

Thames Water's policy on sustainable drainage (SuDS) in new developments

Scope

This policy sets out Thames Water's position on the use of sustainable drainage (SuDS) in new developments, and our approach to working with developers to design, fund, build, adopt and maintain SuDS in new developments.

Growth and development in our region

The region we serve stretches from Kent and Essex in the east to Gloucestershire in the west; Sussex in the south to Northamptonshire in the north. It includes many areas earmarked for high levels of growth and development in the coming years, including Opportunity Areas in the capital – major brownfield sites that can typically accommodate 5,000 jobs or 2,500 new homes. Across the Thames Water region as a whole, current population projections point to a significant increase in the years to come. In London alone, population is expected to increase from 8.2 million in 2011 to 10.1 million in 2036 – equivalent to the population of Greater Manchester.

Water companies have a duty to extend their networks to provide for new developments, and we want to play our part in supporting growth in our region. At the same time, we are responsible for managing the impact of new developments to avoid creating or increasing a risk of floods from sewers either at the developments themselves, or at existing homes and businesses.

In allocating sites for major new developments, local planning authorities consider factors including land availability and transport links, but the availability of water supplies, and capacity in the sewers, are not normally primary considerations. As a result, some of the most significant developments planned in our region are in areas with the least headroom in the public sewer network, heightening the need to carefully manage rainfall and wastewater.

Sustainable drainage systems (SuDS)

Sustainable drainage systems, or SuDS, can provide an alternative to the conventional approach to managing surface water of capturing rainfall and conveying it through pipes. SuDS are designed to control surface water run off close to where it falls by slowing down the flow of rainfall into the sewers and onwards to watercourses, typically (but not exclusively) by employing techniques that reflect or mimic natural processes. These can involve slowing the passage of surface water through the construction of features that retain flow, allowing water to soak into the ground, evaporate from the surface or be taken up by vegetation.

In addition to flood risk, SuDS can improve the quality of water entering sewers, and may provide the opportunity to create features with amenity value where they provide green space. They may in some circumstances provide habitats that support wildlife, which can be valuable in promoting biodiversity in urban areas.

SuDS have the potential to ease the pressure on the sewer network, particularly in areas where both sewage and surface water is handled in one set of pipes (known as 'combined sewers'). We strongly believe their use in new developments is essential if we are to support growth and development without creating (or increasing) the risk of floods from our sewers.

The legislative and decision-making framework

Following the severe flooding of 2007, the Government commissioned Sir Michael Pitt to look at what lessons could be learned. The subsequent Pitt Review recommended that SuDS should be required in new developments, and that developers should lose their automatic right to connect to public sewers.

These recommendations were taken forward in the Flood and Water Management Act 2010, but changes announced in early 2015 mean that decisions about whether or not SuDS are required in new developments will now be taken by local planning authorities when determining planning applications, rather than the SuDS Approval Bodies envisaged by the 2010 Act.

Our role in planning and development

Recognising that SuDS are only one of a number of competing considerations for developers when drafting their designs, and for local planning authorities when determining applications, we have reviewed the approach we take with local planning authorities and developers. We aim to:

- Engage with developers, local planning authorities and lead local flood authorities at the earliest possible opportunity when a development is known to be likely, working collaboratively wherever possible to ensure sewer flood risk is taken into account from the outset. This will help all parties understand the extent of any work needed before a development can proceed, and the costs.
- Provide local planning authorities with clear advice; proactively highlighting areas where foul water and surface water from new developments would pose an increased risk of floods from sewers, so that the impact of new developments is reflected in planning decisions
- For the largest new developments, including the priority Opportunity Areas in London, work with stakeholders to prepare Integrated Water Management Strategies that formally assesses the water supply and sewerage needs of the development.
- Adopt a more proactive approach by designing, funding, building, adopting and maintaining SuDS ourselves, in some circumstances with contributions from other parties where appropriate to make the scheme viable.

Government planning guidance makes clear that new developments should only be considered appropriate in areas at risk of flooding if priority has been given to the use of SuDS. Additionally, Government planning guidance states that SuDS should be provided for major developments unless demonstrated to be inappropriate.

We will seek to ensure that SuDS are prioritised and implemented for developments of all sizes, and support policies on surface water flow reduction from brownfield sites that will ease pressure on the sewer network regardless of the size of the development and type of SuDS implemented.¹

Taking a proactive approach

Although the design, building and adoption of SuDS are in most cases the responsibility of the developer, we believe that in some instances it is appropriate for us to take a more proactive role, which includes sharing responsibility for designing, funding and building SuDS and, in some cases, adopting and maintaining them. We will consider designing, funding and building SuDS for developments:

- On brownfield sites;
- Supported by the local authority in its planning policy;

¹ For example, London Plan 2011: Sustainable Design and Construction, Supplementary Planning Guidance (2014) clause 3.4.8 states that "at least 50% attenuation of the site's (prior to re-development) surface water runoff at peak times ...is the minimum expectation from development proposals".

- In excess of 2,500 homes (the threshold for Opportunity Areas in London), and;
- Where insufficient headroom exists in the public sewer network to accommodate developments without an increased risk of flooding

We will consider adopting and maintaining SuDS where all the following conditions are met:

- surface water is managed at a site level (ie for a development) or a regional level (a wider area). We will not adopt and / or maintain SuDS at an individual property (or 'source') level. Where we have at least part-funded their construction, or have provided written approval in principle at the design stage.
- they are built to agreed standards and specifications, and the materials installed in accordance with the manufacturers' recommendations.
- there is a clear and established right of access to carry out future maintenance work.

Costs

Our most important consideration in deciding to construct and adopt SuDS is whether doing so represents good value for money for our customers. Developers should pay a fair share of the costs associated with new infrastructure for the developments from which they profit, and it would not be appropriate for existing water customers to subsidise development. Other parties such as local businesses and local authorities should also contribute appropriately where they will benefit from a scheme. We will consider part-funding SuDS where they also offer an effective alternative to work that we would otherwise have to do to meet the needs of our customers.

For those sites meeting the criteria for our involvement in delivering sustainable drainage (above), we will contribute to the reasonable costs of designing and developing SuDS (but not the land costs). We will take on liability for maintenance costs where we adopt SuDS, having assessed the costs as reasonable in advance.

As well as tackling the risk of surface water flooding, SuDS can also address groundwater flooding and provide land drainage. In assessing value for money we will also examine how the costs of a new SuDS feature should be apportioned with any other organisations whose responsibilities are also addressed by its construction.

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