

Statement of consultation – Sustainable Drainage Systems Supplementary Planning Document

Introduction

All Supplementary Planning Documents (SPD) are required to be prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012. This Statement therefore explains how the Council has met the particular requirements set out in Regulation 12 (a) of the 2012 Regulations in the production of the Sustainable Drainage Systems (SuDS) SPD.

This Statement indicates the formal and informal consultation and community involvement West Berkshire Council has conducted in the preparation of the SPD. It outlines:

- the persons consulted as part of the SPD preparation;
- a summary of the main issues raised; and
- how those issues have been addressed in the SPD.

Screening for SA/HRA

The provisions of European Directive 2001/42/EC and Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations (2004) require the Council to determine if the SuDS SPD will require a Strategic Environmental Assessment (SEA). In addition, Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (which is implemented in England and Wales through the Conservation of Habitats and Species Regulations 2017) requires that screening to see if a the SPD will have significant effects on European sites of importance for nature conservation.

A SEA/HRA Screening Report was therefore prepared to determine if there will be any significant effects on the environment and on European sites of importance for nature conservation.

In accordance with the Directives and Regulations, the three statutory bodies (Environment Agency, Historic England, and Natural England) were consulted on the screening report between 11 June 2018 and 23 July 2018. Responses were received from Natural England and Historic England, and these, alongside the Council's responses are set out in Table 1 below.

Statutory public consultation

In accordance with the relevant Planning Regulations, the Council formally consulted on the draft SPD for a six week period. This period ran from 11 June 2018 to 23 July 2018.

In order to publicise the event:

- A press release was issued, and an article appeared within the Newbury Weekly News dated 12 July 2018.
- All documentation was placed on the Council's dedicated webpage (www.westberks.gov.uk/sudsspd).
- Information was provided on the Council's dedicated consultations webpage (www.westberks.gov.uk/consultations).
- Correspondence was sent to all on the Council's Consultation Portal database (approximately 1345 individuals/organisations), including adjoining authorities and statutory consultees), all Parishes and neighbouring parishes; all Members, and a selection of relevant internal officers.
- All relevant documentation was placed within all libraries across the District and in the Council's Market Street offices.

Overall 21 comments were received from 18 organisations/individuals. A further response was received, however due to the nature of the comments it has been made inadmissible. The consultation representations together with the Council's proposed responses to each representation are set out in Table 2 below.

Table 1: Representations received from the statutory bodies on the SEA/HRA Screening Report

Statutory consultee	Representation	Action / Comments
Historic England	As regards the Strategic Environmental Assessment, we agree with the draft Screening Opinion that the SuDS SPD is not likely to lead to significant environmental effects and that therefore it does not need to be subject to Strategic Environmental Assessment.	Comments noted
Natural England	<p>I have looked at the screening statement for the SuDS SPD, which screens out the need for the policy to undergo assessment under the Habitats Regulations. The People Over Wind / Sweetman ECJ ruling recently found that mitigation and avoidance measures could not be considered at the screening stage of a HRA. This means that any plan or project which may cause likely significant effect on an N2k site has to undergo appropriate assessment.</p> <p>Has the SuDS SPD been developed with the River Lambourn SAC in mind? If the SPD has been developed as a mitigation method for the impacts of allocation near the SAC then this is no longer adequate, and it must go through the next steps of the HRA.</p> <p>If the SPD has been developed independently as a local policy for other reasons then this is not a concern, but it does mean Natural England would like to work with West Berks towards a policy solution to SuDS/runoff issues posed to the Lambourn SAC. We are satisfied that it can be screened out of SEA.</p>	Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of SuDS. The SPD has consequently been prepared to provide further guidance on the application of SuDS for development and information on good practice and technical standards. It has <u>not</u> been prepared as a mitigation method for the impacts of the allocation within the Housing Site Allocations Development Plan Document in Lambourn (land adjoining Lynch Lane, site reference LAM005). This has been clarified to Natural England, and their subsequent confirmation that Appropriate Assessment is not required is included after Table 1 in this Statement of Consultation.
Environment Agency	No comments received	n/a

Laila Bassett

From: Shavelar, Jonathan (NE) <[REDACTED]>
Sent: 20 September 2018 11:58
To: Laila Bassett
Subject: RE: West Berkshire Council SEA & HRA Screening Report for the draft Sustainable Drainage Systems SPD

This is an **EXTERNAL EMAIL**. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Dear Laila,

Many thanks for getting in touch and confirming that the SuDS SPD is **not** a specific mitigation measure for any N2K sites within your authority. I can confirm that an Appropriate Assessment should not be necessary as the SPD is district-wide and not related to the River Lambourn SAC.

Do you need anything more from NE in terms of a formal response?

Many thanks,
Jonathan Shavelar | Lead Adviser
Thames Team
Natural England

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Eastleigh House
Upper Market Street
Eastleigh
Hampshire
SO50 9YN

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: Laila Bassett [mailto:[REDACTED]] **On Behalf Of** PlanningPolicy
Sent: 19 September 2018 14:45
To: Shavelar, Jonathan (NE) <[REDACTED]>
Subject: West Berkshire Council SEA & HRA Screening Report for the draft Sustainable Drainage Systems SPD

Dear Jonathan,

Thank you for your comments on West Berkshire Council's SEA/HRA Screening Report for the draft Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD).

Your comments highlight the recent People Over Wind / Sweetman ECJ ruling which found that mitigation and avoidance measures could not be considered at the screening stage of a HRA, and as a consequence any plan or project which may cause likely significant effects on a Nature 2000 site has to undergo appropriate assessment. You go on to advise that appropriate assessment will be necessary if the SPD contains specific mitigation measures to prevent effects (from a housing allocation) on the River Lambourn SAC.

I can clarify that the SPD has not been developed as a specific mitigation measure for the impacts of the housing allocation (which is included within the adopted Housing Site Allocations Development Plan Document) that is near to the River Lambourn SAC. Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of SuDS in all new developments across West Berkshire. The SPD has consequently been prepared to provide further guidance on the application of SuDS in all new developments as well as to provide additional information on good practice and technical standards. The SuDS SPD applies district-wide.

I would therefore be grateful if you could confirm that an appropriate assessment will not be required.

I look forward to hearing from you.

Kind regards,

Laila

Laila Bassett
Senior Planning Officer

Planning Policy | Development and Planning | West Berkshire Council | Market Street | Newbury | Berkshire | RG14 5LD

01635 [REDACTED] | Ext: [REDACTED] | [REDACTED]

www.westberks.gov.uk/planningpolicy

Table 2: Representation received on the draft SuDS SPD

Consultee	Representation	Action / Comments
Abley Letchford Partnership on behalf of Bloor Homes	<p>General</p> <p>Bloor Homes welcomes the production of a SuDS Strategy and are broadly supportive of the resulting text.</p> <p>Bloor Homes recognises that nationally, there is a move to a more integrated and standardised planning, approval and design SuDS process and is supportive of this aim. There are however, several matters that are considered to require amendment to enable the West Berkshire SuDS Strategy to function effectively and to retain compliance with existing policy and guidance. These are set out below relative to the corresponding document references.</p> <p>Principle 1</p> <p>1. Section 4.8 requires demonstration that proposed development discharge rates do not exceed their corresponding greenfield, however there is no acknowledgement of previously developed sites and their corresponding brownfield rates.</p> <p>2. National guidance on discharge rates are already outlined within CIRIA C753 The SuDS Manual and within DEFRA/EA guidance document; Rainfall runoff management for developments, Report SC030219. Such documents allows for a QBar discharge rate to be applied to all storms in excess of the 1 in 1 year return period, thereby allowing greater flexibility. This is to enable compliance with Long Term Storage and discharge volumes</p> <p>3. Section 4.25 states that flow exceedance routes shall be within public ownership. It is extremely unusual for entire developments to be under the ownership of public bodies. Indeed, more and more are remaining under control of management</p>	<p>Comments noted.</p> <p>An additional bullet point added to 5.1.2 to cover previously developed sites. They will be expected to meet greenfield rates and volumes.</p> <p>Additional text added to explain where greenfield rates/volumes are not feasible based on non-statutory technical standards.</p> <p>Section 5.1.6 reworded to not specify public or private ownership.</p>

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	<p>companies and private ownership. Where this is the case, it is usual to provide easements or rights of access and maintenance under conveyance for any shared or critical infrastructure.</p> <p>4. An ability to manage exceedance flows through private non-public areas should be included.</p> <p>Principle 8</p> <p>5. Section 5.7 states that storage for runoff from the development should be located out the floodplain. This paragraph should acknowledge the ability to undertake flood compensation remodelling as agreed with the Environment Agency and/or Local Lead Flood Authority.</p> <p>Appendix 1 Checklist - Major Applications</p> <p>The Design statement under Section 3 should acknowledge the following:</p> <p>6. The ability to limit peak runoff flows to QBar as part of Principle 1 evidence.</p> <p>7. Urban Creep allowances should be in accordance with the table presented under Section 4.22. The provision of a 10% rate is a maximum.</p> <p>8. Long Term storage should make allowance for 40% climate change, not 30%</p>	<p>Text added to section 6.2.1 'Fluvial flood risk' to specify main rivers only, and the requirement for more detailed hydraulic modelling.</p> <p>Text added to clarify that where deemed acceptable, discharge of peak flows at Qbar or 2l/s/Ha may also be allowed.</p> <p>'Urban creep' added to 5.1.5 in line with Table 5.1 of the SPD, rather than 10% allowance.</p> <p>The SPD has been updated to make reference to a 40% climate change allowance.</p>

Consultee	Representation	Action / Comments
	<p>The Maintenance and Construction statement under Section 4 should acknowledge the following:</p> <p>9. Clarification should be provided on durations of 'lifetime' and maintenance. Both 100 and 125 years are quoted within the text.</p> <p>Appendix 2 Checklist - Minor Applications</p> <p>10. The Design statement under Section 3 Principle 1 should acknowledge the ability to limit peak runoff flows to QBar.</p> <p>11. Principle 6 should allow the flexibility to locate SuDS features within private or managed locations.</p>	<p>Amendment made so there is reference throughout the document to 100 years. This is in line with the CIRIA checklist.</p> <p>Text added to clarify that where deemed acceptable, discharge of peak flows at Qbar or 2l/s/Ha may also be allowed.</p> <p>The reference to 'public space' has been amended to 'communal space'.</p>
Andy Page	<p><i>Question 1. Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 2. Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 3. Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</i></p>	Comments noted

Consultee	Representation	Action / Comments
	<p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes</p>	
Berkshire, Buckinghamshire Oxfordshire Wildlife Trust	<p>Thank you for consulting the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) on this draft SUDS SPD. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of biodiversity.</p> <p>BBOWT welcomes this SPD and we are broadly supportive of the contents. We have some comments in relation to the following areas.</p> <p>Paragraph 2.12 (within 2.c.ii. - What are the benefits of using SUDS?) – it is considered that the primary benefits of SUDS are not limited to “<i>managing water quantity and quality</i>”, but also includes “<i>protecting and improving the environment and biodiversity</i>”, because SUDS are intended to mimic natural drainage systems. We therefore recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 2.20 (table within 2.d. – How SuDS support other legislation and policies?) – There appears to be no reference in the table to statutory site designations for nature conservation (European sites and SSSIs) and duties to protect and conserve such sites, respectively under the Conservation of Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (as amended) (1981). This is relevant where, for example, development is proposed upstream of a designated site, where alterations to the quality and quantity of surface water runoff</p>	<p>Comments noted.</p> <p>The recommended text has been added to 2.2.2 of the SPD.</p> <p>Both legislation references are now included in the table in section 2.3 ‘How can SuDS support other legislation and policies’ as well as the reference list.</p>

Consultee	Representation	Action / Comments
	<p>is likely to impact the hydrology of the site (see case in point, Decoy Pit, Pools & Woods SSSI). We therefore recommend appropriate reference in this section to the requirements of these two pieces of nature conservation legislation.</p> <p>Paragraph 2.23 (2.e. - National design guidance) – there is currently no mention within the references listed here of the CISL (Cambridge Institute for Sustainability Leadership) “Planning Advice for Integrated Water Management”. We recommend a reference to this helpful and detailed advice note is included within the SUDS SPD, either in this paragraph or in section 8, as deemed appropriate. The advice can be downloaded from - https://www.cisl.cam.ac.uk/publications/publication-pdfs/natural-capital-leaders-platform-waterplanning-ad.pdf.</p> <p>Paragraph 3.10 (within 3.a.vi – Landscape) – the landscape of West Berkshire is also principally characterised by wet and dry grasslands and pastures. We recommend these habitats be included in the list in this paragraph.</p> <p>Paragraph 3.19 (table within 3.b – SUDS in West Berkshire) – under “<i>Priority habitats</i>”, where the text currently reads “<i>Improve biodiversity UK BAP, SAC, SSSI designated chalk river priority habitats and other designated sites.</i>”, it is considered that Local Wildlife Sites should be expressly included as follows “<i>and other locally designated sites, (e.g. Local Wildlife Sites)</i>”. We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 4.2 (within 4.a. - Principles and standards for integrated SuDS design) – point (g) should include the requirement for monitoring, where appropriate, to enable adaptive maintenance / management regimes or remedial work in response to changing conditions or performance of the SUDS. Point (g) could therefore read “(g) <i>Ensure that SuDS are monitored and maintained for the lifetime of the development</i>”. We recommend the addition of the underlined text in this paragraph.</p>	<p>The CISL document has been added to Section 2.4 of the SPD.</p> <p>These habitats have been added to the first sentence of section 3.1.6 Landscape.</p> <p>These habitats have been added to the ‘Priority Habitats’ section of the table in section 3.1.9.</p> <p>A reference to adaptive maintenance has been added to section 5. Mention of monitoring in the ‘SuDS Maintenance Plan’ has also been added in 5.6.5.</p>

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	<p>Paragraph 4.39 (within 4.d. Principle 3 - Promote and encourage biodiversity) – It is considered that it would be appropriate to use the term nature based solutions instead within the first bullet point, as follows; “<i>• SuDS designs shall demonstrate biodiversity benefits and contribute to the local green infrastructure by using drainage systems with visible vegetated components nature based solutions wherever possible</i>”. We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 4.69 (within 4.g Principle 6 - Ensure that SuDS are adopted and maintained for the lifetime of the development) – as noted in relation to paragraph 4.2, it is considered that this section should expressly state the requirement for monitoring and reporting, for the reasons stated above.</p> <p>This would be most appropriate in the third bullet point as follows “<i>• Plans for adoption and a Maintenance Plan detailing the operation, monitoring, reporting, and maintenance of the drainage systems for the life of the development shall be provided with all SuDS designs.</i>” We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 7.10 (within 7.c.ii Consultation) - it would be appropriate to include the CaBA partner for the Kennet and Pang catchments (Action for the River Kennet) in the list of relevant non-statutory consultees.</p> <p>Appendices 1 & 2 (3 Design Statement) – Under “Principle 3: Promote and encourage biodiversity – Habitat provision”, it is considered that point (ii) should state “<i>The drainage system will support, protect and enhance natural local habitats and species.</i>” We recommend the addition of the underlined text in Appendices 1 and 2.</p> <p>Appendices 1 & 2 (4 Maintenance and construction) – Under “Principle 7: Ensure that SUDS are maintained for the lifetime of the development – Operation and maintenance”, it is considered that point (i) should read “<i>Maintenance and</i></p>	<p>The wording (currently ‘visible vegetated components’) has been changed to ‘nature-based solutions’ in 5.3.2.</p> <p>Mention of monitoring in the ‘SuDS Maintenance Plan’ has been added to 5.6.5.</p> <p>The suggested wording has been added into the policy at 5.6.2.</p> <p>‘River Kennet and Pang Catchment Partnership Groups’ has been added to the list of non-statutory consultees in 7.2.2.</p> <p>The Minor and Major Checklists included at the end of the SPD have been amended to include this.</p> <p>The Minor and Major checklists have not been amended, however whole</p>

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	<p><i>Monitoring Plan covers the proposed drainage system over its lifetime (125 years)", and in a similar vein, point (iii) should read "Whole life maintenance and monitoring costs provided for the proposed drainage system (125 years)". In addition, in Appendix 2, the lifetime for point (i) is given as 100 years – should this rather be 125 years? We recommend the addition of the underlined text in Appendices 1 and 2.</i></p> <p>General Points</p> <ul style="list-style-type: none"> • Timing of delivery of SUDS – SUDS should be functional during construction, not left until development is operational or occupied. We have been unable to locate any express reference to this requirement in the draft document and recommend it be included. • CIRIA Benefits of SUDS Tool (BeST) https://www.ciria.org/Resources/Free_publications/New-tool-assesses-the-benefits-ofSuDS.aspx - there appears to be no reference in the document; we recommend a reference is included to this tool. 	<p>life maintenance and monitoring costs will be added to point (ii). There will be amendment to 100 years where inconsistency.</p> <p>An additional paragraph has been added to Section 5.7.3 in line with CIRIA Construction Guide. Completing SuDS before development is operational is best practice, however the phasing of some larger sites means SuDS cannot be implemented.</p> <p>Reference to the BeST tool has been included.</p>
Brimpton Parish Council	Brimpton Parish Council considered this document but have no comments to make	Comment noted
Burghfield Parish Council	<p>Question 1: Do you agree with our Vision for SuDS and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Burghfield Parish Council agrees with the WBDC vision for SuDS and that water should be regarded as a valuable resource that should be managed and conserved.</p>	Comments noted.

Consultee	Representation	Action / Comments
	<p>Question 2: Do you agree that SuDS will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>If implemented correctly at the design and planning application stage, SuDS has the potential to reduce the flood risk from new development.</p> <p>Question 3: Do you agree that SuDS assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer.</p> <p>There is a potential that SuDS will assist in the creation of developments that will be better able to cope with the effects of climate change.</p> <p>Question 4: Do you agree that SuDS should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>BPC agree that SuDS should provide multiple benefits, but only if implemented in partnership with the developer who clearly understands the principles within this SPD and are able to provide a high quality SuDS design, as suggested.</p> <p>Question 5: Do you agree that SuDS can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>BPC agree that SuDS should provide multiple benefits, one of which is an attractive environment to live, but again, only if implemented in partnership with the developer who clearly understands the principles within this SPD and are able to provide a high quality SuDS design, as suggested.</p> <p>Question 6: Do you have any other comments on the SuDS SPD?</p>	

Consultee	Representation	Action / Comments
	<p>At a high level, this SPD is a very good addition to the overall suite of DPDs for West Berkshire. However, the format of the document makes to many external references to web sites that require registration to be included in the DPD suite. Either extract the details from these documents and include them in the main body of the DPD or provide them alongside the document, for review.</p> <p>Clean up the overall format of the document.</p>	<p>The CIRIA website requires registration, although it is free.</p> <p>The final version of the document is in a more-user friendly format and includes graphics.</p>
Canal and River Trust	<p>Thank you for consulting the Canal & River Trust on the above document. It is noted that the only reference to the Trust in the document is in the section referring to Statutory Consultees where it states;</p> <p>‘Canal and River Trust - Consult if the development is likely to impact on an inland waterway’. This is rather vague and put the onus on the developer to determine whether Trust assets and impacted upon. We would prefer that if in any doubt the developer contacts the Trust early in the process for direct advice.</p> <p>In addition, the Trust may in some circumstances be able to accept drainage into the canal. This can be mentioned in this document. We suggest that the following wording could be introduced;</p> <p><i>Drainage of uncontaminated surface water will be considered to the canal network at suitable locations. The Canal and River Trust undertakes a staged process to review the impact of all new or modified discharges to its network, in addition to any considerations that are made by the Environment Agency and/or the Local Planning Authority via the normal planning process.</i></p> <p><i>The Trust supports the principles of Sustainable Drainage Systems (SUDS) which should be followed. In the majority of situations, there is no obligation on the Trust to</i></p>	<p>Comments noted.</p> <p>The Canal and River Trust consultee bullet point in 7.2.2 has been amended to recommend consultation, firstly with the Canal and River Trust to determine whether there is an impact on waterways.</p> <p>Text added to section 6.4 ‘Receiving Waters’ and</p>

Consultee	Representation	Action / Comments
	<p><i>accept discharges, and prescriptive rights concerning drainage are usually not enforceable by the landowners. The Trust has prepared a document which helps to explain our process which can be found here. https://canalrivertrust.org.uk/media/original/22749-surface-waterdrainage-leaflet-august-2015.pdf?v=b9d701</i></p> <p><i>Guidance is given in the CIRIA publication C523 'Sustainable Urban Drainage Systems – Best Practice Manual' – This refers to the CIRIA Sustainable Urban Drainage Design Manuals C522 for England and Wales. The Flood & Water Management Act 2010 introduces changes to the legislation relating to SUDS, and subsequent editions of this document will reflect those changes, once enacted/commenced.</i></p> <p>I look forward to being consulted on the final document, which hopefully can incorporate the suggestions made above.</p>	<p>5.1.3 'Discharge destination'.</p> <p>The CIRIA publication is already referenced. Reference to Schedule 3 of the Flood and Water Management Act 2010 has been included in the policy table in sections 2.3 and 5.6.1 'Adoption and maintenance'.</p>
<p>Councillor Alan Macro, Opposition Spokesperson, West Berkshire Council Liberal Democrat Group</p>	<p>Question 1: Do you agree with our Vision for SuDS and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 2: Do you agree that SuDS will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided they are adequately maintained</p> <p>Question 3: Do you agree that SuDS assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided that are properly maintained</p>	<p>Comments noted.</p>

Consultee	Representation	Action / Comments
	<p>Question 4: Do you agree that SuDS should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided that they are properly maintained</p> <p>Question 5: Do you agree that SuDS can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes, provided that measures are put in place to maintain those spaces</p> <p>Question 6: Do you have any other comments on the SuDS SPD?</p> <p><i>I am concerned that SuDS measures are not adequately maintained in the future, particularly those on private land. Future occupiers of properties containing a SuDS measure may not be aware of its purpose and may, for example, fill in swales or destroy rain gardens.</i></p> <p><i>To address this concern:</i></p> <ol style="list-style-type: none"> <i>1) Requirements to fund the maintenance of SuDS measures on public land for at least 50 years should be put in place when planning permission is granted by requiring a legal agreement to be signed by the applicant.</i> <i>2) Where SuDS are on communal land then there should be a requirement for a maintenance company to maintain the SuDS in perpetuity.</i> <i>3) Where SuDS are within the curtilage of private homes or business premises then there should be a requirement, enforced either by a planning condition or legal agreement, for the SuDS to be maintained in perpetuity. There should also be a requirement for future purchasers of such property to be informed of this responsibility, again enforced by either a planning condition</i> 	<p>Whole-life maintenance of SuDS is already enforced. Without being designated a SuDS Approval Body under schedule 3 of the Flood and Water Management Act 2010, there is no legislative backing for the Council to issue maintenance requirements for future property owners. As such no changes have been made.</p>

Consultee	Representation	Action / Comments
	<p><i>or legal agreement. If possible, this requirement should also be recorded on the land registry entry for the property.</i></p> <p>4) <i>The Council should be given the right to inspect SuDS on communal or private land to check whether it is being adequately maintained.</i></p>	
Forestry Commission	<p>Local Plans and ancient woodland – Forestry Commission approach</p> <p>The Forestry Commission is not in a position to input into the consultation process for Local Plans. However, the information below is provided to assist you in assessing the appropriateness of sites for future development, and to highlight opportunities for achieving your renewable energy obligations.</p> <p>A summary of Government policy on ancient woodland</p> <p>Natural Environment and Rural Communities Act 2006 (published October 2006). Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>National Planning Policy Framework (published March 2012). Paragraph 118 – “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.</p> <p>National Planning Practice Guidance – Natural Environment Guidance. (Published March 2014) This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non-statutory consultee on “development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in Natural England’s Ancient Woodland inventory), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and</p>	<p>Comments noted. Government policy on ancient woodland is not relevant to SuDs. However in relation to the points on flood risk, a new paragraph to Section 3.1.8 ‘Flood Risk’ has been added to introduce flood defences and wider Natural Flood Management techniques, with the Pang Valley as an example.</p>

Consultee	Representation	Action / Comments
	<p><i>where the development would involve erecting new buildings, or extending the footprint of existing buildings”</i></p> <p>It notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework.</p> <p>It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees. (Published April 2014) The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which we refer you to in the first instance. This advice is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It also provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees.</p> <p>The Standing Advice website will provide you with links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. The assessment guides sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Case Decisions demonstrates how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland. These documents can be found on our website.</p> <p>The UK Forestry Standard (3rd edition published November 2011). Page 24 “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs).</p>	

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	<p>Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005). Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.</p> <p>Natural Environment White Paper “The Natural Choice” (published June 2011) Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”. Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.</p> <p>Biodiversity 2020: a strategy for England’s wildlife and ecosystem services (published August 2011). Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).</p> <p>Renewable & low carbon energy:</p> <p>The resilience of existing and new woodland is a key theme of the Forestry Commission’s work to Protect, Improve and Expand woodland in England we will continue to work with Forestry / Woodland owners, agents, contractors and other Stakeholders to highlight and identify, pests and diseases and to work in partnership to enable Woodlands and Forests are resilient to the impacts of Climate Change.</p> <p>Woodfuel and timber supplies continues to be an opportunity for local market growth whilst also enabling woodlands to be brought back into active management.</p> <p>Flood risk:</p> <p>The planting of new riparian and floodplain woodland, can help to reduce diffuse pollution, protect river morphology, moderate stream temperature and aid flood risk management, as well as meet Biodiversity Action Plan targets for the restoration</p>	

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	<p>and expansion of wet woodland.</p> <p>The Forestry Commission is keen to work in partnership with Woodland / Forest Stakeholders to develop opportunities for woodland creation to deliver these objectives highlighted above.</p> <p>In the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives as part of a wider integrated landscape approach. For instance through:</p> <ul style="list-style-type: none"> the inclusion of green infrastructure (including trees and woodland) in and around new development; and the use of locally sourced wood in construction and as a sustainable, carbon lean fuel. 	
Highways England	<p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A34 and M4 motorway.</p> <p>We have reviewed this document and have no comments.</p>	Comments noted
Historic England	<p>We note that the example indicators set out in Table 5.2 of the CIRIA report C753 The SuDS Manual-v6 (Amenity design criteria and Example indicators) include <i>“supports local heritage”</i>.</p> <p>We welcome this recognition in paragraphs 4.46 and 4.48 of the draft SPD. However, we consider that accordingly Principle 4 should be renamed <i>“Enhance the landscape and historic environment”</i> and the Policy be reworded as <i>“SuDS shall be</i></p>	<p>Comments noted.</p> <p>Reference to the historic environment has been added to Principle 4.</p>

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	<p><i>designed to enhance the local landscape and historic environment, by integrating water and heritage features into the site landscape design”.</i></p> <p>We would welcome paragraph 4.46 being reworded: “.....or integrating a historic monument or other archaeological remains.....or enhancing the setting of a heritage asset”.</p> <p>We consider that paragraph 4.50 should be reworded as “A <i>landscape architect (and, where heritage assets on or near the site would or may be affected, a heritage specialist) should be consulted early in the planning process.....and amenity (and, where possible, heritage) benefits</i>”. The potential team members in Paragraph 6.2 should also include a heritage specialist in our opinion (as paragraph 6.9 does).</p> <p>An alternative to the above would be have a separate Principle “<i>Enhance the historic environment</i>”, with the considerations identified above. Certainly, the landscape and historic environment are both important considerations in their own right, worthy of separate consideration, although we accept that SuDS offer more frequent opportunities for enhancing the landscape than the historic environment.</p>	<p>The heritage aspect links well within the same SuDS principle as landscape. Rather than create a new principle, the suggested text has been added to section 5.4.3.</p> <p>‘Heritage specialist’ has been added to the list of potential team members in paragraph 6.2.</p>
Kay Lacey	<p>Question 1: Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 2: Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>Yes</p>	Comments noted.

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	<p>Question 3: Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</p> <p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes - where feasible but the flood risk reduction benefit far outweighs the others in my view</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes - hopefully</p>	
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We</p>	Comments noted. See Table 1 above for comments made in respect of the SEA/HRA screening report.

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	<p>therefore do not wish to provide specific comments</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	
South Oxfordshire District Council	<p>Thank you for consulting South Oxfordshire on your draft SuDs SPD.</p> <p>South Oxfordshire have no comments to make.</p>	Comments noted.
Stratfield Mortimer Parish Council	<p><i>Question 1: Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 2: Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 3: Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</i></p>	Comments noted.

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	<p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>1. Overall Scope of SPD. Very much welcome the SPD and its comprehensiveness particularly extending the scope beyond strictly flood management to include aspect such as biodiversity, integration in to the landscape, as a public amenity, health and safety, and community involvement.</p> <p>2. Consultation during SuDS Design. Welcome the recognition of the importance of local and early consultation. Recommend that these references could be beneficially strengthened to ensure local knowledge and support for schemes is forthcoming e.g.</p> <p>(a) In paragraph 2.29 the proposal is that '<i>SuDS should also contribute towards the aims of Neighbourhood Plans</i>', we suggest this be reworded as follows '<i>SuDS shall also contribute towards the aims of Neighbourhood Plans and will include in the design any local specific needs included in an NDP</i>'.</p>	<p>The recommended wording has been added to section 2.3.</p> <p>It is paragraph 2.19 of the consultation version of the SPD (and 2.3 of the final version) that refers to SuDS contributing towards neighbourhood plans. In the determination of planning applications and appeals, the decision taker must have regard to the development plan (which includes adopted</p>

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	<p>(b) The importance of local knowledge is a vital source of information about local flooding problem areas and risks.</p> <p>(i) The policies in Principle 5 - <i>Engage and benefit the local community</i> –are focused on benefit and safety which are fully supported. Recommend that a 4th policy is included to ‘Require the developer explicitly to include within SuDS design local knowledge of flooding problems/risks that might be exacerbated/could be ameliorated. This could be achieved by rather than recommending that other non-statutory bodies be consulted (paragraph 7.10) this should require developers to consult ensuring local issues are identified and properly addressed at an early stage in the design and planning process.</p> <p>(ii) The recognition of downstream flood risks is welcomed. Recommend this be strengthened to state that local consultations be held at an early stage to inform the developer of possible risks based on local knowledge. Further state the design shall demonstrate there is no increased risk of flooding and that opportunities to reduce risk in vulnerable areas have been included in the design.</p> <p>(c) Local Area Definition Recommend ‘<i>local area</i>’ be defined as the area immediate to the development e.g. Mortimer for MOR006.</p> <p>(d) Design Parameters. Paragraph 3.17 references the 2007 storm, however the proposed SuDS design standards/calculations do not, it is believed, take into account the particularly damaging characteristics of that storm – duration of the storm (greater than 6 hours), very high volume of rainfall during the storm, the storm water fell on saturated ground and during the storm a period of very high intensity rain. In Mortimer this high intensity period was 20+ mm of rain in a 30 minute period. Recommend that the design parameters should be strengthened to reflect the</p>	<p>neighbourhood plans) as well as the SuDS SPD if it is adopted. No changes proposed.</p> <p>Developers are not obliged to do this and the Council does not have the powers to compel them do this. Public consultation is part of the planning process which already exists. No changes proposed.</p> <p>No changes proposed.</p> <p>Design standards are for consistency, but all designs must allow for exceedance. It is good practice to look at historical events, although this is more usually done in</p>

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	<p>worst case recorded storm characteristics (e.g 2007) in the <i>local area</i> of the development (e.g Mortimer for MOR006) This could be framed as follows:-</p> <ul style="list-style-type: none"> (i) rain falling on saturated ground or dry compacted ground (100% runoff) (ii) a peak intensity rainfall over a 30 minute period of 20mm within the critical event duration with very high intensity over a 5 minute period (21mm and 69mm respectively in Stratfield Mortimer) (iii) the higher of either the rainfall assumptions in the standard calculations or the maximum rainfall recorded at the closest approved weather station over the last 20 years with an uplift of 40% for climate change. (iv) a storm event lasting longer than a 6 hour event (the 2007 storm lasted 8 hours with +80mm of rain in Stratfield Mortimer). 	<p>a Flood Risk Assessment. No changes proposed.</p>
Thames Water	<p>As you will be aware, Thames Water Utilities Ltd (Thames Water) are the statutory water and sewerage undertaker for West Berkshire and are hence a “specific consultation body” in accordance with the Town & Country Planning (Local Planning) Regulations 2012. We have the following comments on the consultation document:</p> <p>Specific comments</p> <p>Page 62 relates to consultation with statutory consultees and states: “<i>Sewerage undertaker (Thames Water) – Consult if SuDS will connect to the surface water sewer network.</i>” On page 62.</p> <p>Response - Unfortunately where SUDs aren’t practical and a surface water sewers doesn’t exist the developer has the right to connect to a combined or foul sewer. While we discourage this we need to be consulted where there is a proposal to discharge waters to the public sewer.</p> <p>Page 24 states: “<i>Section 104 agreement with Thames Water is required to connect into a public sewer.</i>”</p>	<p>Comments noted.</p> <p>This clarification has been included in section 7.2.2 ‘consultation’.</p>

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	<p>Response – A section 104 agreement is the for the adoption of surface water or foul water assets. The relevant water industry act for connecting a pipe to the public network is Section 106.</p> <p>General Comments</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the wastewater system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding.</p> <p>Thames Water recognises the environmental and economic benefits of surface water source control, and encourages its appropriate application, where it is to the overall benefit of their customers. However, it should also be recognised that SUDS are not appropriate for use in all areas, for example areas with high ground water levels or clay soils which do not allow free drainage. SUDS also require regular maintenance to ensure their effectiveness.</p> <p>Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SuDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SuDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. SUDS not only help to mitigate flooding, they can also help to:</p> <ul style="list-style-type: none"> • improve water quality • provide opportunities for water efficiency • provide enhanced landscape and visual features • support wildlife • and provide amenity and recreational benefits. 	<p>Section 5.1.3 'Supporting text: discharge destination' has been updated to refer to Section 106 agreement.</p> <p>General comments noted</p>

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Thatcham Town Council	West Berkshire Council's draft SPD on SuDS was discussed at Thatcham Town Council's Planning & Highways Committee last night and councillors wished to express their support of the document and its contents. If new developments incorporate the SuDS measures, as outlined in the draft document, it was felt these would be of great benefit to the town in a variety of ways.	Comments noted
Transport for London	Thank you for consulting Transport for London (TfL). I can confirm that we have no comments to make on the draft SPD.	Comments noted