Implementing SuDS through the planning system: barriers and opportunities

Tudor Vilcan and Karen Potter
The Open University

www.urbanfloodresilience.ac.uk  @bluegreencities
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:

2014 - Schedule 3 arrangements withdrawn and SuDS to be delivered through a ‘strengthened planning system’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/

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


IN WALES

Flood and Water Management Act 2010

IN ENGLAND
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.

## Different types of policy designs

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

<table>
<thead>
<tr>
<th>FWMA 2010 Schedule 3 Arrangements</th>
<th>Strengthened Planning System Arrangements</th>
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<tbody>
<tr>
<td><strong>SuDS mandatory on new development</strong></td>
<td>Local planning policy gives priority to SuDS, except if demonstrated to be inappropriate</td>
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<tr>
<td><strong>National, mandatory and comprehensive standards for SuDS</strong></td>
<td>Non Statutory SuDS technical standards published by DEFRA</td>
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<tr>
<td><strong>SuDS Approval Body (SAB) would be the designated body to approve SuDS against statutory standards</strong></td>
<td>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</td>
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SABs would adopt and maintain in compliance with national standards

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

Unwillingness to design policy

- Delivery through existing planning arrangements (strengthened)

Light regulation

- Ambiguous and non-committal legislative language

Legislation

A multitude of non-state actors are taking up governance roles

- Local government’s attributions are scaled-back

Institutional

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

Delivery

SuDS delivery is suboptimal and inconsistent

Effects
In Wales:

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

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

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
Acknowledgement

The research in this presentation is being conducted as part of the Urban Flood Resilience Research Consortium with supported from:

- EPSRC
- River Restoration Centre
- Ebbsfleet Development Corporation
- Newcastle City Council
- Ciria
- Environment Agency
- UKWIR
- Department for Infrastructure
- Public Health England
- Water Industry Forum
- Sniffer
- RTPI
- HR Wallingford
- ARUP
- Atkins
- NWG
- Royal Haskoning DHV
- Stantec
- Ricardo Energy & Environment
- SWECO