

DEPARTMENT OF GROWTH & DEVELOPMENT
ORIGINATING SECTION: PLANNING SERVICE (DEVELOPMENT
MANAGEMENT)

REPORT TO: Planning & Highways Committee

DATE: 15th October 2020

TITLE: Validation Requirements for Planning Applications – Major planning applications and Sustainable Drainage requirements

WARDS: All **COUNCILLORS:** All

1.0 PURPOSE OF REPORT

1.1 For Members to agree and recommend that the list of requirements for the submission of planning applications is amended as detailed in the report, in order to ensure that Blackburn With Darwen has an up-to-date formally adopted scheme with reference to recent policy changes.

2.0 ISSUE

2.1 The Council is required to keep an up-to-date list of the requirements for the validation of planning applications known as the [Local Validation Checklist](#). This was last reviewed on the 18th October 2019. Since the adoption of the latest lists there have been no changes which would require a full review of the list until October 2021.

2.2 In July 2020, the need for all *Major developments*, and developments within Critical Drainage Areas, to be supported with the documents detailed below was introduced. The measures reinforce existing national *sustainable drainage requirements* and any relevant developments now cannot be lawfully validated without meeting those requirements.

Site Specific Flood Risk Assessment (FRA) - Where one is required under the National Planning Policy Framework (NPPF) and applicable Local Plan policies. In some cases, these also require you to submit a Sequential Test and/or Exception Test.

Sustainable Drainage Strategy – This will include your overall approach and is where you will evidence your approach to surface water management. E.g. plans, drawings, calculations etc. It will also take account of any requirements identified in the FRA.

Sustainable Drainage Strategy: Pro-forma – The pro-forma summarises and confirms the details contained within your Sustainable Drainage Strategy and Site Specific Flood Risk Assessment. It is intended to ensure all aspects of sustainable drainage have been considered. The information supplied should be appropriate and proportionate to the planning stage, further information can be gained from contacting your Local Planning Authority or Lead Local Flood Authority.

2.3 Revisions to the Local Validation Checklist are proposed to include the above requirements with specific reference to the **Sustainable Drainage Strategy Proforma**. All Proformas must include the required information set out as part of the Proforma template with those requirements encompassing;

1. Application and Development Details;
2. Impermeable Area and Existing Drainage;
3. Peak Runoff Rates;
4. Discharge Volumes;
5. Storage Provisions;
6. Water Quality Protection;
7. Details of the Sustainable Drainage System;
8. Operation and Maintenance;
9. Deceleration and Submission.

2.4 Overview of requirements.

What is a Sustainable Drainage Strategy?

The purpose of a Sustainable Drainage Strategy is to set out how surface water from a development site will be managed sustainably under both current and future conditions, and to support the proposed approach with appropriate evidence, such as drainage calculations and relevant plans and drawings.

The Sustainable Drainage Strategy must also set out how all sustainable drainage components are intended to be managed and maintained over the lifetime of the development to ensure that the sustainable drainage system will continue to perform throughout its design life.

How is a Sustainable Drainage Strategy different to a Site-Specific Flood Risk Assessment (FRA)?

A Site-Specific FRA assesses all sources of flood risk to and from the site and elsewhere, as a result of the development.

A Sustainable Drainage Strategy demonstrates how surface water from the development will be managed in line with national and local

requirements for sustainable drainage systems and should incorporate the findings and address risks identified in the site specific FRA.

What is the purpose of the Pro-forma?

The pro-forma will support the major planning application by ensuring that the sustainable drainage design, contained within the Sustainable Drainage Strategy, has considered and appropriately evidenced everything it needs to, reducing the risk of delays or refusal of the application as a result of a lack of information about sustainable drainage proposals.

'Sustainable Urban Drainage (SuDs)'

The Flood & Water Management Act 2010 contains provisions for the management of Flooding. Particular concerns are to ensure that the impact of climate change is mitigated in terms of waste discharges.

The national Planning Practice Guidance (ID: 7-051-20150323) contains advice on how to deal with flooding and on the use of Sustainable Urban Drainage Systems in major developments. In order to be able to assess the impacts applications for major development (Major is defined in the General Procedure Order 2015 i.e. 10 or more dwellings, for example) applications for major development must be accompanied by an assessment of the provision of Sustainable Drainage on the site. This must be what is reasonably practicable to be delivered on site.

Reasonably practicable is unlikely to be achieved if SUDs is more expensive to deliver than complying with building regulations – but in all cases the risk of flooding must not be increased elsewhere.

Applications for major development must be accompanied by a SUDs assessment and a full justification must be given if the development proposes not to use SUDs. The SUDs assessment must include details for the maintenance of the SUDs which must be practicable and achievable. The National Planning Policy Practice Guidance provides technical guidance on SUDs at ID: 7-083-20150323."

- 2.5 As highlighted in Planning Practice Guidance (PPG), the decision on whether a sustainable drainage system would be inappropriate in relation to a particular development proposal is a matter of judgement for the local planning authority. In making this judgement the local planning authority will seek advice from the relevant flood risk management bodies, principally the lead local flood authority, including on what sort of sustainable drainage system they would consider to be reasonably practicable. The judgement of what is reasonably practicable should be by reference to the technical standards published by the Department for Environment, Food and Rural Affairs and take into account design and construction costs – see PPG:

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/reducing-the-causes-and-impacts-of-flooding/why-are-sustainable-drainage-systems-important/>

3.0 RECOMMENDATION

- 3.1 Members are asked support the proposed change to the local validation checklist, in order to ensure the Council has a formally adopted up-to-date local validation checklist scheme.

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DATE PREPARED: 11th September 2020