

GOVERNMENT'S ABILITY TO CHANGE THE STATUS QUO

Government's intention to design policy	Hi	Lo
	Hi	Lo
Hi	<p>Packaging Ideal policy design</p> <p>Proposes completely new or alternative arrangements to address a policy issue</p>	<p>Patching Constrained by existing policy or historical developments</p> <p>Policy is updated (like installing a software patch)</p>
Lo	<p>Incremental adaptation 'Muddle through' style of policy</p> <p>Approach that favours small steps rather than big changes</p>	<p>Non-design Absence of purposeful design</p> <p>Characterised by poorly informed policies, self interest or political gain</p>

Two types of SuDS policy design

FWMA 2010 Schedule 3 Arrangements

SuDS mandatory on new development

National, mandatory and comprehensive standards for SuDS

SuDS Approval Body (SAB) would be the designated body to approve SuDS against statutory standards

SABs would adopt and maintain in compliance with national standards

Strengthened Planning System Arrangements

Local planning policy gives priority to SuDS, except if demonstrated to be inappropriate

Non Statutory SuDS technical standards published by DEFRA

Management of surface water is now a material consideration to be taken into account when determining a planning application. Planning conditions and obligations as main tools to secure SuDS

Applicants are to ensure minimum operational standards, have appropriate maintenance in place and where possible, provide multiple benefits

Effects of policy design: Strengthened planning policy

Policy	Unwillingness to design policy ----- Delivery through existing planning arrangements (strengthened)
Legislation	Light regulation ----- Ambiguous and non-committal legislative language
Institutional	A multitude of non-state actors are taking up governance roles ----- Local government's attributions are scaled-back
Delivery	Implementation can become a matter of power relations between developers and local authorities ----- Developers can opt out on viability claims ----- Local authorities are missing incentives for developers or the ability to maintain a consistent hard-line
Effects	SuDS delivery is suboptimal and inconsistent

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Sustainable drainage systems key to reducing flood risk – Hannah Blythyn

Minister for Environment, Hannah Blythyn has highlighted how Wales is moving towards more sustainable methods of dealing with rainwater which reduce the risk of flooding, protect water quality and contribute to communities' sense of place.

Thursday 15 February 2018

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Source: <https://gov.wales/newsroom/environmentandcountryside/2018/180216-sustainable-drainage-systems-key-to-reducing-floodrisk-hannah-blythyn/?lang=en>

Is S3 the silver bullet to the SuDS problem?

“It is disappointing that the planning system is not seen as a key contributor to facilitating the uptake of SuDS and its possible role is not considered in any detail by the consultation paper” (WG, 2017)

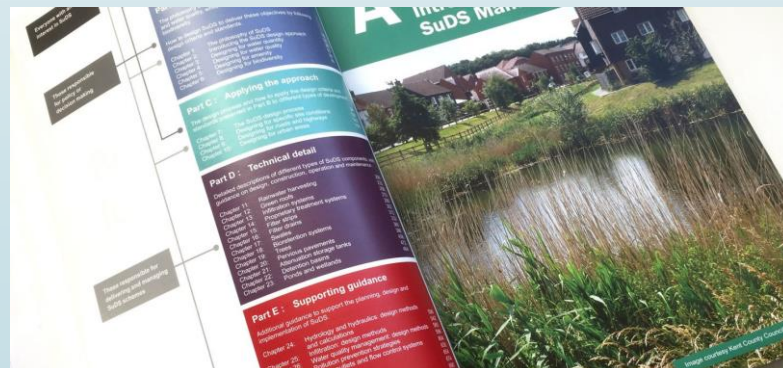
- Pre-application discussions, with an emphasis on partnership working to bring together those involved in the process at the earliest stage of site development is critical to achieving successful implementation of effective SuDS
- Link with broader policy objectives - the multiple benefits of SuDS and their links to achieving well-being goals under the Well-being of Future Generations (Wales) Act 2015 and to delivering priorities for nature based solutions in line with our Natural Resources Policy (WG, 2017)
- Strategically - significant move to integrated catchment management, water sensitive design, requiring new policy and institutional responses, move towards adaptation to climate change, resilience, ‘living with flood risk’, flood resilient cities – all highlighting the significant role in strengthening the planning system to manage flood risk (JBA, 2017)

The Importance of/Reliance on Collaboration

- By working collaboratively and engaging early in the development planning process, developers, local planning authorities, LLFAs, Internal Drainage Boards (IDBs), highways authorities, Water and Sewerage Companies (WaSCs), other utilities providers, landowners, and the public, can integrate effective water management techniques into new and existing communities. A principle enshrined in the CIRIA C753 SuDS Manual (Part B)
- “Working across organizational boundaries is one of the most difficult activities that managers in any type of organization have to accomplish....The governance of collaborations is highly resource intensive and requires continues energy and commitment and a great deal of skill from those who are in charge of them” (Vangen *et al.*, 2015: 1258)

CIRIA SuDS Manual

https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx



Discussion

- 1. What is your experience and your views on the challenges and opportunities concerning the role of planning in the uptake of SuDS? Is a SAB the answer to greater (quantity and quality) uptake of SuDS?**
- 2. What SuDS policy design advice would you offer the Rt Hon James Brokenshire and Rt Hon Michael Gove?**



Contact details:

Tudor Vilcan (tudorel.vilcan@open.ac.uk)

Karen Potter (karen.potter@open.ac.uk)

Department for Public Leadership and Social Enterprise (PuLSE)

The Open University Business School,

Walton Hall, Milton Keynes, MK7 6AA

EPSRC Urban Flood Resilience (WP5): www.urbanfloodresilience.ac.uk

The OU Strategic Research Area Citizenship and Governance:

<http://www.open.ac.uk/research/main/our-research/citizenship-governance>

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