



**REPORT of  
DIRECTOR OF STRATEGY PERFORMANCE AND GOVERNANCE**

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**to  
PLANNING AND LICENSING COMMITTEE  
18 JULY 2019**

**CONSULTATION QUESTIONNAIRE: ESSEX COUNTY COUNCIL SUSTAINABLE  
DRAINAGE SYSTEMS DESIGN GUIDE UPDATE**

**1. PURPOSE OF THE REPORT**

- 1.1 The report outlines the Council's response to the Essex County Council (ECC) Sustainable Drainage Systems (SuDS) Design Guide Update (Updated Guide) consultation. The consultation period to review the Updated Guide was notified to the Council on 17 May 2019 and ended on 14 June 2019.
- 1.2 In accordance with the Council's Constitution and where consultations cannot be taken to the relevant committee for approval in the timelines given, the Committee Chairman has been consulted on the Council's response.

**2. RECOMMENDATION**

That the Committee notes the Council's response to the ECC SuDS Design Guide Update agreed in consultation with the Chairman of the Committee and any further comments from Members are forwarded to ECC for inclusion in Maldon District Council's response

**3. SUMMARY OF KEY ISSUES**

- 3.1 The Council was notified of the consultation on the Updated Guide via e-mail on 17 May 2019 via the 'Policy Inbox' from Peter Richardson, Development and Flood Risk Officer at ECC. The e-mail explained that ECC 'are currently in the process of updating our SuDS guide to help improve the quality of drainage strategies submitted as part of the planning process' and asks, 'for help to review the updated guide' attaching the ECC SuDS Design Guide Update document (**APPENDIX 1**) and 'Consultation Questionnaire' (**APPENDIX 2**) to be completed and returned by 14 June 2019.
- 3.2 The Updated Guide seeks to 'streamline the document to make it easier to read and easier for developers to find the information they need to submit a suitable drainage strategy.' ECC, as the SuDS Authority currently make holding objections to 60-70% of all SuDS applications they receive and their intention, through the Updated Guide, is to 'significantly reduce this number' and consequently reduce delays in the planning process.

- 3.3 The Council's response was coordinated in consideration of the Maldon District Design Guide SPD that recognises ECC as the Leading Local Flood Authority (LLFA) and SuDS Authority at 'A06 Who to talk to?', page 9. Also, the strategic housing allocations on the South Maldon and North Heybridge Garden Suburbs have adopted and endorsed Strategic Masterplan Frameworks (Masterplans) and Strategic Design Codes that recommend utilising existing watercourses and site features to inform SuDS design and drainage strategies. The Masterplans and Strategic Design Codes are a material planning consideration in development proposals on allocated sites. The Updated Guide and Consultation Questionnaire were sent to the Lead Specialists for Place and Community to review against the Council's validation check list and requirements for planning applications and existing flood risk/surface water drainage advice.
- 3.4 The Consultation Questionnaire (**APPENDIX 2**) asks 11 specific questions related to the suggested changes made in the ECC SuDS Design Guide (**APPENDIX 1**). The questions posed require an explanation to the answer given.

**Question 1: Do you think this document clearly explains what an applicant needs to submit as part of the application process?**

Question 1 was answered 'yes' with the explanation referencing the table in 'Appendix 2: What we require and when', page 40 in the Updated Guide. The table clearly sets out the detail that the SuDS Authority require to comment on the different types of planning applications submitted to the Local Planning Authority.

**Question 2: Are there any other key sections that may have been missed/need to be included?**

Question 2 was answered 'yes' with the explanation to consider SuDS as part of a landscape strategy and not to impact on land allocated for Public Open Space (POS). Whilst it is recognised that POS can accommodate some SuDS features, they should not overly dominate the space and render it unusable for informal recreation. Attention was drawn to a section to quantifying the use of trees in SuDS design and calculations and to take account of other agency's design guidance with reference to the Environment Agency Design Guidance for engineered SuDS features they adopt.

**Question 3: Are there any sections that are incorrect?**

Question 3 was answered 'no' and therefore no explanation was necessary.

**Question 4: Is the checklist of what is required clear/helpful?**

Question 4 was answered 'yes' with the explanation referencing the checklist to the table in 'Appendix 2: What we require and when', page 40 in the Updated Guide.

**Question 5: How do you think we should promote this document?**

SuDS design is an important element of delivering sustainable development in the District. As an ECC document and supporting their role as LLFA and SuDS Authority it was recommended to link the document to the Essex Design Guide Interactive 2019 on-line version as a technical document.

**Question 6: Will you promote this document?**

SuDS design is an important element of delivering sustainable development in the District. The Maldon District Design Guide SPD (MDDG) references the importance

of talking to ECC as the SuDS Authority and to promote the use of the Updated Guide.

**Question 7: Will you use this document?**

Question 7 was answered 'yes' with the explanation that the Council supports the need for viable drainage strategies for development proposals at the beginning of the design process and as referenced in the Garden Suburb Masterplans and Strategic Design Codes.

**Question 8: Do you think there are any sections that require more/less information/explanation?**

Question 8 was answered 'no' and therefore no explanation was necessary.

**Question 9: Were you familiar with the previous SuDS Guide? If so, is this an improvement?**

The ECC SuDS team have presented to MDC Planning Services regarding the work of the SuDS Authority and the guidance/advice available to inform the planning process. The Garden Suburb Masterplans and Strategic Design Codes were prepared regarding the SuDS Authority requirements. However, the Updated Guide places the onus on the developer/designer/consultant to consider SuDS design at the outset of the planning application process and to submit the necessary detail for the SuDS Authority to comment on the proposals. The Updated Guide presents several SuDS design types to inform SuDS design where the opportunities for design rather than SuDS constraints can inform the design process at the outset.

**Question 10: Do you feel the name reflects what the document includes?**

Question 10 was answered 'yes'. The answer explains the question.

**Question 11: Do you have any further comments?**

None offered.

#### **4. CONCLUSION**

- 4.1 It is important for the Council to have regard to the most up to date advice and guidance from statutory consultees to inform to the planning application process. This in turn allows for informed and consistent recommendations in the decision-making process.
- 4.2 The ECC SuDS Authority recognise the need to reduce their level of holding objections to planning applications that delay the planning process. The Updated Guide advises the necessary detail and information to submit to the Local Planning Authority at all stages of the planning application process.

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The adopted Local Development Plan (LDP) Policy and supporting supplementary planning documents and endorsed documents principally support the Strategic Theme of Place as set out in the Corporate Plan that aims to protect and improve the environment for residents and visitors and securing sustainable growth and new infrastructure.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Relevant and up to date guidance and advice documents provide customers with a robust framework for submission of development proposals.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Ineffective advice and guidance documents hold no material weight in the planning process and could heighten risks for inappropriate development and not capturing benefits and opportunities from development proposals.
- (iv) **Impact on Resources (human and financial)** – Review of guidance and advisory documents supporting the LDP policies is programmed to internal work streams and work plans.
- (v) **Impact on the Environment** – Up to date and relevant advice and guidance documents promote sustainable development and environmental enhancement.

Background Papers: None.

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