

Technical Appendix: Flood Risk Management and Sustainable Drainage

How to Use This Technical Appendix

West Sussex County Council are responsible for ensuring the provision of a range of different council services and may seek a combination of financial contributions, land reservation, or facilities from a proposed development. This is to help meet the demand new developments place on service provision.

The Technical Appendices support the Planning Obligations Guide to Developer Infrastructure Contributions by outlining how contributions may be sought from new development on a service-by-service basis.

1. Service Overview

- 1.1. West Sussex County Council (WSCC) is the Lead Local Flood Authority (LLFA) for West Sussex, with statutory oversight of local flooding arising from:
 - Surface runoff
 - Ordinary watercourses
 - Groundwater
- 1.2. As required by the Flood and Water Management Act 2010, WSCC produces a [Local Flood Risk Management Strategy](#) which sets out how these risks will be managed by the relevant authorities.
- 1.3. Sustainable drainage systems (SuDS) are a requirement of the National Planning Policy Framework (NPPF) as set out in Paragraphs 181 and 182 for developments in areas at risk of flooding and developments which could affect drainage on or around the site. Most local planning authorities also require their inclusion in new developments under their local policies in order to meet water quantity, water quality, and amenity/biodiversity requirements.
- 1.4. As the LLFA, WSCC is a statutory consultee to be consulted by local planning authorities in relation to surface water and SuDS proposals put forward in relation to major planning applications. In addition to the requirement for major planning applications to provide on-site SuDS, there is an overriding need to ensure that there is a viable option for their maintenance and to ensure that SuDS can be implemented and do not fall into disrepair which may result in flooding.
- 1.5. The Government has issued a new set of [national standards for sustainable drainage systems](#). If/when enacted WSCC will also be the approving body of SuDS under Schedule 3 of the Flood and Water Management Act 2010.

2. Pre-Application Advice

- 2.1. Development may present an increased flood risk due either to their location, or the volume/rate of water discharged from the site. These matters must be addressed in planning applications, as set out in the

NPPF paragraphs 170 to 182. Local planning direction and information is provided through:

- Strategic Flood Risk Assessments, developed by individual local planning authorities;
 - [Flood Risk Management Pre Application Advice](#).
- 2.2. Flood risk mitigation, SuDS may be combined and delivered with other requirements or initiatives such as green infrastructure, biodiversity net gain, nutrient neutrality, open space provision, urban and landscape design.
 - 2.3. WSCC encourages early engagement at the pre-application stage to ensure the most efficient design scheme.

3. Assessing Need and Calculating Demand

- 3.1. SuDS infrastructure should be properly planned and integrated into new development. As LLFA, WSCC is a statutory consultee for SuDS on major developments. Appropriate SuDS measures will be an important material consideration with development proposals¹, including ongoing maintenance of SuDS. Compliance with existing national SuDS standards will be a key factor for all proposed drainage systems.
- 3.2. Site-specific SuDS and flood alleviation measures will be secured through WSCC's role as LLFA, and statutory consultee on major developments. Where flood alleviation is required to support growth more generally, or flood alleviation measures are required for existing flood risk from ordinary watercourses, surface and ground water sources, WSCC will look to solutions from other funding sources including CIL.
- 3.3. WSCC will spend CIL monies in accordance with the Charging Authorities' Infrastructure Development Plans (IDPs) and agreed priorities. This means that it could be appropriate to spend CIL money on strategic flood defences, enhanced SuDS, or Natural Flood Management (NFM).
- 3.4. Developers will be expected to mitigate any proposed new developments where direct impacts are identified on local drainage and flood risk management.
- 3.5. In addition to the requirement for major planning applications to provide on-site SuDS, there is an overriding need to ensure that there is a viable option for their maintenance and to ensure that SuDS can be implemented and do not fall into disrepair which may result in flooding.
- 3.6. Contributions will be sought by WSCC on strategic sites only, where the complexity of SuDS systems could be more effectively dealt with directly by the LLFA.

¹ This will be especially important for development proposals in areas of risk of flooding, wherein the NPPF stipulates that developments in areas at risk of flooding and developments which could affect drainage on or around the site should 'incorporate sustainable drainage systems', unless there is clear evidence that this would be inappropriate (Paragraphs 181 and 182).

- 3.7. Planning obligations, secured through the S106 process, may be sought where the developer requests assistance with meeting NPPF Paragraph 182 requirements through WSCC issuing a Certification of Compliance as LFFA.
- 3.8. Under NPPF Paragraph 182, SuDS should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Paragraph 182 further states:

“Sustainable drainage systems provided as part of proposals for major development should:

 - a) take account of advice from the Lead Local Flood Authority;
 - b) have appropriate proposed minimum operational standards; and
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.”
- 3.9. In these instances, the LFFA will complete the necessary inspection and assessment of flood attenuation, removing the need for a planning condition to be requested with regards to verification of construction.
- 3.10. Under a S106 Agreement, WSCC and the developer will need to agree the nature of the works to secure appropriate contracts before the development can commence.

4. Indexation

- 4.1. To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. WSCC will apply the BCIS All-In Tender Price Index (TPI), based on the date at which the contribution has been calculated.

5. Time Limit on Spend

- 5.1. Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.