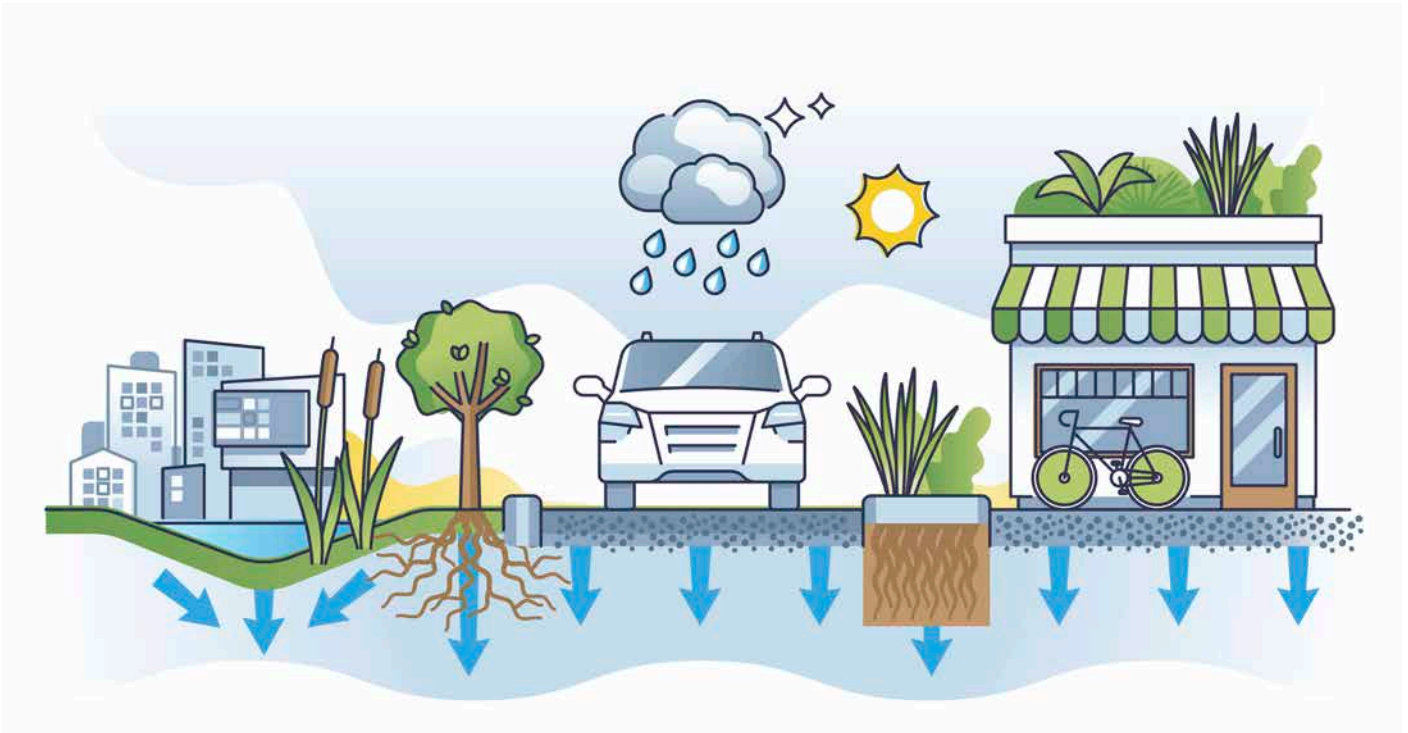


# Sustainable Drainage Systems review



**THE REVIEW** of the Flood & Water Management Act 2010 was published in January 2023 - prompting ministers to accept its recommendations and decide that sustainable drainage systems (SuDS) will become a legal requirement for new developments in England from next year.

David Jenkins was asked by the Environment Secretary to review Schedule 3 of the Act. This review recommends implementing the provisions of this legislation - subject to further work by the Department for Environment, Food & Rural Affairs (DEFRA) before final decisions are taken.

The BMF notes a full regulatory impact assessment is required - to look at different options and expected costs & benefits - as well as the extent, threshold and procedure for this new obligation. DEFRA will have to conduct a consultation exercise later this year to invite views on the impact assessment, national standards and draft statutory instruments.

SuDS will become mandatory for all new housing developments in England. The aim is to reduce the impact of rainfall on new developments by using features like soakaways, grassed areas, permeable surfaces and wetlands. Using tanks and water butts to collect rainwater allow it to be reused and ease pressure on available resources.

DEFRA is also proposing that the right to connect surface water run-off to public systems be conditional on the drainage system being approved before any connection can begin onsite.

Since April 2015, SuDS has been required in planning policy for new housing projects of more than 10 homes - unless there is clear evidence this would be inappropriate. In addition, there is a requirement for SuDS to be prioritised in new developments in flood risk areas.

But the review suggested that this planned approach is not working - and that (among others) there were no specific checks to ensure that SuDS had been built as agreed. This, in turn, raised questions about unsatisfactory standards of design & construction - and difficulties in ensuring proper maintenance once the developer had left the site.

Instead of being naturally absorbed into the ground or watercourses, buildings and impermeable surfaces divert rainwater (at often faster than natural flow speeds) and channel it into drains & sewers. Harnessing surface water run-off so that it is kept out of our sewerage systems is preferable for many ecological and environmental reasons.

The BMF sees distinct issues to be overcome to avoid unintended consequences if DEFRA's proposed changes are introduced without careful consideration.

- extra costs faced by builders to comply will doubtless affect SMEs disproportionately - given that local councils are less keen to develop small sites - especially as they scale back the overall number of new homes within their authority.
- the connection between making SuDS a mandatory requirement and current policy on nutrient neutrality regulations. Local authorities are prevented from granting planning permission to projects likely to add more phosphates & nitrates to watercourses. Nutrient neutrality therefore clashes with this new policy because SuDS allow surface water run-off to be absorbed into the wider environment.

The proposals do not cover retrofitting SuDS to existing developments where the only change to that development is drainage. Existing buildings fall outside the powers of Schedule 3 of this Act.

This topic was discussed at the BMF Civils & Infrastructure Forum, chaired by Nick Boyle (Jewson Civils Frazer) on 13 February 2023.

**The 30-page report can be found here:**

<https://www.gov.uk/government/publications/sustainable-drainage-systems-review>