

21 August 2017

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| Committee | Executive |
| Date | Wednesday, 30 August 2017 |
| Time of Meeting | 2:00 pm |
| Venue | Committee Room 1 |

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

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| Agenda |
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1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.



| | Item | Page(s) |
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| 2. | APOLOGIES FOR ABSENCE AND SUBSTITUTIONS | |
| | To receive apologies for absence and advise of any substitutions. | |
| 3. | DECLARATIONS OF INTEREST | |
| | Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies. | |
| 4. | MINUTES | 1 - 7 |
| | To approve the Minutes of the meeting held on 12 July 2017. | |
| 5. | ITEMS FROM MEMBERS OF THE PUBLIC | |
| | To receive any questions, deputations or petitions submitted under Rule of Procedure 12. | |
| | <i>(The deadline for public participation submissions for this meeting is 23 August 2017.)</i> | |
| 6. | EXECUTIVE COMMITTEE FORWARD PLAN | 8 - 13 |
| | To consider the Committee's Forward Plan. | |
| 7. | FINANCIAL UPDATE - QUARTER ONE PERFORMANCE | 14 - 22 |
| | To consider and scrutinise the Council's financial performance information for the first quarter of 2017/18. | |
| 8. | MANAGING CONTRACTORS SAFELY POLICY | 23 - 37 |
| | To adopt the Council's Managing Contractors Safely Policy. | |
| 9. | ENVIRONMENTAL HEALTH ENFORCEMENT POLICY | 38 - 57 |
| | To adopt the Environmental Health Enforcement Policy. | |
| 10. | COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY | 58 - 68 |
| | To approve the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy. | |
| 11. | BUSINESS RATES POLICY FOR NEW RELIEF - CHANGES TO THE EXISTING DISCRETIONARY RELIEF POLICY | 69 - 120 |
| | To adopt the new Policy for awarding relief to ratepayers facing significant increases in business rates bills following the 2017 revaluation and local newspaper relief; to note the changes to the existing charitable discretionary relief policy for recipients of rural rate relief; and to adopt the new review period for discretionary relief. | |

| | Item | Page(s) |
|-----|--|-----------|
| 12. | FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT | 121 - 264 |
| | To approve the Flood and Water Management Supplementary Planning Document for consultation purposes; and to delegate authority to the Head of Development Services to make any necessary minor amendments to the draft document as appropriate. | |
| 13. | PERRYBROOK DEVELOPMENT, BROCKWORTH | 265 - 270 |
| | To consider proposals to discharge the provisions of the Section 106 Agreement on the development in respect of an outdoor sports area and proposed changing facility. | |
| 14. | GROWTH HUB | 271 - 275 |
| | To consider the update in respect of the Growth Hub and to make a recommendation to Council that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Economic Development/Promotion, the Head of Finance and Asset Management and the Borough Solicitor, to implement the Growth Hub, including entering into appropriate agreements. | |
| 15. | SEPARATE BUSINESS | |
| | The Chairman will move the adoption of the following resolution: | |
| | That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act. | |
| 16. | SEPARATE MINUTES | 276 - 281 |
| | To approve the separate Minutes of the meeting of the Committee held on 12 July 2017. | |

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| <p data-bbox="651 1485 1010 1514" style="text-align: center;">DATE OF NEXT MEETING</p> <p data-bbox="595 1532 1066 1565" style="text-align: center;">WEDNESDAY, 11 OCTOBER 2017</p> <p data-bbox="515 1583 1145 1612" style="text-align: center;">COUNCILLORS CONSTITUTING COMMITTEE</p> <p data-bbox="193 1632 1337 1700">Councillors: Mrs K J Berry, R A Bird (Vice-Chair), Mrs G F Blackwell, M Dean, R Furolo, Mrs J Greening, Mrs E J MacTiernan, J R Mason and D J Waters (Chair)</p> |
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Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 12 July 2017 commencing at
2:00 pm**

Present:

Vice Chair in the chair

Councillor R A Bird

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, M Dean, R Furolo, Mrs J Greening, Mrs E J MacTiernan and
J R Mason

also present:

Councillors P W Awford

EX.17 ANNOUNCEMENTS

- 17.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 17.2 The Vice-Chair in the chair welcomed Councillor P W Awford, as Chair of the Overview and Scrutiny Committee, who was in attendance for Item 7 – Performance Management Report – Quarter Four 2016/17.

EX.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 18.1 An apology for absence was received from Councillor D J Waters (Chair). There were no substitutions for the meeting.

EX.19 DECLARATIONS OF INTEREST

- 19.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 19.2 The following declaration was made:

| Councillor | Application No./Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
|-------------------|---|---|---|
| J R Mason | Item 11 – Disposal of Garage Site at Back Lane, Winchcombe. | Is Chair of Winchcombe Town Council but was not aware of any discussions having taken place about this issue. | Would speak and vote. |

19.3 There were no further declarations made on this occasion.

EX.20 MINUTES

20.1 The Minutes of the meeting held on 7 June 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.21 ITEMS FROM MEMBERS OF THE PUBLIC

21.1 There were no items from members of the public on this occasion.

EX.22 EXECUTIVE COMMITTEE FORWARD PLAN

22.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 13-17. Members were asked to consider the Plan.

22.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.23 PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2016/17

23.1 The report of the Overview and Scrutiny Committee Chair, circulated at Pages No. 18-55, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2016/17 quarter four performance management information.

23.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached to the report at Appendix 1, and to the Council Plan Performance Tracker, attached at Appendix 2 to the report.

23.3 The Overview and Scrutiny Committee Chair explained that progress on Council performance during the fourth and final quarter of the year was generally good with some key areas of excellent performance. Of particular note were the launch of a new Economic Development and Tourism Strategy; a five year extension to Gloucestershire County Council's leases in the Public Services Centre; and the procurement of a new £3.5 million waste and recycling vehicle fleet. Members were also made aware of areas that had not progressed as planned which included rolling out a programme of customer services training for staff across the Council; undertaking a discretionary trade waste service review to ensure it was operating on a viable commercial level; and delivering phase 2 of the planning and environmental health service review. He felt Members had done an excellent job of scrutinising the report and, as a result, there had been a wide range of questions asked; the full list of those questions, and the subsequent responses from Officers, had been attached as an Appendix to the current report. A Member had asked what was happening with the J9 area as well as what pieces of work were being commissioned and, in response, the Head of Development Services had advised that Officers were trying to understand the future potential of the area; especially given the Ministry of Defence plans for the Ashchurch camp had changed. It had been explained that there were currently three pieces of work being carried out which included looking at what interventions could be used; undertaking a visioning exercise looking at the aspirations of the area; and looking at what could be achieved through masterplanning. Those three pieces of work would help to ensure the whole site was properly planned which was important for the entire Borough as well as the growth zone itself. A Member had asked what was meant by a 'change in direction' for the regeneration of Spring Gardens and, in response,

the Head of Finance and Asset Management had explained that, originally, the Council had intended to develop the site itself but this was no longer a viable option; a report would be submitted to the Executive Committee to ask Members to confirm the position they wished to take going forward. Another Member had questioned how many members of staff were undertaking NVQ qualifications and whether they were internally or externally assessed. The Communications and Policy Manager had explained that all staff undertaking NVQs were externally assessed. Whilst not all Customer Services staff had signed up to do the NVQ, those that had done had achieved the qualification. In addition, Members were advised that customer services training would be provided for all frontline staff across the Council over the coming months. In terms of Key Performance Indicators, a Member had asked whether the downturn in performance for the number of days to process new benefit claims was a consequence of the restructure of the team. The Head of Revenues and Benefits advised that, while performance had not been as good as the previous year, it remained in the top quartile nationally and the Council remained the envy of other local Councils in the country. The restructure of the team would have an impact but the changes were being made with Universal Credit in mind, which would take away a lot of the work the team currently did – there would most likely be a reduction of 50% of claims overall. In terms of planning and the percentage of minor applications determined within eight weeks, a Member noted that performance had slightly improved but was still over the target due to the turnover of staff and the Member had questioned if there was an underlying reason for the high staff turnover. The Head of Development Services explained that there was a lot of work being carried out to fully staff the team, and they were considering ways that recruitment could be improved. The Chief Executive advised that Councils had been in competition with the private sector for some time; however, the Council had been doing reasonably well in retaining and attracting new staff recently which was encouraging. A Member questioned why short-term absence had worsened and whether this was the reason she found it hard to speak to members of staff in the building. The Head of Corporate Services had explained that there were a number of things being considered to address this, including a review of the Absence Management Policy and the introduction of a new HR system which would more effectively record absence. In terms of not being able to speak to staff within the building, the Chief Executive said this should not be an ongoing issue and, if Members had any specific examples, he would be pleased to hear them after the meeting as this would enable him to establish whether there was a wider problem.

- 23.4 As this was the final quarter performance report for 2016/17, the Overview and Scrutiny Committee Chair took the opportunity to recognise the hard work of his Committee throughout the year. A wide range of excellent work had been undertaken, as identified in the annual report which had been approved by Council on 16 May, and he looked forward to another exciting year of scrutiny ahead in 2017/18. Another Member agreed with this view and felt that the thorough questioning of the Overview and Scrutiny Committee was a great help to the Executive Committee.

23.5 During the discussion which ensued, a Member explained that, at a previous meeting, the Council's new Economic Development and Tourism Strategy had been adopted. The Member indicated that there had been a very successful launch of the strategy the previous evening at Porsche in Tewkesbury. He felt the event had allowed the Council to successfully engage with local businesses and he had been pleasantly surprised at the attendance level. The main issue which businesses had fed back was the lack of available employment land in the area. The Tewkesbury: Better Connected for Business video had been shown and the Member felt it had worked really well and was a professional way of putting the Council's strategy into context. The Head of Development Services agreed and advised that Officers had picked up quite a lot of leads in terms of contacts and areas they could follow-up to enable them to support businesses to grow and remain within Tewkesbury Borough.

23.6 Referring to affordable housing, a Member expressed concern at the growth of 'affordable rents' in comparison to other affordable tenures such as social rent, shared ownership and discounted sale. He felt there were areas where affordable rents were just too high and he questioned whether this was going to be the Council's preferred tenure moving forward. In response, the Strategic Housing and Enabling Officer explained that Section 106 Agreements secured the affordable rent value for a development and Officers tried to ensure that was set within benefit levels. In terms of the level of affordable rents she advised that they tended to include a service charge whereas social rent levels were lower but the service charge was paid separately. The Member questioned whether residents were getting value for money where service charges were concerned and, in response, it was explained that it was up to the individual tenants to ensure this was the case. The schedule of works could be requested by the tenant so they could see what they were paying for and make certain they were receiving value for money. In response to other queries regarding service charges, the Strategic Housing and Enabling Officer advised that they tended to be charged on a site-wide basis. Sometimes the Registered Social Landlord was responsible for the charges and sometimes it was the management company. At the moment the charge was around £150 per year but this varied from place to place and was negotiated on a site by site basis. No service charges could be set without being agreed by the Council and Officers looked at everything to try and ensure it was fair. Service charges were usually for things like un-adopted roads, security gates, communal areas, play areas, public open spaces etc. – the tenants themselves were responsible for their own gardens. Service charges had existed for quite a long time and the Strategic Housing and Enabling Officer had worked out that social rent plus a service charge tended to be around £5.00 more a week than affordable rents, particularly where this was capped at the Local Housing Allowance rate. Bungalows could be a real problem in terms of affordability as rents tended to be expensive due to the large footprint that they covered – in those cases the Strategic Housing and Enabling Officer tried to work with partners to bring the rents down to a level where they would be affordable. The government was pushing authorities to move from social rent to affordable rent and any voids tended to be put forward for affordable rent so this was becoming a popular approach.

23.7 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2016/17 be **NOTED**.

EX.24 COMMUNITY INFRASTRUCTURE LEVY - STATEMENT OF MODIFICATIONS

- 24.1 The report of the Head of Development Services, circulated at Pages No. 56-71, attached a Community Infrastructure Levy (CIL) Proposed Statement of Modifications and asked Members to recommend to Council that it be approved for public consultation. In addition, the report recommended that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the Statement and prepare any further statements of modification following the JCS hearings and/or any further viability assessments undertaken; that authority be delegated to the Deputy Chief Executive to agree the date of public consultation with Cheltenham Borough and Gloucester City Councils; and, following the conclusion of the consultation, that the Deputy Chief Executive be authorised to compile all responses received and submit them to the CIL Examiner for examination.
- 24.2 In introducing the report, the Deputy Chief Executive explained that the Joint Core Strategy (JCS) authorities (Tewkesbury Borough, Cheltenham Borough and Gloucester City Councils) had been working towards adopting a CIL alongside the JCS. The CIL would allow the Councils to raise funds from developers undertaking new developments for a wide range of infrastructure that was needed to support them e.g. road improvements and schools. CIL would replace the majority of Section 106 planning obligations; however, Section 106 would still be used to deliver affordable housing provision and site specific mitigation measures for strategic allocations. The majority of required infrastructure would continue to be funded through the Section 106 planning obligations process. The proposed CIL rates were set out within the draft CIL Charging Schedule which had been submitted to the Planning Inspectorate for Examination on 29 July 2016. The CIL charges were set out within each authority's CIL Draft Charging Schedule which provided details on the CIL charges for different types of development. The independent Planning Inspector who was dealing with the JCS had also been appointed to preside over the Examination into the CIL Charging Schedule and the CIL Hearings would take place sometime after the JCS Hearings had been completed.
- 24.3 The variations made to date on the JCS had seen three sites taken out that had originally been included and three sites that were not originally included being put in. With this in mind, the CIL now needed modification before its examination could take place. The JCS authorities had received legal advice setting out the most appropriate way forward which was to produce a 'Statement of Modifications' to each draft Charging Schedule before the examination and to consult on those statements for a period of four weeks; the Statement, attached to the report at Appendix 1, included modifications to add/delete the strategic allocations as recommended by the JCS inspector; included maps showing the boundaries of the strategic allocations; and included a section setting out how the CIL charge would be calculated. Once the three Councils had each approved the Statement of Modifications for their respective Draft Charging Schedules and, assuming all went to plan, it was anticipated that the examination would be held in October 2017 and adoption would be in January 2018. The recommendation before Members would offer flexibility to enable the CIL to be adopted as quickly as possible and ensure the appropriate resources were available. In terms of resources, the JCS authorities would be required to implement a system for collection and administration of CIL, to include the recruitment of two Officers to manage CIL and Section 106 planning obligations; the financial costs of those posts were estimated to be £60,000 for each authority. The CIL Regulation allowed Councils to clawback reasonable costs in preparing and implementing CIL by allowing them to reclaim 5% of the total CIL revenue for the first three years that it was levied. In addition, the CIL Regulations made provision for Councils to use up to 5% of each year's CIL revenue to offset the administrative costs. The projections for the JCS

authorities for CIL income was in the region of £13 million in the first three years and therefore the additional cost of a new system and staff resources should be retrieved during that period.

- 24.4 A Member questioned whether Tewkesbury Borough Council would have its own CIL or whether it would have a joint one with Cheltenham Borough and Gloucester City Councils. She also questioned whether the CIL would be adopted even if the JCS was not. In response, the Head of Development Services explained that the Council's charging figure was slightly different to that of Cheltenham and Gloucester as it was based on technical house prices, viability etc; however, the CIL on the cross boundary sites within the JCS would need to be worked out through the planning application process. CIL was subject to its own examination process so it could still go forward without the JCS; however, the process would be cleaner if they were adopted alongside each other since one was a large part of the other. In terms of charges, this would be £35 per square metre for strategic allocations with the figure for the rest of the Borough being significantly higher. In addition, the Deputy Chief Executive advised that the documents before the Committee only presented the changes as the rest of the process, i.e. the charges etc., had already been agreed by the Council. Members felt that it would have been helpful to have received the approved CIL charges as part of the Agenda pack to serve as a reminder and they asked that this information be included with the papers when the report was considered by the Council.
- 24.5 A Member expressed concern at the amount of CIL that would be lost whilst it remained un-adopted. In response, the Head of Development Services explained that the Council was currently still receiving Section 106 monies and some of that would not come forward when CIL was implemented; this meant that the Council was not losing out completely but it was understood that CIL needed to be adopted as soon as possible. In terms of costs, the wording of the Regulation was 'reasonable costs' and Members were offered reassurance that the Council would be gaining all that it could in that regard. In terms of the timing of the CIL adoption, it was hoped the Inspector would not require substantial modifications to the JCS as that would mean further consultation but, on the basis that no further consultation was required, it was hoped the JCS could be adopted by the end of 2017 and the CIL adoption could run concurrently. If there were substantial changes to the JCS then the CIL timetable may have to be reconsidered. The delegations recommended within the current report would allow the Council to move quite quickly with the adoption of the CIL at the conclusion of the consultation period if necessary.
- 24.6 Accordingly, it was

RESOLVED:

That it be **RECOMMENDED TO COUNCIL:**

1. That the Community Infrastructure Levy Proposed Statement of Modifications, as attached to the report at Appendix 1, be **APPROVED** for public consultation.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the proposed Statement of Modifications and prepare any further statements of modification that may be required following the JCS hearings and/or any further viability assessments undertaken.
3. That the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils.

4. That the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile and submit responses received to the CIL examiner for examination.

EX.25 SEPARATE BUSINESS

25.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12(A) of the Act.

EX.26 DISPOSAL OF LAND AT LINCOLN GREEN LANE, TEWKESBURY

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

26.1 The Committee was asked to consider the disposal of open space at Lincoln Green Lane, Tewkesbury. Following a lengthy discussion it was agreed that the site be offered for disposal but that some of the receipt be used for community facilities. It was also felt that any agreement should include a restriction in terms of access points to the site.

EX.27 DISPOSAL OF GARAGE SITE AT BACK LANE, WINCHCOMBE

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

27.1 Members considered the disposal of a garage site at Back Lane, Winchcombe but agreed that the item be deferred to enable a full options appraisal to be undertaken and the results reported to Members for a decision.

The meeting closed at 4:25 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2017/18

REGULAR ITEM:

- **Forward Plan – To note the forthcoming items.**

Addition to 30 August 2017

- Managing Contractors Safely Policy.
- Business Rates Relief Policy for Businesses Facing Significant Rates Increases Following the Business Rates Revaluation for 2017.
- Flood and Water Management Supplementary Planning Document Consultation.
- Perrybrook Development, Brockworth.
- Environmental Health Enforcement Policy.
- Growth Hub.

Committee Date: 11 October 2017

| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
|---|---|--|---|
| Performance Management Report – Quarter One 2017/18 (Annual). | To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information. | Graeme Simpson, Head of Corporate Services. | No. |
| Tewkesbury Borough News Review. | To receive a recommendation from the Overview and Scrutiny Committee following its review of the Tewksbury Borough News. | Graeme Simpson, Head of Corporate Services. | No. |

| Committee Date: 11 October 2017 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Workforce Development Strategy. | To approve the Workforce Development Strategy. | Janet Martin, Human Resources Manager. | Yes deferred from 30 August 2017. |
| Confidential Item: Spring Gardens/Oldbury Road Regeneration. | To consider the information provided and agree a way forward. | Simon Dix, Head of Finance and Asset Management. | Yes deferred from 30 August 2017. |
| (To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)). | | | |

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| Committee Date: 22 November 2017 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Financial Update – Quarter Two 2017/18 Performance (Annual). | To consider the quarterly budget position. | Simon Dix, Head of Finance and Asset Management. | No. |
| Housing Strategy Review Action Plan (Annual) | To approve the Housing Strategy Review Action Plan on an annual basis. | Paula Baker, Housing Services Manager. | No. |
| Medium Term Financial Strategy (MTFS) (Annual) | To recommend to Council the adoption of the five year MTFS which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period. | Simon Dix, Finance and Asset Management Group Manager. | No. |

| Committee Date: 3 January 2018 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Performance Management Report – Quarter Two 2017/18 (Annual). | To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter two performance management information. | Graeme Simpson, Head of Corporate Services. | No. |
| Tewkesbury Borough Plan Consultation. | To approve the Tewkesbury Borough Plan for consultation purposes. | Annette Roberts, Head of Development Services. | No. |
| Flood and Water Management Supplementary Planning Document Adoption. | To recommend the Flood and Water Management Supplementary Planning Document to Council for adoption. | Annette Roberts, Head of Development Services. | No. |

| Committee Date: 31 January 2018 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Budget 2017/18 (Annual) including Treasury Management Strategy. | To recommend a budget for 2017/18 to the Council. | Simon Dix, Head of Finance and Asset Management. | No. |
| Financial Update – Quarter Three 2017/18 Performance (Annual). | To consider the quarterly budget position. | Simon Dix, Head of Finance and Asset Management. | No. |
| Data Protection Policy. | To approve the Council's Data Protection Policy. | Shirin Wotherspoon, Principal Solicitor. | No. |
| Risk Management Strategy. | To approve the Risk Management Strategy. | Graeme Simpson, Head of Corporate Services. | No. |

| Committee Date: 14 March 2018 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Equalities Policy. | To approve the Equalities Policy. | Graeme Simpson, Head of Corporate Services. | No. |

| Committee Date: 25 April 2018 | | | |
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| Agenda Item | Overview of Agenda Item | Lead Officer | Has agenda item previously been deferred? Details and date of deferment required |
| Performance Management Report – Quarter Three 2017/18 (Annual). | To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter three performance management information. | Graeme Simpson, Head of Corporate Services. | No. |
| Flood Risk Management Group Terms of Reference and Action Plan (Annual). | To undertake an annual review of the Terms of Reference of the Flood Risk Management Group and action plan. | Peter Tonge, Head of Community. | Updated in line with the term of the Council instead. |
| Council Plan Update 2016/17 – Year Three (Annual). | To consider the Council Plan and make a recommendation to Council. | Graeme Simpson, Head of Corporate Services. | No. |
| High Level Service Plan Summaries (Annual). | To consider the key activities of each service grouping during 2017/18. | Graeme Simpson, Head of Corporate Services. | No. |
| ICT Strategy. | To approve the ICT Strategy. | Graeme Simpson, Head of Corporate Services. | No. |

TEWKESBURY BOROUGH COUNCIL

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|------------------------------|---|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Financial Update – Quarter One Performance Report |
| Report of: | Simon Dix, Head of Finance and Asset Management |
| Corporate Lead: | Robert Weaver, Deputy Chief Executive |
| Lead Member: | Lead Member for Finance and Asset Management |
| Number of Appendices: | Three |

Executive Summary:

The budget for 2017/18 was approved by Council in February 2017 with the reserves being approved at Executive Committee in June 2017. This report is the first quarterly monitoring report of the Council's financial performance for the year.

The report highlights a quarter 1 surplus of £225,836 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

Recommendation:

Executive Committee is asked to consider the financial performance information for the first quarter 2017/18.

Reasons for Recommendation:

The Executive Committee is responsible for recommending the budget to Council and for the management and delivery of the approved budget during the financial year.

The quarterly financial report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform Members of any corrective action to be taken if required.

Resource Implications:

As detailed within the report.

If the budget is in deficit at year end, the Council will have to use reserves to fund the overspend; meaning that these resources are not available to fund other activities or future financial management of the Council's projected medium term budgets. The Council currently has a £450,000 general fund balance, £330,000 to cover shortfalls in the medium term financial plan and a £250,000 retained business rates reserve.

Legal Implications:

None associated with the report.

Risk Management Implications:

A financial deficit will result in the utilisation of the limited reserves available to the Council. The financial performance of the Council is monitored on a monthly basis and reported to Members quarterly. Active management of the budget takes place to reduce the projected deficit whilst maintain delivery of services.

Performance Management Follow-up:

Budgets will continue to be monitored on a regular basis by budget holders supported by finance. Quarterly monitoring reports will be presented to Members with the outturn position reported to the Committee in June 2018.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** This report provides the Quarter 1 (Q1) monitoring position statement for the financial year 2017/18. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform Members of any action to be taken if required.

2.0 REVENUE BUDGET POSITION

- 2.1** The financial budget summary for Q1 shows a £225,836 surplus against the profiled budget. Below is a summary of the expenditure position for the Council split out between the main expenditure types.

| 2.2 Services expenditure | Full Year Budget £ | Budget £ | Actual £ | Underspend/ (overspend) £ |
|--------------------------------------|-------------------------------|---------------------|---------------------|--|
| Employees | 8,563,502 | 1,994,232 | 1,927,082 | 67,150 |
| Premises | 518,412 | 261,264 | 263,289 | (2,025) |
| Transport | 169,250 | 41,896 | 26,833 | 15,063 |
| Supplies & Services | 1,886,616 | 412,568 | 400,608 | 11,959 |
| Payments to Third Parties | 4,981,682 | 1,428,891 | 1,411,082 | 17,809 |
| Transfer Payments - Benefits Service | 19,627,180 | 5,756,863 | 5,756,863 | 0 |
| Income | (25,883,278) | (1,508,601) | (1,556,183) | 47,582 |
| Support Services | (17,954) | 0 | 0 | 0 |
| Capital Charges | 992,592 | 0 | 0 | 0 |
| | 10,838,002 | 8,387,113 | 8,229,575 | 157,537 |

Corporate Codes

| | | | | |
|---------------------------|------------------|------------------|------------------|----------------|
| Investment Properties | (1,194,467) | (298,546) | (284,845) | (13,701) |
| Corporate Savings Targets | (60,000) | (15,000) | 0 | (15,000) |
| New Homes Bonus | 47,300 | 0 | 0 | 0 |
| Business Rates | 0 | 0 | 97,000 | 97,000 |
| | 9,630,835 | 7,073,567 | 7,944,731 | 225,836 |

Note: With regards to savings and deficits, items in brackets and red are overspends

- 2.3** The budget position in relation to the Heads of Service responsibility shows an underspend of £157,537 as at the end of June. As can be seen there are three main areas of savings - employees of £67,150, payments to contractors of £17,809 and income of £47,582.
- Employee costs savings are generated mainly through staff vacancies and maternity leave. Services have managed vacancies in the short term with limited use of agency staff and help from current staff to cover work.
- The underspend on payments to contractors is generated from small savings across all services, with the most significant saving being on the current MRF recycling contract as a result of a lower than anticipated gate fee per tonne. This is a new contract from April 2017 and will be monitored closely over the next quarter to see if the underspend is carried forward as the market price of recyclable materials fluctuates.
- Planning income continues to be providing a significant income for the Council in line with the budget. Car parking and licensing are performing well so far this financial year. However garden waste is struggling to hit budget which appears to be as a result of the changes to the charging structure whereby customers are making pro rata payments for this financial year. There is not an indication that the number of users has dipped, but will need monitoring over the next quarter to confirm if it is a result of this one off move to a single renewal date.
- 2.4** In terms of overspends being reported at the first quarter there are no significant overspends which need to be reported to Members at this stage.
- 2.5** Attached at Appendix A is a summary of the position for each Head of Service, which shows the current variance against their budget. Where the main types of expenditure headings within the Heads of Service responsibility have a variance over £10,000, a short explanation for the reason for the variance has been provided.
- 2.6** Although the Heads of Service position is underspent, the budget report also recognises the need to achieve savings from the base budget in terms of salaries and procurement savings. These savings targets are currently held on the corporate budget codes on the ledger. No savings are recognised against these plans as they accumulate through the year within service groupings.
- 2.7** Also detailed under corporate budgets is the retained income from the business rates scheme. This is showing a surplus of £97,000. This is a prudent prediction of the year end position although it should be noted that there has been so far very little activity with regards to processing appeals either from past appeal listings or ones against the new 2017 list. The Council has set aside a significant provision to cover additional appeals which is hoped to be sufficient in meeting successful appeals, therefore allowing the Council to benefit from wider increases in business rates income.

- 2.8** The Council also has a target for the acquisition of additional investment property. The Council has bid on a property but was unfortunately unsuccessful on this occasion. Lambert Smith Hampton has been appointed to assist the Council in sourcing new property and they will continue to bring properties to our attention through the next quarter.
- 2.9** Taking into account the deficits on the corporate accounts, the overall position of the Council at the end of Q1 is a surplus of £225,836.
- 3.0 CAPITAL BUDGET POSITION**
- 3.1** Appendix B shows the capital budget position as at Q1. This is currently showing a significant underspend against the profiled budget.
- 3.2** The underspend is as a result of certain projects such as purchase of new waste vehicles not being completed in the expected timescales. There is also consistent underspend against expectations on disabled facilities grants.
- 4.0 RESERVES POSITION**
- 4.1** Appendix C provides a summary of the current usage of available reserves.
- 4.2** Reserves have been set aside from previous years to fund known future costs and the strategic planning of the authorities operation. The information in the appendix does not take account of reserves which have been committed, but not yet paid.
- 4.3** Whilst the Q1 position shows that there remains a significant balance on the reserves, the expectation is that the balances will be spent in the future. Finance has asked for updates from all departments about their plans to ensure that earmarked reserves are either used for their intended purpose, or released back to the general fund.
- 5.0 CONSULTATION**
- 5.1** Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1** Budget monitoring is on the approved budget for 2017/18 which has been prepared in line with the Medium Term Financial Strategy.
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1** None.
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1** None.
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1** None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

Background Papers: None.

Contact Officer: Simon Dix, Head of Finance and Asset Management
Tel: 01684 272005 Email: simon.dix@teWKesbury.gov.uk

Appendices: Appendix A – Quarter 3 Revenue Position by Service.
Appendix B – Quarter 3 Capital Position.
Appendix C – Quarter 3 Earmarked Reserves Update.

Quarter 1 Budget Report

Appendix A

Chief Executive

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|---------------|---------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 241,157 | 60,233 | 60,184 | 49 | 0.1% |
| Premises | 0 | 0 | 0 | 0 | 0.0% |
| Transport | 2,898 | 728 | 380 | 348 | 47.8% |
| Supplies & Services | 4,132 | 1,140 | 715 | 425 | 37.3% |
| Payments to Third Parties | 2,000 | 0 | 0 | 0 | 0.0% |
| Support Services | (250,187) | 0 | 0 | 0 | 0.0% |
| Income | 0 | 0 | 0 | 0 | 0.0% |
| TOTAL | 0 | 62,101 | 61,279 | 822 | 1.3% |

Community Services

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 1,011,703 | 253,118 | 246,045 | 7,073 | 2.8% |
| Premises | 2,500 | 627 | 325 | 302 | 48.2% |
| Transport | 35,284 | 8,829 | 6,150 | 2,679 | 30.3% |
| Supplies & Services | 156,744 | 8,185 | 6,214 | 1,971 | 24.1% |
| Payments to Third Parties | 4,192,947 | 1,261,542 | 1,255,249 | 6,293 | 0.9% |
| Support Services | 445,907 | 0 | 0 | 0 | 0.0% |
| Depreciation | 542,291 | 0 | 0 | 0 | 0.0% |
| Income | (1,824,380) | (755,835) | (741,622) | (14,213) | -1.9% |
| TOTAL | 4,562,996 | 776,466 | 772,361 | 4,105 | 1.2% |

1

1) garden waste income is down against profiled budget relating to the one off change to a single renewal date. Also there has been a reduction in recycling credit income as the tonnage of recyclables going to the MRF was lower than budget in April than predicted, potentially due to changes in the way waste is transferred to the new MRF.

Corporate Services

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 920,634 | 231,014 | 229,955 | 1,059 | 0.5% |
| Premises | 0 | 0 | 0 | 0 | 0.0% |
| Transport | 8,538 | 2,145 | 1,584 | 561 | 26.1% |
| Supplies & Services | 382,134 | 99,576 | 93,119 | 6,457 | 6.5% |
| Payments to Third Parties | 87,570 | 19,469 | 15,762 | 3,707 | 19.0% |
| Support Services | (757,833) | 0 | 0 | 0 | 0.0% |
| Depreciate | 14,889 | 0 | 0 | 0 | 0.0% |
| Income | (3,600) | 0 | (25) | 25 | 0.0% |
| TOTAL | 652,332 | 352,204 | 340,395 | 11,809 | 3.4% |

Democratic Services

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 242,331 | 60,572 | 43,096 | 17,476 | 28.9% |
| Premises | 0 | 0 | 0 | 0 | 0.0% |
| Transport | 17,888 | 4,477 | 2,210 | 2,267 | 50.6% |
| Supplies & Services | 454,510 | 109,080 | 107,202 | 1,878 | 1.7% |
| Payments to Third Parties | 36,700 | 7,017 | 6,152 | 865 | 12.3% |
| Support Services | 913,191 | 0 | 0 | 0 | 0.0% |
| Depreciation | 21,021 | 0 | 0 | 0 | 0.0% |
| Income | (500) | (126) | (102) | (24) | -19.0% |
| TOTAL | 1,685,141 | 181,020 | 158,558 | 22,462 | 12.4% |

2

2) The impact of recent elections has yet to be fully worked through, but current estimate is that additional work by the team during this period is less than the vacant post that is held in this service.

Deputy Chief Executive

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------|---------------------|---------------|---------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 106,036 | 26,527 | 25,887 | 640 | 2.4% |
| Premises | 0 | 0 | 0 | 0 | 0.0% |
| Transport | 3,440 | 864 | 466 | 398 | 46.1% |
| Supplies & Services | 4,350 | 520 | 227 | 293 | 56.4% |
| Support Services | (113,826) | 0 | 0 | 0 | 0.0% |
| Income | 0 | 0 | 0 | 0 | 0.0% |
| TOTAL | 0 | 27,911 | 26,580 | 1,331 | 4.8% |

Development Services

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 1,637,208 | 410,180 | 383,395 | 26,785 | 6.5% |
| Premises | 43,230 | 7,063 | 8,131 | (1,068) | -15.1% |
| Transport | 56,072 | 14,036 | 9,513 | 4,523 | 32.2% |
| Supplies & Services | 165,030 | 87,493 | 83,558 | 3,936 | 4.5% |
| Payments to Third Parties | 217,825 | 82,568 | 81,039 | 1,529 | 1.9% |
| Support Services | 438,685 | 0 | 0 | 0 | 0.0% |
| Depreciation | 20,614 | 0 | 0 | 0 | 0.0% |
| Income | (1,472,081) | (354,890) | (364,825) | 9,935 | 2.8% |
| TOTAL | 1,106,583 | 246,450 | 200,810 | 45,640 | 18.5% |

3

3) Development services continue to have a range of vacant posts in the team which they are trying to recruit to, which has resulted in a saving on staff budgets

Finance and Asset

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 2,357,520 | 450,144 | 441,672 | 8,472 | 1.9% |
| Premises | 472,682 | 253,574 | 254,833 | (1,259) | -0.5% |
| Transport | 15,142 | 3,813 | 2,193 | 1,620 | 42.5% |
| Supplies & Services | 489,561 | 79,430 | 78,404 | 1,025 | 1.3% |
| Payments to Third Parties | 267,430 | 53,708 | 50,541 | 3,167 | 5.9% |
| Support Services | (753,235) | 0 | 0 | 0 | 0.0% |
| Depreciation | 384,530 | 0 | 0 | 0 | 0.0% |
| Income | (1,273,495) | (231,912) | (269,890) | 37,978 | 16.4% |
| TOTAL | 1,960,135 | 608,757 | 557,754 | 51,002 | 8.4% |

4

4) Income levels from both general car parking income and parking permits is higher than budgeted at the end of Q1.

One Legal

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|---------------------------|---------------------|----------------|----------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 1,351,330 | 315,882 | 299,985 | 15,897 | 5.0% |
| Premises | 0 | 0 | 0 | 0 | 0.0% |
| Transport | 21,575 | 4,784 | 2,657 | 2,127 | 44.5% |
| Supplies & Services | 83,142 | 8,745 | 12,208 | (3,463) | -39.6% |
| Payments to Third Parties | 150,460 | 2,616 | 678 | 1,938 | 74.1% |
| Support Services | (362,170) | 0 | 0 | 0 | 0.0% |
| Income | (1,244,337) | (35,481) | (42,901) | 7,420 | 20.9% |
| TOTAL | 0 | 296,546 | 272,627 | 23,919 | 8.1% |

5

5) Vacant posts within the one-legal team are contributing to a Q1 underspend against budget projections.

Revenues and Benefits

| | Full Year Budget | Budget | Actual | Savings / (Deficit) | Budget Variance |
|--------------------------------------|---------------------|------------------|------------------|------------------------|--------------------|
| | £ | £ | £ | £ | % |
| Employees | 695,583 | 186,562 | 196,863 | (10,301) | -5.5% |
| Transport | 8,413 | 2,220 | 1,680 | 540 | 24.3% |
| Supplies & Services | 147,013 | 18,399 | 18,962 | (563) | -3.1% |
| Payments to Third Parties | 26,750 | 1,971 | 1,661 | 310 | 15.7% |
| Transfer Payments - Benefits Service | 19,627,180 | 5,756,863 | 5,756,863 | 0 | 0.0% |
| Support Services | 421,514 | 0 | 0 | 0 | 0.0% |
| Depreciation | 9,247 | 0 | 0 | 0 | 0.0% |
| Income | (20,064,885) | (130,357) | (136,818) | 6,461 | 5.0% |
| TOTAL | 870,815 | 5,835,658 | 5,839,212 | (3,553) | -0.1% |

6

6) The budget contains a savings target in relation to a restructure of the Revenues and Benefits team. At the end of Q1, delays to the anticipated implementation dates has meant that the achievement of the savings plan is behind the budget profile. The restructure is still on target to deliver the full level of savings approved by members as planned.

Appendix 2 - Analysis of Capital Budget

Appendix B

| | Q1 Budget Position £ | Q1 Actual Position £ | (Over) / Under spend £ | % Slippage | Comments |
|---------------------------|----------------------------|----------------------------|------------------------------|------------|---|
| Council Land & Buildings | 20,000 | 7,320 | 12,680 | 63 | Expenditure in Q1 is in relation to starting the refurbishment of the public services centre. This work has slipped slightly with survey work being undertaken in July 2017. |
| Equipment | 500,000 | 376,681 | 123,319 | 25 | The expenditure on vehicles is on budget, with slippage in delivery of the final vehicles. All vehicles expected to be delivered by the end of Q2 |
| Capital Investment Fund | 0 | 0 | 0 | 0 | Officers are investigating any opportunities for commercial capital investments. As expected none have been identified at the end of Q1 which have been progressed to a purchase. |
| 21 Community Grants | 1,000 | 1,001 | (1) | (0) | Payments in Q1 are in line with expectations. |
| Housing & Business Grants | 175,000 | 81,971 | 93,029 | 53 | Spend on Disabled Facilities grants continue to be lower than expected in the budget |
| | 696,000 | 466,973 | 229,027 | 33 | |

Appendix C - Revenue Reserves for 17/18

| Reserve | Balance 31st March 2017 | Spent in Reserve Quarter 1 | Reserve Remaining | Note |
|---------------------------------------|----------------------------|-------------------------------|----------------------|------|
| Service Reserves | | | | |
| Asset Management Reserve | 521,892 | - | 521,892 | |
| Borough Regeneration Reserve | 6,934 | - | 6,934 | |
| Business Support Reserve | 232,299 | 10,723 | 221,576 | |
| Business Transformation Reserve | 322,070 | 17,640 | 304,430 | |
| Community Support Reserve | 127,362 | 25,341 | 102,021 | 1 |
| Development Management Reserve | 103,800 | 5,845 | 97,955 | 2 |
| Development Policy Reserve | 296,884 | 9,185 | 287,699 | |
| Elections Reserve | 63,000 | - | 63,000 | |
| Flood Support and Protection Reserve | 43,731 | 10,672 | 33,059 | 3 |
| Health & Leisure development reserve | 28,046 | - | 28,046 | |
| Housing & Homeless Reserve | 18,160 | - | 18,160 | |
| IT Reserve | 14,726 | - | 14,726 | |
| Organisational Development Reserve | 14,458 | 170 | 14,288 | |
| Risk Management Reserve | 7,703 | 3,000 | 4,703 | |
| Transport Initiatives Reserves | 342,046 | 802 | 341,244 | |
| Waste & Recycling development Reserve | 28,750 | - | 28,750 | |
| | 2,171,862 | 83,378 | 2,088,483 | |
| Corporate Management Reserves | | | | |
| Business Rates Reserve | 1,491,301 | - | 1,491,301 | |
| MTFS Equalisation Reserve | 1,167,617 | - | 1,167,617 | 4 |
| | 2,658,918 | - | 2,658,918 | |
| Totals | £4,830,779 | £83,378 | £4,747,401 | |

Notes to Reserves

- 1 Expenditure against balance of community grants brought forward
- 2 Costs resulting from planning appeals and temporary staff to support major planning studies (externally funded)
- 3 Expenditure of external funding to support recovery following floods in Winter 2014 and specific flood alleviation schemes
- 4 £33,000 of this reserve is being used to support the base budget in 2017/18 and supporting future years

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|---|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Managing Contractors Safety Policy |
| Report of: | Environmental Safety Officer |
| Corporate Lead: | Peter Tonge, Head of Community Services |
| Lead Member: | Lead Member for Organisational Development. |
| Number of Appendices: | One |

Executive Summary:

Tewkesbury Borough Council is committed to the management of health and safety for both client officers and all contractors engaged by the Council. This policy provides the health and safety guidelines that all parties must follow to ensure health and safety is managed during the course of business.

The policy is to provide guidance to all staff within the Council who are directly involved in the appointment, use and management of contractors.

Recommendation:

That the Committee resolves to adopt the policy thus providing Officers and contractors with guidance on the Council's expectations with regards to health and safety.

Reasons for Recommendation:

To provide a framework for Officers of the Council, contractors and sub-contractors outlining their responsibilities with regard to health and safety.

Resource Implications:

Officers manage contractors regularly and this policy formalises the health and safety requirements which should be a part of everyday contract management, therefore no additional resource is foreseen.

Legal Implications:

All work activities are covered by health and safety law.

Officers that manage contractors need to be familiar with, and the Council must comply with, the requirements of the Health and Safety at Work Act (HSWA) 1974; Management of Health and Safety at Work Regulations (MHSW) 1999; Construction (Design and Management) (CDM) Regulations 2007; and Control of Substances Hazardous to Health (COSHH) Regulations 2002. Other construction regulations that may apply are those dealing with the structure of working platforms; provision of guard rails to prevent falls; use of lifting tackle and lifting equipment, including cranes and hoists; and welfare arrangements. The Health and Safety Executive (HSE) guidance should be followed on this.

| |
|--|
| <p>Risk Management Implications:</p> <p>Having a policy in place should reduce the risk to the Council of litigation.</p> |
| <p>Performance Management Follow-up:</p> <p>None.</p> |
| <p>Environmental Implications:</p> <p>None.</p> |

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council manages a number of contracts of varying size and nature. Some of these are large contracts such as our contracts with Ubico and the Leisure Centre. The Council however, also manages much smaller contracts for example window cleaning of the Council Offices or workmen who undertake works in default following enforcement action. All of these contracts need to be managed safely and contractors need to know what the Council expects in terms of health and safety.

2.0 SCOPE

- 2.1** The policy applies to all contractors and contract managing Officers within in the Council.

3.0 PURPOSE

- 3.1** The Council is committed to the management of health and safety for both Council client officers and all contractors engaged by the Council. This policy provides the health and safety framework that all parties must follow to ensure health and safety is managed during the course of business.

4.0 AIM

- 4.1** The aim of the policy is to set out a framework to:
- provide a safe and healthy workplace and systems of work that prevent and reduce risk of illness and injury equally for employees and contractors.
 - provide a practical, consistent and relevant system for TBC staff managing and overseeing the work of contractors and/or their sub-contractors.
 - integrate health and safety requirements into contractor management.
 - fulfil the Council's legal health and safety requirements when managing contractors.

5.0 OTHER OPTIONS CONSIDERED

- 5.1** None.

6.0 CONSULTATION

- 6.1** The policy has been developed in coordination with various client side monitoring officers within the Council and has been considered by the Council's Keep Safe, Stay Healthy Board.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 This policy has been developed in line with the Council's overarching Health and Safety Policy.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 None.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 None.

Background Papers: None.

Contact Officer: Environmental Safety Officer Tel: 01684 272225
Email: kay.meddings@teWKesbury.gov.uk

Appendices: 1. Policy Document – Managing Contractors Safely.

Managing contractors *safely*



contents

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Introduction

This policy is to provide guidance to all staff within Tewkesbury Borough Council (TBC) who are directly involved in the appointment, use and management of contractors. It will cater for all types of contractor and therefore all responsible persons employing contractors are required to follow this policy.

Our objective is for contractors to be working to a satisfactory standard by meeting all the council's health and safety requirements and legislative health and safety requirements (The Management of Health and Safety at Work Regulations 1999)

<http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>

The Regulations were introduced to reinforce the Health and Safety at Work etc. Act 1974. The MHSWR places duties on employers and employees including those who are clients, designers, principal contractors or other contractors.

Scope

This policy is for all contractors providing services to TBC. Note: Failure to comply with the requirements of this policy by the contractor or subcontractor may result in termination of the contract.

Purpose

The council is committed to the management of health and safety for both TBC client officers and all contractors engaged by the council. This policy provides the health and safety guideline that all parties must follow to ensure health and safety is managed during the course of business. It is a process of pre work assessment of contractor's health and safety management, approval to undertake work for the council and the ongoing checking and monitoring of contractors health and safety management performance. The policy is designed to enable sharing of information and continuous improvement.

Aim

Through the application of the Managing Contractors Safely Policy, the council aims to;

- ☐ Provide a safe and healthy workplace and systems of work that prevent and reduce risk of illness and injury equally for employees and contractors.
- ☐ Provide a practical, consistent and relevant system for council staff managing and overseeing the work of contractors and/or their sub-contractors.
- ☐ Integrate health and safety requirements into contractor management
- ☐ Fulfil the council's health and safety legal requirements when managing contractors.

Definitions

☐ **Client Officer**

Client means anyone who accepts the services of a contractor, in the context of this document the Client will be TBC and those employees or those who act on behalf of the council that represent the client's interests will be the Client Officer. The Client Officer must have suitable experience and knowledge of the works and services they are managing.

☐ **Contractor**

A contractor provides services to a specific client under specific terms. A Contractor, however, can either be classed as:

a Worker or an Employee (if they work for a Client through an Umbrella Company or Agency – then the Umbrella Company/Agency is their Employer; not the Client) or as Self-Employed (if they are a Sole Trader or have a Limited Company of their own).

☐ **Subcontractor**

A subcontractor is a person who is hired by a general contractor (or principal contractor, or main contractor) to perform a specific task as part of the overall project and is normally paid for services provided to the project by the originating general contractor.

☐ **Principal Contractor (building contracts only)**

A principal contractor is the contractor with control over the construction phase of a project involving more than one contractor. They are appointed in writing by the client (commercial or domestic) plan, manage, monitor and coordinate health and safety during this phase.

Roles and responsibilities

Client Officer:

- ☐ The implementation of this policy in their area of responsibility and accountability or where they have engaged a contractor.
- ☐ Pre contract assessment and approval (where granted) of contractor health and safety management arrangements.
- ☐ Carrying out a TBC induction with contractor (see appendix 3) if applicable.
- ☐ Completing a Permit to Work prior to work commencement (see appendix 2) if applicable.
- ☐ Completing TBC's Managing Contractors Safely Checklist (see appendix 1).
- ☐ The management of contractors in relation to site specific hazards and ensuring contractor's proposed work method statements do not place themselves and/or council employees at risk.
- ☐ Advising the relevant staff/public/tenants when the work will be conducted in areas affecting them.
- ☐ Checking and monitoring contractor's performance and documentation.
- ☐ Actioning the correct process in the event of a dispute.
- ☐ Assist contractors where required to develop, implement or work around safe working practices.
- ☐ Reporting of non complaint working methods of contractors to the Management Team and the Keep Safe Stay Healthy Group.
- ☐ Where applicable, ensure the contractor is issued with the council's code of conduct and completes part 2 of the code of conduct form.
- ☐ Where applicable, ensure the contractor is issued with the protocol for councillors and officers involved in the planning process.

Contractors are responsible for:

- ☐ Complying with The Managing of Health and Safety at Work Regulations 1999 and for construction works complying to The Construction (Design and Management) Regulations 2015.
- ☐ Providing risk assessments and method statements.
- ☐ Successfully completing TBC health and safety induction (see appendix 3). If applicable.
- ☐ Completing a Permit to Work prior to work commencement (see appendix 2). If applicable.
- ☐ As a minimum working in accordance to the council's health and safety policy procedures and practices.
- ☐ Reporting any incidents, injuries or non-compliances to TBC Client Officer.
- ☐ Co-operating and providing the relevant documentation/evidence when requested by the council or its representatives for the purpose of health and safety.
- ☐ Making available health and safety documentation including and not limited to risk assessments, method statements and accident/incident statistics throughout the term of the contract.
- ☐ Where applicable, abiding by the council's code of conduct and completing part 2 of the code of conduct form.
- ☐ Where applicable, abiding by the protocol for councillors and officers involved in the planning process and completing the planning process declaration form.

Procedures

The following procedures must be followed when engaging a contractor or subcontractor.

- a) **Contractor health & safety management.** Contractors must provide details of their health and safety management structure, health and safety record and their technical and commercial ability, for consideration when their suitability for the work is assessed.
- b) **Documented health & safety requirements.** The written contract or terms and conditions specific to the task must include commitment to meet contractor's own health and safety management standards and a reference to meeting the council's health and safety policy standards.
- c) **Insurances, licenses, registrations & certificates.** The Client Officer must ensure that contractor or subcontractor possess the insurances, licenses, registrations and certificates required by health and safety legislation/regulation.
- d) **Pre-work health & safety induction.** Before work is commenced, the Client Officer will organise for the TBC health and safety induction training to be completed. If applicable.
- e) **Risk assessments and method statements** Risk assessments and method statements must be in place and agreed by both Client Officer and the Contractor prior to contract work commencing. If applicable.
- f) **Supervision.** The Client Officer must arrange for the work of the contractor or subcontractor to be monitored to ensure their compliance with contractor's documentations, safe working procedures, the council's health and safety policies and procedures, maintenance and correct use of tools or

equipment and observance of good housekeeping.

- g) **Feedback.** On the completion of works or contract, where appropriate feedback is to be provided to the contractor on their health and safety performance.
- h) **Reporting incidents, injuries and property damage.** Contractors, subcontractors, or any other persons involved in the contracted works must be advised during TBC health and safety induction that all incidents, injuries or damage to property must be reported to the relevant TBC person on site, e.g. Client Officer/Health & Safety Advisor.

[http://intranet/Health%20and%20safety/Accident Incident Report Form \(IR1\) .doc](http://intranet/Health%20and%20safety/Accident%20Incident/Accident%20Incident%20Report%20Form%20(IR1).doc)

[http://intranet/Health%20and%20safety/Accident Incident Investigation Form \(IR 2\).doc](http://intranet/Health%20and%20safety/Accident%20Incident/Accident%20Investigation%20Form%20(IR2).doc)

- i) **Emergency procedures.** Emergency procedures must be explained to contractors and subcontractors during TBC health and safety induction if applicable. If the contractor is undertaking any tasks, or brings onto site any tools/equipment or product that may affect the site's emergency management, TBC is to be notified prior to works to allow for a risk management strategy to be developed.

<http://intranet/Health%20and%20safety/Fire%20and%20Emergency%20Evacuation/Evacuation%20Procedure%20-%20updated%20May%202017.pdf>

- j) **Environmental protection.** Contractors are expected to meet all relevant environmental legislation associated with the activity that

they are engaged in on the council's behalf. This applies to, but not limited to: noise, dust, gas or fume emissions, water management, spillages and preservation of the local ecology.

- k) **Property security.** Contractors must be made aware that they will be responsible for the security of their own property while on site.
- l) **Drug and alcohol policy.** Contractors and subcontractors will be made aware of the details and the requirement to meet the council's Drug and Alcohol Standard during TBC health and safety induction. Any person found to be not conforming to the Alcohol and Drug policy will be immediately removed from the workplace and will be subjected to the TBC disciplinary processes.

<http://intranet/HR/Alcohol%20and%20Drugs.doc>

- m) **Health and safety training and instruction.** When undertaking training needs analysis, contractors are considered and will be included when assessed as necessary if applicable. Contractors will be included in any training that is required to meet the council's health and safety requirements or legislative / regulation requirements.

Structure of managing contractor management policy

The TBC Contractor Management System consists of the following associated tools (documents).

- ☐ Procurement Tool Kit Files – includes a health and safety qualification questionnaire.

<http://intranet/Procurement%20toolkit%20files/Forms/AllItems.aspx>

- ☐ TBC Induction for Contractors (see appendix 3)
- ☐ Permit To Work (see appendix 2).
- ☐ Completion of Managing Contractors Safely Checklist (see appendix 1).

How we will manage contractors on site

During the contract work the council must monitor for compliance with the plan and ensure unforeseen issues are addressed promptly. The council will:

- ☐ Monitor the work throughout the period of the contract to ensure compliance to the method statements.
- ☐ Check compliance to relevant legislation.
- ☐ Check adherence to health and safety standards as per policy procedure, risk assessments and method statements.
- ☐ Check adherence to health and safety action plan.
- ☐ Check continuing hazard studies as necessary.
- ☐ Ensure opportunities to develop cooperation.
- ☐ Maintain good community relations with contractor.

Monitoring contractor's health and safety performance

Extent of supervision will be influenced by:

- ☐ Level of risk.
- ☐ Complexity of tasks.
- ☐ Organisational control of the workplace.
- ☐ Interaction with other parties and works on site.
- ☐ Duration of works.

Monitoring & supervision

Key steps TBC will apply:

- ☐ Review, monitor and supervise contractors in accordance to health and safety document requirements.
- ☐ Carry out regular site inspections.
- ☐ Review health and safety performance.
- ☐ Ensure corrective action is taken.
- ☐ Integrate health and safety in review meetings.

Monitoring & supervision of documentation

Regular review of contractor health and safety documentation will include:

- ☐ Health and safety induction records.
- ☐ Plant/maintenance records.
- ☐ Health & safety inspection reports.
- ☐ Risk assessment documents/safe systems of work documents.
- ☐ Employee training/competency records.
- ☐ Safety meeting minutes.

Work contract records will:

- ☐ Demonstrate a systematic approach to record keeping and;
- ☐ due diligence.
- ☐ Include incident/accident/near miss data and;
- ☐ non-conformance & corrective action records.

Project working group

- ☐ Client Officer to report to the Keep Safe Stay Healthy Group in the event of a dispute or health and safety failing to consider further contract awards.

Review requirements of this policy

- ☐ Three year rolling programme as contained in the Keep Safe Stay Healthy Group Plan.

Forms and resources

As per appendix attached and document links contained within appendix: Appendix 1 – Managing Contractors Safely Checklist. Appendix 2 – Permit to Work. Appendix 3 - Induction for Contractors Working at TBC.

TBC Procurement Toolkit

<http://intranet/Procurement%20toolkit%20files/Forms/AllItems.aspx>

References

Managing of Health and Safety at Work Regulations 1999.

<http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>

Managing Contractors Safely HSE Guidance.

<http://www.hse.gov.uk/pubns/indg368.pdf>

The Construction (Design and Management) Regulations 2015.

<http://www.hse.gov.uk/construction/cdm/2015/index.htm>

Managing contractors safely checklist

| Questions you should ask: | Yes / No |
|---|----------|
| Have you identified all aspects of the work you want the contractor to do? | |
| Have you included the health and safety implications of the work in the job specification? | |
| Is the work construction or building work? If so, do you know what more you need to do to comply with the Construction (Design and Management) Regulations 2015? http://www.hse.gov.uk/construction/cdm/2015/index.htm | |
| Have you made enquiries about the competence of the contractor? If so, have you checked for evidence before they get the job? | |
| Have you assessed the risks of the work and agreed action to control the risks with the contractor? | |
| Have you provided the contractor and their employees with information about the risks? | |
| Have you provided the contractor and their employees with your emergency procedures? | |
| Have you provided instructions, information and training for your own employees? | |
| Have you put in place arrangements with the contractor to coordinate your activities during the work? | |
| Have you consulted your employees about the work and how they can raise any concerns? | |
| Have you identified who will be responsible for the work and what you will expect them to do? | |
| Have you identified who will supervise the work and how? | |
| Have you put in place arrangements to keep a check on how the work is going against what you have agreed with the contractor? | |
| Have you agreed how the job will be reviewed to learn any lessons from it? | |

Permit to work

| | | |
|------------|---|--|
| 1.0 | Permit Authorisation Building / Location: Address: Commencement Date: Time: Permit Issued By: <i>Print name</i> | Floor / Area: Expiry Date: Time: Signature: |
| 2.0 | Contractor Details Company Name: Address: Work Supervisor: <i>Print name</i> | Description of Work: Signature: |
| 3.0 | Main Contractor / Sub Contractor (delete as appropriate) | |
| 4.0 | Contractor | Agreed by TBC – Sign / N.A. |
| 4.1 | Method Statement - attached | |
| 4.2 | Risk Assessment - attached | |
| 4.3 | Working at Heights RA - attached | |
| 5.0 | TBC Site Induction | Signed |
| 5.1 | TBC – as detailed in 1 | |
| 5.2 | Contractor – as detailed in 2 | |
| 5.3 | Site Safety Rules | Yes / No / N.A. |
| 5.4 | Building Evacuation & Assembly Point | Yes / No / N.A. |
| 5.5 | Site Security Rules | Yes / No / N.A. |
| 5.6 | No Smoking Policy | Yes / No / N.A. |
| 5.7 | Site Conduct | Yes / No / N.A. |
| 5.8 | End of Day – leave the work area safe, secure & tidy | Yes / No / N.A. |
| 5.9 | Location and precautions for asbestos | Yes / No / N.A. |
| 5.10 | Location and precautions required for overhead or underground services / power cables | Yes / No / N.A. |
| 5.11 | Precautions for Deep Excavations | Yes / No / N.A. |
| 5.12 | Precautions required for working in a confined space | Yes / No / N.A. |
| 5.13 | Details for the reporting of incidents / accidents / near misses | Yes / No / N.A. |
| | Procedure for the isolation / immobilisation of: | |
| 5.14 | ▪ Services (gas, water & power) | Yes / No / N.A. |
| 5.15 | ▪ Electrical | Yes / No / N.A. |
| 5.16 | ▪ Generator – TBC HQ | Yes / No / N.A. |
| 5.17 | ▪ Mechanical | Yes / No / N.A. |
| 5.18 | ▪ Fire Alarm System | Yes / No / N.A. |
| 5.19 | ▪ Intruder Alarm Systems / CCTV | Yes / No / N.A. |
| 6.0 | Hot Works | Contractor |
| 6.1 | I confirm that I have physically checked the work area in order to ensure that the following safeguards have been provided for, prior to the issue of this Permit | Yes / No / N.A. |
| 6.2 | Are floors and surrounds swept clean and clear of rubbish | Yes / No / N.A. |

TBC induction for contractors

Tewkesbury Borough Council has a duty to look after the health, safety and welfare of those who are not in their employment including contractors/consultants such as yourself.

This initial induction is intended as a brief reminder to contractors/consultants who come to work for Tewkesbury Borough Council. All issues will be dealt with by the team manager on your arrival at the Council offices. NB: For long term contractors please refer to the Staff Health & Safety Induction Checklist. See link below:

<http://intranet/HR%20documents/Staff%20Health%20and%20Safety%20Induction%20Checklist.doc>

Welfare provision

- There are both male and female sanitary conveniences on all floors.
- Refreshment making facilities are available.
- Drinking water is available at the refreshment making facility.

First aid

- The first aid room is situated on the ground floor in the corridor on the right as you enter the staff door at the rear of the offices.
- There are trained first aiders in every directorate.
- First Aid Policy and a list of First Aiders can be located on the intranet.

<http://intranet/HR/First%20Aid%20Policy.doc>

<http://intranet/HR/First%20Aid%20list%20updated%20June%202017%20with%20tenants.doc>

Fire

- The fire alarm is tested every Wednesday afternoon.
- There is a fire list (tick in/out sheet) as you enter the unit which must be completed on entering and leaving the building.
- The building can be evacuated in less than four minutes.
- Assembly points are indicated by a letter in the staff car park at the rear of the building.
- You must assemble at the letter point indicated on the tick in/out sheet.
- Each section has its own fire warden who are identified on the tick in/out sheet.
- See link below:

<http://intranet/Health%20and%20safety/Fire%20and%20Emergency%20Evacuation/Evacuation%20Procedure%20-%20updated%20May%202017.pdf>

Lone working

- Follow lone working policy and procedure links below, if applicable:

<http://intranet/Health%20and%20safety/Lone%20Working/Lone%20Working%20Protocol%202016.doc>

[http://intranet/Health%20and%20safety/Lone%20Working/Lone Worker Policy\(revised November 2016\).doc](http://intranet/Health%20and%20safety/Lone%20Working/Lone Worker Policy(revised November 2016).doc)

Accidents and incidents

- The council have a duty to report all accidents/incidents and near misses.
- Report all accidents/incidents and near misses to your line manager/client officer.
- Follow Accident/Incident/Near Miss policy and complete reporting forms.
- See links below:

[http://tbcsp2012/Health%20and%20safety/Accident Incident/Accident and Incident Reporting Policy .doc](http://tbcsp2012/Health%20and%20safety/Accident%20Incident/Accident%20and%20Incident%20Reporting%20Policy.doc)

[http://tbcsp2012/Health%20and%20safety/Accident Incident/Accident Incident Report Form \(IR1\) .doc](http://tbcsp2012/Health%20and%20safety/Accident%20Incident/Accident%20Incident%20Report%20Form%20(IR1).doc)

[http://tbcsp2012/Health%20and%20safety/Accident Incident/Accident Incident Investigation Form \(IR2\).doc](http://tbcsp2012/Health%20and%20safety/Accident%20Incident/Accident%20Incident%20Investigation%20Form%20(IR2).doc)

| | YES | NO |
|-----------------------------------|-----|----|
| WELFARE PROVISION | | |
| FIRST AID | | |
| FIRE | | |
| LONE WORKING | | |
| ACCIDENTS/INCIDENTS & NEAR MISSES | | |
| TBC SITE PLAN PROVISION | | |

Other discussions specific to contract requirements e.g. risk assessment findings and required controls:
NB: Site plan provision (containing risks associated to site) if applicable.

Managers name:

Signed:Date:

Contractor's / consultant's name:

Signed:Date:

| | |
|------------------------------|--|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Environmental Health Enforcement Policy |
| Report of: | Peter Tonge, Head of Community Services |
| Corporate Lead: | Robert Weaver, Deputy Chief Executive. |
| Lead Member: | Lead Member for Clean and Green Environment. |
| Number of Appendices: | Two |

Executive Summary:

The Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. Whilst at the same time allows regulators to target resources at those purposely flouting the law.

The current environmental health and prosecution policy is an interim policy and does not reflect the modern day focus of supporting business and working in partnership with compliant businesses.

This report introduces a new Environmental Health Enforcement Policy which is fit for purpose and in line with the Regulators Code.

Recommendation:

That the Committee resolves to adopt the policy thus providing a framework for Officers to operate within and to provide information for business and the general public.

Reasons for Recommendation:

The Council's current Interim Enforcement Policy is dated and no longer fit for purpose.

A framework is needed for Officers of the Council to undertake enforcement activity in a manner which is open, proportionate, helpful and transparent.

There is a requirement for Regulatory Services to adopt and publish an enforcement policy which is in line with the requirements of the Regulators Code.

Resource Implications:

None.

Legal Implications:

The Council must have an enforcement policy in place to demonstrate compliance with the Regulators' Code.

The Council would be in breach of its duties if it did not adopt an appropriate enforcement policy.

Risk Management Implications:

Having a policy in place should reduce the risk to the Council of litigation.

Performance Management Follow-up:

None.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council has a Corporate Enforcement Policy which has been in place since 2010 and is currently under review. There is also an interim environmental health enforcement policy which was agreed by the Executive Committee in July 2015.
- 1.2** The Environmental Health Team undertakes a variety of activities that could lead to enforcement action.
- 1.3** Enforcement includes Council Officers giving advice, carrying out compliance visits and inspections, responding to complaints and service requests, assisting consumers and businesses to comply with statutory duties and licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.0 ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

- 2.1** There are requirements in the Regulators' Code that Regulators must adhere to. These include the requirements to:
- carry out their activities in a way that supports those they regulate to comply and grow;
 - provide simple and straightforward ways to engage with those they regulate and hear their views;
 - base their regulatory activities on risk;
 - share information about compliance and risk
 - ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
 - ensure that their approach to their regulatory activities is transparent.
- 2.2** The first step to demonstrating compliance with the Regulators' Code is to ensure that our Enforcement Policy reflects these requirements.
- 2.3** The Enforcement Policy, attached at Appendix 1, has been drafted with this in mind and is one that can be easily understood by business and individuals alike.

3.0 PURPOSE

- 3.1** The Environmental Health Team carry out a wide variety of enforcement activity and it is appropriate that there is a framework which these enforcement activities are carried out within. This policy provides that framework.

4.0 OTHER OPTIONS CONSIDERED

- 4.1** None.

5.0 CONSULTATION

- 5.1** No specific consultation has been carried out but the policy will be advertised online once it has been adopted.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** This policy has been developed in line with the Corporate Enforcement Policy 2010 (revised 2011).

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** The Regulators Code, Legislative and Regulatory Reform Act 2006 S.23 & 24(2).

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1** None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 10.1** None.

Background Papers: Interim Environmental Health Enforcement Policy.

Contact Officer: Peter Tonge, Head of Community Services Tel: 01684 272259
Email: peter.tonge@teWKesbury.gov.uk

Appendices: 1. Policy document – Environmental Health Enforcement Policy.
2. Regulators Code.

TEWKESBURY BOROUGH COUNCIL
ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

1. Background

A clear Enforcement Policy which is monitored, regularly reviewed and updated is required to ensure that all those who work and live in Tewkesbury have a clear understanding of the Environmental Health Services enforcement standards.

2. Introduction

Tewkesbury Borough Council's Environmental Health Services delivers a range of services including:

- food safety,
- health & safety at work,
- water supplies,
- infectious disease control,
- animal welfare;
- statutory nuisance;
- industrial installation pollution
- contaminated land,
- air quality,
- housing conditions in the private rented sector
- licensing of taxis, premises and personal licences, gambling and lotteries and other licensing administration.

2.1 Enforcement includes council officers giving advice, carrying out compliance visits and inspections, responding to complaints and service requests, assisting consumers and businesses to comply with statutory duties & licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.2 The primary aim is to protect the health and safety of the public.

2.3 The enforcement policy outlines how the Environmental Health Service carries out its enforcement role when delivering the various services outlined above and sets out what businesses and others can expect from Enforcement Officers.

2.4 The policy will be reviewed and updated regularly to take into account new legislative requirements, guidance from central government, respective national bodies and best practice.

3. Objectives of the Enforcement Policy

3.1 To ensure protection of the public from unsafe food, residential and non-residential premises, work practices, products, unscrupulous and illegal traders, noise, atmospheric or land pollution and public health pests..

3.2 To stop, control and prevent any untoward practices prejudicial to the health of the public, thereby promoting the health of the public and protecting the welfare of animals in animal licenced establishments.

3.3 To achieve compliance through informal action and through an enabling and supportive relationship with businesses and the public. Formal enforcement procedures, including prosecution, will only be used where in the opinion of the Council or its officers there is a serious or imminent risk of injury to health or personal injury, or a blatant disregard for the law, deliberate intent or negligence, or a history of non-compliance with informal action.

3.4 To ensure a consistent approach with regard to openness, helpfulness and proportionality to the risk posed.

3.5 To promote and maintain a consultative and participatory relationship with businesses, consumers and service users.

3.6 To have a better informed community and thus reduce the need to rely on regulatory intervention for compliance with legislation.

3.7 Environmental Health is committed to implement policies and procedures that subscribe to principles of good enforcement. In forming this policy due consideration as been paid to the Department for Business Innovation & Skills Better Regulation Delivery Office, Regulators' Code which came into effect April 2014 (This code replaced the previously voluntary adopted Enforcement Concordat and Department for Business Enterprise & Regulatory Reform (BERR) Statutory Code of Practice for Regulators published 17 December 2007).

4. The Key Aspects of the Policy

4.1 All enforcement actions and investigations work whether formal or informal will be undertaken in accordance with and are based on applicable legislation and guidance including:

- Relevant Acts of Parliament
- Regulations and Codes of Practice made under the key relevant acts for each enforcement area
- Central & National Guidance from the Food Standards Agency (FSA) and Local Government Regulation (LGR), The Health & Safety Executive, The Local Authority Unit (LAU), The Department of Environment, Food & Rural Affairs (DEFRA), The Environment Agency (EA), The Chartered Institute of Environmental Health (CIEH) and The Better Regulation Delivery Office (BRDO)
- Benchmarking exercises, Best Practice arising from liaison groups and Best Value Reviews.
- The Regulator's Code.

5. Prevention and Promotion

The Council recognises that most businesses, licensees and individuals want to comply with the law and actively seeks to promote awareness about the standards it applies through: -

- routine inspections of premises and practices
- investigatory visits in response to complaints
- persuasion, advice, information and training
- where applicable providing translation where English is not the principal language of communication
- taking firm action against blatant breaches of the law

6. Enforcement Actions

In the event of non-compliance with statutory requirements, a range of enforcement actions are available, these include: -

6.1 Informal Action

Enforcement procedures such as verbal & written advice, providing information leaflets and warning letters.

6.2 Formal Action

6.2.1 Statutory notices, requiring compliance immediately or within a specified time, and prosecutions will normally be confined to serious breaches of the law. For breaches posing a nuisance or considerable risk to the health of the public or specific individuals the Council will serve either an improvement or abatement notice requiring compliance immediately or within a specified time. Where there is imminent risk of serious personal injury, prohibition powers in form of prohibition notices/orders will be used to stop the activity or close down the premises. These powers may involve seizure and detention of the offending equipment where necessary. In addition the proprietor, landlord, business operator or individual responsible can be prosecuted in the Magistrates Court for non-compliance with a notice or other such offence.

6.2.2 Simple Caution where an offence is admitted: -

This procedure is an alternative to taking action in the Courts. Should a further offence be committed, it may be cited in any subsequent Court proceedings. A Simple Caution is a serious matter and it is recorded by the Council and where applicable on the Police National Computer. Cautioning is recognised as an increasingly important way of keeping offenders out of Court and in many circumstances reducing the risk that they will re-offend. In considering and issuing simple cautions we will have regard to the Ministry of Justice Guidance April 2013 – Simple Cautions for Adult Offenders. The caution will be administered by a Senior Officer who has been designated a ‘Cautioning Officer’ (e.g. the Head of Community Services).

6.3 Fixed Penalty Notices / Penalty Charge Notices

Where provided for in legislation (Antisocial Behaviour, Crime and Policing Act 2014) in circumstances where it is appropriate to do so the Council may deal with some offences by way of fixed penalty notices.

6.4 Prosecutions

The decision to prosecute does not preclude the issue of legal notices as well. Prosecutions have a preventative role in drawing attention to the need for compliance and the maintenance of good standards.

We will apply the principles of “Criminal Procedures & Investigations Act 1996” and “Crown Prosecutors” statutory Code of Practice as well as Home Office Guidance, when making decisions on the course of action to be taken in any particular case.

6.4.1 In deciding whether to prosecute or not, we will consider the following matters: -

6.4.1.1 The gravity of the offence/s, for example whether: -

- there has been blatant disregard for the law, deliberate intent or negligence

- there are persistent poor standards and malpractice
- there has been an injury or a case of ill health as a result of a substantial legal contravention
- a particular contravention has caused serious public alarm
- those affected are particularly vulnerable

6.4.1.2 The general record and approach of the offender, for example: -

- repeated breaches of legal requirements or license conditions or various breaches of a multiple concern and, where it appears that an individual or a company is neither willing nor able to deal adequately with these
- failure to comply with statutory notices where matters of significant concern are persistent rather than transitory
- previous convictions or cautions which are relevant to the offence

6.5 Referral of a matter to the Council's Licensing or Regulatory Committee.

Where such a matter warrants referral to one of the above Committees a panel of Councillors will hear the case and take a decisions based on this policy (and in the case of licensing the Council's Licensing Policy) and issue such sanctions as are available to them including no action, warnings, suspension or revocation of a licence.

7. Our Standards

7.1 Consistency: We will: -

- carry out our duties in an efficient, fair, courteous and consistent manner
- have in place in-house procedures and arrangements which are reviewed and updated regularly to promote and monitor consistency in the way we deliver the service

- have in place effective arrangements for liaison with other Local Authorities and enforcement bodies such as LGR, Food Standards Agency, Health & Safety Executive, Fire Authority, Police Authority, Environment Agency, etc., particularly where there is a shared enforcement role.
- draw up yearly activities, priorities and targets, setting out the level of service and performance the public and businesses can expect to receive through our Annual Service Plans
- publish our performance against the plans annually

7.2 Openness: We will: -

- provide information and advice in plain language on the rules we apply
- be open about how we set about our work, including the charges that we set
- discuss general issues and specific compliance failings or problems with anyone experiencing difficulties
- provide an opportunity to discuss the circumstances of a case and, if possible, resolve points of difference before enforcement action is taken (unless immediate action is required)
- give an explanation of why immediate action is required
- give advice on the rights of appeal against formal action

7.3 Helpfulness: We will: -

- actively work with individuals, businesses, especially small and medium sized businesses, to advise on and assist with compliance
- provide a courteous and efficient service and our staff will identify themselves by name
- provide a contact point and telephone number for further dealings with us and we will encourage individuals and businesses to seek advice/information from us

- deal with applications for licences, registrations and consents in accordance with service standards
- ensure that wherever practicable our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays
- have provision to visit a business out of normal office hours at times when the business is available, where it is not otherwise feasible to visit during normal office hours.

7.4 Proportionality: We will: -

- minimise the costs of compliance for individuals and businesses by ensuring that any action reflects the risks involved
- as far as the law allows, take account of the circumstances of the case and the attitude/actions of the individual or organisation when considering action
- take particular care to work with individuals, small businesses, voluntary and community organisations so that they can meet their legal obligations without unnecessary expense
- ensure that information given to a business, landlord or individual, whether written or verbal, will clearly identify those requirements which are mandatory and those which are advisory or are recommendations of best practice

8. Publicity

8.1 The Council will publicise cases of businesses, licensees and individuals it successfully prosecutes for environmental health offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of environmental health offences may be published on the Council's website. Cases subject to appeal will not be published, to account for the appeals process a period of 10 weeks will be allowed to elapse following conviction before a case is added. Where the Council is notified of an appeal outside this time period, the case will be removed from the site.

9. Consultation With Customers: We will: -

- endeavour to make residents and those who run a business in Tewkesbury aware of our enforcement standards and policy, and assist them to comply with the law.
- consult businesses, residents and service users for feedback on our service and policies

We want to provide the best service possible. Help us to achieve this by telling us when you are satisfied with our service and when you are not. We welcome any suggestions as to how the service may be improved.

10. Complaints and Appeals

We subscribe to the Council's Corporate Complaints and Appeals Procedure. In addition, the majority of legislation enforced by officers of the Environmental Health Service has an in built appeals procedure prescribed within.

If you do not agree with any action taken by an officer you should contact the Head of Service whose details are given below.

In addition to the Council's complaints procedure there are a number of other independent panel's which can consider appeals such as the Health & Safety Executive Independent Challenge Panel and the Residential Property Tribunal, although generally complaints should be directed through the local authority in the first instance.

If you feel we have given an unsatisfactory service contrary to these criteria, you can complain direct to:

Head of Community Services
Tewkesbury Borough Council
E-mail ehenquiries@teewkesbury.gov.uk
<http://www.teewkesbury.gov.uk/>
Tel. No. 01684 272191

This Enforcement Policy supersedes and replaces all earlier enforcement policies relating to Tewkesbury Borough Council Environmental Health Services.

August 2017



Department
for Business
Innovation & Skills

Better
Regulation
Delivery Office

Regulators' Code

April 2014

Foreword



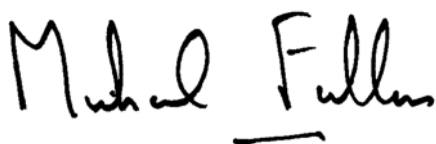
In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive, flowing style.

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

- 1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.
- 1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:
 - understand and minimise negative economic impacts of their regulatory activities;
 - minimising the costs of compliance for those they regulate;
 - improve confidence in compliance for those they regulate, by providing greater certainty; and
 - encourage and promote compliance.
- 1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.
- 1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

- 2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

¹ The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

² The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

³ The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate⁴.

3. Regulators should base their regulatory activities on risk

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework⁵, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

⁴ The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

⁵ The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

4. Regulators should share information about compliance and risk

- 4.1 Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

6. Regulators should ensure that their approach to their regulatory activities is transparent

- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
 - a) how they communicate with those they regulate and how they can be contacted;
 - b) their approach to providing information, guidance and advice;
 - c) their approach to checks on compliance⁶, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

⁶ Including inspections, audit, monitoring and sampling visits, and test purchases.

- d) their enforcement policy, explaining how they respond to non-compliance;
 - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
 - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point⁷ on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

⁷ This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.

Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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Any enquiries regarding this publication should be sent to:

Better Regulation Delivery Office
Department for Business, Innovation and Skills
Lower Ground Floor
Victoria Square House
Victoria Square
Birmingham B2 4AJ

Tel: 0121 345 1200

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TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|---|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy |
| Report of: | Simon Dix, Head of Finance and Asset Management |
| Corporate Lead: | Rob Weaver, Deputy Chief Executive |
| Lead Member: | Lead Member for Finance and Asset Management |
| Number of Appendices: | One |

Executive Summary:

Council approved the Authority's participation in the establishment of a permanent Counter Fraud Unit (CFU) on 24 January 2017. Following subsequent decisions at other partner Council's, the Counter Fraud Unit is a permanent support service from 1 April 2017 serving the partner Councils across the region including Tewkesbury Borough Council.

A major part of the CFU's work programme for the year is to review all related policies across the partner Councils and coordinate updated policies, ensuring consistency, for those Councils. Both the Council's Whistleblowing and Counter Fraud Policies have already been updated on this basis.

The draft Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy was considered by Audit Committee on 19 July and was positively received. Comments made by Members at Committee are included within the main body of the report with the overriding consensus being a positive recommendation to the Executive Committee to approve the policy.

Recommendations:

To APPROVE the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.

Reasons for Recommendation:

To update, refresh and collate the existing Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policies on behalf of the Revenues and Benefits Teams. The Policy will assist with decision-making in the application of appropriate sanctions and provide a uniform basis for action across the County.

Resource Implications:

None directly arising from the report

Legal Implications:

This Policy is governed by legislation and Department for Work and Pensions (DWP) guidance including the Local Government Act 1972, the Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992 and the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.

Risk Management Implications:

If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

The Council requires a Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy to ensure legislative powers and regulations are applied fairly and in accordance with the law.

Performance Management Follow-up:

The Counter Fraud Unit will assist the Revenues and Benefits Department in the procedural application of the policy where necessary.

Environmental Implications:

Not applicable.

1.0 INTRODUCTION AND BACKGROUND

- 1.1** Following the successful Department for Communities and Local Government (DCLG) bid to fund the set-up of a Gloucestershirewide Counter Fraud Unit, the team undertook feasibility work (both strategic and operational) on behalf of a number of Gloucestershire Authorities, West Oxfordshire District Council and Cheltenham Borough Homes.
- 1.2** A business case was presented across the partner authorities to reflect the financial sustainability of creating a permanent Counter Fraud Unit. Council approved the Authority's participation in the establishment of a permanent Counter Fraud Unit on 24 January 2017. Following subsequent decisions at other partner Councils, the Counter Fraud Unit is now a permanent support service from 1 April 2017 serving the partner Councils across the region including Tewkesbury Borough Council.
- 1.3** The work plan for 2017/2018 has been agreed and focuses on the development of consistent policies across the membership and the promotion of fraud awareness amongst Officers and Members. The policy development work follows on from the approval of new policies on Whistleblowing and Counter Fraud which took place during the pilot period and were approved at Executive in the Autumn of 2016.
- 1.4** The Council already has a number of penalty and prosecution policies in place with the proposed policy effectively consolidating and extending these, the last of which was last reviewed in September 2015.

2.0 PENALTY AND PROSECUTION POLICY

- 2.1** The Counter Fraud Unit is undertaking a review of a number of policies and procedures, in support of each service area, to enable criminal investigations to be legally undertaken and appropriate sanctions to be applied. This Policy has been requested for use within the Revenues and Benefits Teams.
- 2.2** The recommended Policy has been drafted for all participants in the Counter Fraud Unit and will provide consistency to the application of penalties and prosecution across the County.
- 2.3** It should be noted that legislation outlines that to incur a Civil Penalty for a Housing Benefit overpayment, the value needs to exceed £250 however the draft Policy attached details that, for decisions at Tewkesbury Borough Council, this figure will be £1,000. Many of the thresholds and penalties remain at the same levels as previously approved.
- 2.4** As part of the Audit Committee's remit, it considered the draft Policy at its meeting on 19 July. The Policy was positively received by the Committee which endorsed the work of the CFU and the content of the draft Policy. A number of questions were raised by Members in respect of the promotion of the Council's Penalty and Prosecution Policy, the impact of Universal Credit and details of the Council's whistleblowing procedures.

3.0 OTHER OPTIONS CONSIDERED

- 3.1** None.

4.0 CONSULTATION

- 4.1** The Council Tax, Housing Benefit, Council Tax Support Penalty and Prosecution Policy was drafted on behalf of a number of Gloucestershire Authorities and Heads of Service, Corporate Leadership / Management Teams and the Legal Department have been consulted.
- 4.2** As detailed within the report, the Audit Committee has considered the draft Policy and commented thereon.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 5.1** Counter Fraud and Anti-Corruption Policy.

6.0 RELEVANT GOVERNMENT POLICIES

- 6.1** None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

- 7.1** None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 8.1** This is a positive example of joint working across the County. The existence of counter fraud activity acts as a deterrent to the abuse of public funds which impacts positively on the economy and local demographic.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The service is a shared one across the County and as such overheads and management costs are also shared equally meaning there is increased value for money.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Counter Fraud and Anti-Corruption Policy approved at Executive Committee in October 2016.

| | |
|---------------------------|---|
| Background Papers: | Report to Council on 24 January 2017; Counter Fraud Unit Business Case. |
| Contact Officer: | Emma Cathcart, Counter Fraud Manager Tel: 01285 623356 Email: emma.cathcart@cotswold.gov.uk |
| Appendices: | Appendix A – Draft Council Tax, Housing Benefit, Council Tax Support Penalty and Prosecution Policy |

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

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Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

1. INTRODUCTION

- 1.1. The Council is committed to the detection of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly. Council Tax Support is also referred to as the Council Tax Reduction Scheme or Local Council Tax Support Scheme. For the purpose of this Policy it is referred to as Council Tax Support only. Council Tax Support replaced Council Tax Benefit from 1 April 2013.
- 1.2. The Council is also charged with ensuring that Council Tax is billed correctly and that discounts and exemptions are not claimed incorrectly.
- 1.3. This policy sets out the Council's approach to prosecution and other sanctions in cases of fraud or misinformation in respect of Council Tax Support, Council Tax and Housing Benefit.
- 1.4. It has been revised in the light of the transfer of Housing Benefit fraud investigation to the Department of Work and Pensions (DWP) in 2015.
- 1.5. This policy does not include specific reference to National Non-Domestic Rates (NNDR) although the Local Authority has the power to obtain particulars of persons interested in land as set out under Section 16 of the Local Government Act 1976. Pursuant to Section 16(2), if a person fails to comply with such requests, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level five on the standard scale.

2. BACKGROUND

- 2.1 This policy is governed by legislation and DWP guidance including The Local Government Act 1972, The Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992 and The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.
- 2.2 This policy has been agreed by the Council and will be reviewed as required in response to changes in legislation or government guidance.

3. PURPOSE

- 3.1 The purpose of the Penalty and Prosecution Policy is to set out the action which the Council may take in cases of fraud or misinformation in relation to;
 - a) Claims, or attempted claims, for Housing Benefit.
 - b) Claims, or attempted claims, for Council Tax Support.
 - c) Council Tax Discounts and Exemptions.
- 3.2 The Policy provides guidelines that will be followed where applicable and clarifies which areas are the responsibilities of the Council and those which are the responsibility of the DWP.

4. AREAS OF RESPONSIBILITY

- 4.1 Responsibility for investigation and the application of sanctions lies as follows:
- 4.2 Housing Benefit (and Council Tax Benefit for offences relating to the period prior to April 2013) where there is evidence of fraud:

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

- a) Investigation is the responsibility of the DWP's Single Fraud Investigation Service and cases will be referred to the DWP in accordance with DWP guidance accordingly.
- b) Cautions no longer apply to these cases.
- c) The Council has retained the delegated power to offer an Administrative Penalty following a recommendation from the DWP.
- d) Prosecution of cases is the responsibility of the DWP.

4.3 Housing Benefit where there is no evidence of fraud:

- a) The Council will make enquiries in respect of cases of misinformation or error made by the customer where the overpayment is incurred wholly after 1 October 2012 and the value of any overpayment exceeds £1,000.
- b) A civil penalty of £50 may be applied by the Council in line with regulations.

4.4 Council Tax Support:

- a) The Council has retained the responsibility to investigate and sanction allegations of fraud and abuse in relation to Council Tax Support claims.
- b) A Caution, Penalty or Prosecution may be considered where there is evidence of fraud.
- c) A civil penalty of £70 may be applied where there is no evidence of fraud.
- d) An Authorised Officer within the Local Authority has the power to obtain information as set out under Regulations 4 and 5 of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. Pursuant to Regulation 6, if a person refuses or neglects to produce any documentation when required to do so, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.
Where a person is convicted of an offence and the refusal or failure continues after conviction, the person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

4.5 Council Tax:

- a) The Council has responsibility for investigating incorrectly claimed Council Tax exemptions and discounts.
- b) A civil penalty of £70 and an additional civil penalty of £280 may be applied where appropriate – see Table of Civil Penalties on page 6.

5. GENERAL PRINCIPLES

5.1 In deciding what action to take, designated Officers within the Council will consider the following:

- Each case will be considered on its own merits;
- There must be sufficient, reliable evidence to justify the action taken;
- The action taken must be in the public interest;
- Any mitigating circumstances;
- The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair, proportionate and consistent;
- In exceptional circumstances, an alternative to prosecution (Caution or Penalty) may be considered without regard to the amount of the overpayment.

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

6. SANCTIONS AVAILABLE FOR OFFENCES RELATING TO COUNCIL TAX SUPPORT

6.1 The three sanctions available where a criminal investigation has been undertaken are a Caution, a Penalty or Prosecution.

6.2 In cases of error or misinformation, a Civil Penalty may be applied.

6.3 LOCAL AUTHORITY CAUTION

6.4 A Caution is an oral warning given in certain, less serious circumstances as an alternative to prosecution to a person who has committed an offence. It is intended to be a meaningful penalty and deterrent where other actions are not appropriate. The Caution may be a verbal warning but both parties sign the Caution Certificate and a record is kept by the Local Authority.

6.5 If a person declines the offer of a caution the case will be recommended for prosecution.

6.6 A caution will usually be considered where the amount of the recoverable Council Tax Support is less than £1,000 where the evidence indicates that:

- a) It was a first offence, or
- b) There was no planning involved, or
- c) There was no other person involved in the fraud, and
- d) The person's circumstances and demeanour towards the offence indicates that a Caution would be the most appropriate action and
- e) The person has admitted the offence in an Interview under Caution.

6.7 In these circumstances the Council will issue an official Local Authority Caution and require full repayment of the recoverable Council Tax Support.

6.8 A Caution is not applicable where the offence is an attempt and there is therefore no financial loss to the Authority or gain to an individual.

6.9 PENALTY

6.10 A Penalty is a financial penalty offered as an alternative to prosecution, usually in circumstances not deemed serious enough to warrant prosecution.

6.11 If a person refuses a Penalty the case will be recommended for prosecution.

6.12 A Penalty will be considered where the evidence indicates that:

- a) It was a first offence, or
- b) The person failed to attend an interview under caution, or
- c) The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- d) There was no planning involved, or
- e) The person has not admitted the offence at an Interview under Caution, and
- f) There was no other person involved, and
- g) The person's circumstances and demeanour towards the offence indicates that a Penalty would be the most appropriate action.

6.13 In such circumstances the Council will make an offer of a Penalty in addition to requiring full repayment of the recoverable Council Tax Support.

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

6.14 The penalty will be a minimum of £100, or 50% of the recoverable amount of Council Tax Support up to a maximum of £1,000.

6.15 PROSECUTION

6.16 Prosecution proceedings will usually be instigated only after the evidential and public interest tests as detailed in the Code for Crown Prosecutors are satisfied, and in line with the Council's own Corporate Enforcement Policy. Prosecution will be considered where:

- a) It was not a first offence, or
- b) The fraud has been deliberate and calculated, or
- c) The fraud had continued over a long period; or
- d) The value of the overpayment or financial gain is significant; or
- e) The person has failed to attend an interview under caution; or
- f) There were other persons involved in the fraud and collusion has been investigated, or
- g) The person has declined the offer of a Penalty or withdrawn agreement to pay and Penalty; or
- h) The person has declined the offer of a Caution

6.17 The decision to prosecute is a serious step and has implications for all concerned. The Council will ensure that decisions to prosecute are made in a fair, consistent and equitable manner.

6.18 The Council will also consider the following:

- a) Offender's physical and mental condition such as illness, disability, age etc.
- b) Social factors such as domestic violence, career or employment impact, child care etc.
- c) Voluntary disclosure where the individual makes a full and frank admission without prompting.
- d) Procedural difficulties, delays, failures in the investigation or administrative process.

6.19 SANCTION RECOMMENDATIONS

6.20 The recommendation to apply any sanction will be made in the first instance by the Investigating Officer after consultation with an appropriate Senior Officer.

6.21 Recommendations for criminal sanctions will then be referred to the appropriate Legal Department.

6.22 An appropriate Senior Officer will administer Cautions and Administrative Penalties on behalf of the Revenues or Benefits Department.

6.23 CIVIL PENALTIES

6.24 A civil penalty is a financial penalty that that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects;

- a) The amount of Housing Benefit or Council Tax Support they have been paid or would have been paid or
- b) The amount of Council Tax they have been billed or would have been billed.

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

6.25 CIVIL PENALTIES APPEAL PROCESS

- 6.26 If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit or Council Tax Support, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration will be carried out by a Senior Manager within the Local Authority. The outcome of the reconsideration is final and there is no further appeal process. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.
- 6.27 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration will be carried out by a Senior Manager within the Local Authority. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.

| TABLE OF CIVIL PENALTIES | | | |
|--------------------------|-------------------|--|---|
| Service | Amount of penalty | Criteria | Appeal method |
| Housing Benefit | £50 | 1. Negligently or carelessly giving incorrect information, or 2. Failing to provide without reasonable excuse, information in respect of a claim or payment of benefit, or 3. Failing to notify, without reasonable excuse, a relevant change in circumstances (reasonable excuse = ill health, significant stress) | The Council |
| Council Tax Support | £70 | | The Council |
| Council Tax | £70 | 1. Failing to supply information following a request from the Council, or 2. Supplied information about a liable person that is materially inaccurate, or 3. Failing, without reasonable excuse, to notify the Council that a dwelling is no longer exempt, or 4. Failing, without reasonable excuse, to notify the Council that a level of discount no longer applies (reasonable excuse = ill health, significant stress) | The Council and then the Valuation Tribunal |
| Council Tax | £280 | 1. Where a penalty has been imposed and a further request to supply the same information is made again and is not properly complied with, and may do so each time it repeats the request and the person concerned does not properly comply with it. There is no limit to the number of times this penalty can be imposed. | The Council and then the Valuation Tribunal |

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

7. STRATEGY AND POLICY REVIEW

- 7.1 The appropriate department will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the S151 Officer, the Legal Department and Members.

Responsible Department: Revenues Department / Benefits Department

Policy Author: Counter Fraud Unit

Date: April 2017

Review frequency as required by legislative changes / every three years.

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|---|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Business Rates Policy for New Reliefs. Changes to the Existing Discretionary Relief Policy. |
| Report of: | Richard Horton, Head of Revenues and Benefits |
| Corporate Lead: | Rob Weaver, Deputy Chief Executive |
| Lead Member: | Lead Member for Finance and Asset Management |
| Number of Appendices: | Two |

Executive Summary:

The government has made several announcements to reduce the burden of business rates on business rate payers. In addition, there is a need to change the regularity of reviews for recipients of charitable discretionary reliefs to once every four years and to remove the need for mini reviews in between. Below are listed details of the proposals being put before the Executive Committee:

- Within the budget announcement on 8 March 2017, the Chancellor announced that government would fund reliefs to those business rate payers facing the steepest increases in their business rates bills as a result of the 2017 business rates revaluation. Three new reliefs are being proposed.
- The government also announced that a discretionary relief, commencing from 1 April 2017, will be available to local newspapers over a two year period.
- The government has increased mandatory relief for recipients of rural rate relief from 50% to 100% from 1 April 2017. Executive Committee is asked to note this change as Central Government has made it a legal requirement to make this award.
- To remove from the discretionary relief policy the need to carry out mini reviews.

Recommendation:

- **That the new policy for awarding reliefs to ratepayers facing significant increases in business rates bills following the 2017 revaluation and local newspaper relief is ADOPTED.**
- **That the changes to the existing charitable discretionary relief policy for recipients of rural rate relief are NOTED.**
- **That the new review period for discretionary reliefs is ADOPTED.**

Reasons for Recommendation:

Before the new reliefs and changes can be made, the proposals and one change must be put before the Council's Executive Committee for consideration and adoption.

Resource Implications:

Central government is providing funding to the Borough Council in order to reduce the business rates charges for business rate payers. In all areas of this report there is sufficient funding to pay for the reliefs as central government will be providing the funding.

Legal Implications:

The Borough Council has an obligation to have in place discretionary relief policies to ensure that awards of discretionary relief are reasonably made.

Risk Management Implications:

Failure to have in place business rates policies covering off its discretions could lead to inconsistency when making awards and subsequently challenge.

Performance Management Follow-up:

Monitoring of the discretionary relief awards. Many of the new reliefs will only be in place for a short period of time. Many will drop out of relief over years one and two.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Within the budget on 8 March, the Chancellor announced that the government would make available a discretionary fund of £300 million over four years from 2017/18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Requiring an additional discretionary relief scheme to the schemes already available. Every billing authority in England will be provided with a share of £300 million to support their local businesses. This will be administered through billing authorities' discretionary relief powers under Section 47 of the Local Government Act 1988. In addition, other new reliefs have been announced to support businesses, help for those in the pub trade, relief for those who have lost out on small business relief after the 2017 revaluation and local newspaper relief. All of the reliefs will be funded by central government.

2.0 THE POLICY AND POLICY CHANGES

- 2.1 The policy covers reliefs for businesses facing large increases in business rates following the 2017 revaluation and including the Local Newspaper relief.

The policy document is split into 4 sections:

- Supporting small businesses relief.
- New discretionary relief scheme.
- Business rate relief scheme for pubs.
- Local newspaper relief.

The supporting small businesses relief will help those ratepayers who, as a result of the change in their rateable value at the revaluation, are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills. There are five ratepayers who fall under this heading and are eligible for help. The funding for this relief will be fully met by central government. Please see Paragraphs 5.0 to 5.5 in Appendix 1 for full details on eligibility.

The discretionary relief scheme

The Council will consider awarding relief in the following circumstances:

- All cases with rateable values below £200,000 will be eligible for the relief (although there will be exceptions).
- The eligible ratepayer is the ratepayer occupying the affected property on the 31.03.2017 and continues to be the ratepayer.
- The 2017/2018 net bill exceeds the 2016/2017 years' gross rates bill by over 12.5%. They will be eligible to receive new discretionary relief reducing the increase (less the 12.5% threshold) by 40%.

There are other conditions that impact on the award and these are contained in the policy. Potentially there are 173 ratepayers eligible for the relief. The Government has made available £191,000 for 2017/2018 to the Borough Council to help those most impacted by the increases in rates bills. Please see Paragraphs 6.0 to 6.4 in Appendix 1 for full details on eligibility.

New business rate relief scheme for pubs

At the spring budget, the Government announced a new relief scheme for pubs that have a rateable value of below £100,000. Under the scheme eligible pubs will receive a £1000 discount off their bill. The relief will have effect for the 2017/2018 financial year.

Conditions for making the award are contained in the attached policy. This scheme will be fully funded by Central Government. Please see Paragraphs 7.0 to 7.4 in Appendix 1 for full details on eligibility.

Local newspaper relief

The Government has introduced a £1,500 business rates discount, per year, for office space that is occupied by local newspapers. The relief will run for two years from 1 April 2017. The relief will be assessed and calculated on a daily basis. Details of the conditions are contained in the policy document attached at Appendix 1. Currently there is no local newspaper operating in the Borough. There is an expectation by central government that Tewkesbury Borough Council has a policy in place in the event the borough has a local newspaper. Again, the government will fully fund this relief. Please see Paragraphs 8.0 to 8.2 for full details on eligibility.

To amend the existing policy for charitable type organisations

- The Government has increased the mandatory relief for recipients of rural rate relief payers will be increased from 50% to 100% from 1 April 2017. Please see Appendix 2, Paragraph 2.3.
- To remove from the discretionary relief policy the need to carry out mini reviews. This is an audit recommendation as there are hardly any changes to reasonably justify the time. Please see Appendix 2, Paragraph 10.2.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Carried out with major preceptors.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Our existing policy on discretionary relief as well as the proposed policy the new reliefs.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Central government has a policy on delivering reliefs for business rates payers.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Central government is providing funding to support the reliefs.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Richard Horton – Head of Revenues and Benefits Tel: 01684 272119
Email: richard.horton@tewkesbury.gov.uk

Appendices:

1. The policy on reliefs for businesses facing large increases in business rates following the 2017 revaluation; including the local newspaper relief.
2. The existing discretionary relief policy for mandatory and discretionary reliefs.

Business Rates policy for new reliefs. The policy is for businesses facing significant rates increases after the business rates revaluation for 2017. Including the local newspaper relief.

1.0 The Government has made a series of announcements to assist businesses facing large increases in business rates following the 2017 business rates revaluation. In addition, Central Government has announced that local newspapers will receive relief to reduce their rates bills by £1,500, per year, for two years, from the 1st April 2017.

2.0 **Central Government will provide funding for all of the four reliefs below:**

- Supporting Small Businesses Relief
- New Discretionary Relief Scheme
- New Business Rate Relief Scheme for Pubs
- Local newspaper relief

3.0 **Notice Periods**

3.1 The Non- Domestic Rating (Discretionary Relief) Regulations 1989 (S.I 1989/1059) requires the council to provide rate payers with at least a year's notice in writing before any decision to revoke or vary a decision so as to increase the amount of business rates the ratepayer has to pay takes effect. For example as a consequence of a rateable value increase. Under normal circumstances, the change can only take effect at the end of the year. Within the Government's provisions for the three new reliefs at (2.0) provision is allowed to amend any relief awarded during the year.

3.2 Funding across the four years will decrease for the supporting small business relief and new discretionary relief schemes and those receiving the awards will be advised that their awards are for 12 months only. Further consideration will be given to make further awards, to those businesses across future years, providing they meet the appropriate criteria to receive help.

4.0 **State Aid law**

4.1 State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. All three business rates relief schemes will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013).

The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a rolling three year period (consisting of the current financial year and the two previous financial years).

To administer De Minimis it is necessary for Tewkesbury Borough Council to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).

4.0 Supporting Small Businesses relief

- 4.1 The Supporting Small Businesses relief will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills.

To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:

- A percentage increase p.a. of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 all plus inflation. Unlike the transitional relief scheme, for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief , or
 - A cash value of £600 per year (£50 per month). This cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought into paying something.
- 4.2 In the first year of the scheme, this means all ratepayers losing some or all of their small business rate relief or rural rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter.
- 4.3 Those on the Supporting Small Businesses relief scheme whose 2017 rateable values are £51,000 or more will not be liable to pay the supplement to fund small business rate relief while they are eligible for the Supporting Small Businesses relief scheme.
- 4.4 Ratepayers remain in the Supporting Small Businesses relief scheme for either 5 years or until they reach the bill they would have paid without the scheme. A change of ratepayers will not affect eligibility for the Supporting Small Businesses relief scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or community amateur sports club.
- 4.5 There is no 2nd property test for eligibility for the Supporting Small Businesses relief scheme. However, those ratepayers who during 2016/17 lost entitlement to small business rate relief because they failed the 2nd property test but have, under the rules for small business rate relief, been given a 12 month period of grace before their relief ended can continue on the scheme for the remainder of their 12 month period of grace.

5.0 New Discretionary Relief Scheme

The government has made a national discretionary business rate relief fund available of £300 million over four years from 2017/18 to support those businesses that face the steepest increases in their business rates as a result of the revaluation. Tewkesbury Borough Council has received a grant allocation of £191,000 for 2017/18.

5.1 The Council will consider awarding relief in the following circumstances:

- All cases with rateable values below £200,000 will be eligible for the relief (although there will be exceptions).
- The eligible ratepayer is the ratepayer on 31.03.2017 and continues to be the ratepayer.
- The 2017/2018 net bill has increased by 12.5% or more over the 2016/2017 year's gross liability.
- For the 2017/2018 year, the ratepayer will be eligible to receive relief to reduce the rates increase (less the 12.5% threshold) by 40%.
- The ratepayer only occupies one property.
- Anyone falling into an exception category below will not be eligible for new discretionary relief.

5.2 **Exceptions:**

- Empty Properties
- New occupiers on or after 1 April
- Those in receipt of any other relief i.e. Mandatory relief, Community Amateur Sports Club relief. Discretionary relief, Small Business Rate Relief, Rural Rate relief Discretionary Rural Rate relief. Not including transitional relief or supporting small businesses relief and new business rate relief scheme for pubs
- Those properties occupied by Government organisations.

5.3 Those ratepayers eligible to receive supporting small business relief and new business rates relief for pubs may also qualify to receive an award of the new discretionary relief. In all cases, priority will be given to awarding supporting small business relief and new business rates relief for pubs first. If the ratepayer remains eligible for new discretionary relief they will receive the balance.

5.4 **Delegated Authority**

The Section 151 will have delegated authority to determine the percentage level of award in future years.

6.0 **New Business Rate Relief Scheme for Pubs**

6.1 At the spring budget, the Government announced a new relief scheme for pubs that have a rateable value of below £100,000. Under the scheme eligible pubs will receive a £1,000 discount off their bill. The relief will have effect for the 2017/2018 financial year.

6.2 The Government's intention is that eligible pubs should:

- Be open to the general public
- Allow free entry other than when occasional entertainment is provided
- Allow drinking without requiring food to be consumed
- Permit drinks to be purchased at the bar
- Not already in receipt of a relief worth in excess of £1,000 (other than transitional relief).

6.3 For the purposes of the relief the Government has excluded the following groups:

- Restaurants
- Cafes
- Night clubs
- Hotels
- Snack Bars
- Guest Houses
- Boarding Houses
- Sporting Venues
- Musical Venues
- Festive sites
- Theatres
- Museums
- Exhibition Halls
- Cinemas
- Concert Halls
- Casinos

6.4 The above exclusions are not exhaustive and it will be for the Officers administering the scheme to determine eligibility.

7.0 Local Newspaper Relief

7.1 The Government has introduced a £1,500 business rates discount, per year, for office space that is occupied by local newspapers. The relief will run for two years from the 1st April 2017. The relief will be assessed and calculated on a daily basis.

7.2 To receive the relief the applicant must meet the following conditions:

- The relief is to be specifically for local newspapers. It is not available to magazines or on line newspapers.
- The property must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

- The amount of relief is limited to a maximum of one discount per newspaper and per property up to state aid limits.

8.0 **Decision Making**

- 8.1 The Officer responsible for administering business rates will make the awards.
- 8.2 The Officer will ensure that the recipients of the award are sent a revised business rates bill which includes details of the awards made. They will also ensure to notify those applicants, in writing, who are not eligible for the relief why an award cannot be made.
- 8.3 There is no right of appeal against the Council's use of its discretionary relief powers. However the Council will accept an applicant's written request for a redetermination of its decision. The review will be carried out by a senior manager within the Revenues and Benefits team. The person making the request for a redetermination will receive a written response within 28 days giving reasons whether their request for relief has been successful or not.

Tewkesbury Borough Council

National Non Domestic Rating

Policy for the granting of Discretionary Rate Relief

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief to be granted to certain defined ratepayers within the Tewkesbury Borough area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the council to grant mandatory relief for premises occupied by charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise certain premises situated within a rural settlement area will be eligible for mandatory relief.
- 1.3 Whilst the council is obliged to grant relief to premises which fall within the mandatory category (and the council is subsequently recompensed for any amounts granted), the council also has powers to grant discretionary relief to ratepayers subject to certain criteria being met.
- 1.4 The range of premises that could potentially receive discretionary relief is wide. Depending on the type of premises and on the level of relief, there would be a cost, which will need to be borne by the council tax payers of the borough.
- 1.5 Full details of the legislative requirements for both mandatory and discretionary relief are given within Section 2 of this policy.
- 1.6 This policy broadly consists of two parts:
 - a) the main policy document;
 - b) a scoring matrix used for the granting of relief to appropriate organisations.
- 1.8 The intention as suggested by Government is to have an established policy covering all aspects of the relief, which would be in place (subject to changes in legislation) for a considerable period of time. Where organisations apply for relief they would be granted relief on the basis of the agreed scoring matrix. It is envisaged that members will review the scoring matrix as the need arises due to changes in legislation or funding criteria.

2.0 Legislative Background

Charity Relief

- 2.1 The powers relating to the granting of relief are given to the council under the Local Government Finance Act 1988¹. Charities and Trustees for charities are only liable to pay one fifth of the non domestic rates that would otherwise be payable where property is used wholly or mainly for charitable purposes. This amounts to a relief of 80percent. For the purposes of the Act a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has recently been extended under the Local Government Act 2003 (effective from 1st April 2004) to registered Community Amateur Sports Clubs (CASCs).
- 2.2 The council has discretion to grant relief of up to a further 20 percent for mandatory relief cases and up to 100percent of the amount for non-profit making organisations meeting criteria set out in legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science literature, the fine arts, or recreation.

Rural Rate Relief

- 2.3 From 1st April 1998, under powers originally granted to the council under the Local Government and Rating Act 1997², certain types of business in rural settlement, with a population below 3000 may qualify for mandatory rate relief of **100 per cent**. Businesses that qualify for this relief are the sole general store and the sole post office in the village, provided it has a Rateable Value of up to £8500; any food shop with a Rateable Value of up to £8500; and the sole pub and the sole petrol station in the village, provided they have a Rateable Value of up to £12500.
- 2.4 In addition to this the authority may decide to give up to 100 per cent relief to any other business (not in receipt of mandatory relief) in such a rural settlement, with a Rateable Value of up to £16,500, if it is satisfied that the business is of benefit to the community and having regard to the interests of its council taxpayers

¹ S47 & S48 Local Government Finance Act 1988

² LGFA 1988, s.47, as amended by Sch. 1 to the Local Government and Rating Act 1997

3.0 Background to Discretionary Relief

Introduction

- 3.1 The primary purpose of discretionary relief is to provide assistance where the property does not qualify for mandatory relief, although discretionary relief can also be given to 'top' up cases where ratepayers already receive mandatory relief.
- 3.2 Where no mandatory relief is given then discretionary relief (subject to the criteria being met) can be granted up to 100percent of the total rates liability. Where mandatory relief is granted, then discretionary relief can be granted up to the difference between the mandatory relief and 100percent. For example, a charity qualifies for 80 percent mandatory relief, the council may award up to a further 20percent discretionary relief.
- 3.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 3.4 The council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities of the area. There is no statutory appeal process against any decision made by the council although as with any decision of a public council, decisions can be reviewed by Judicial Review.
- 3.5 Granting of the relief falls broadly into the following categories:
- Discretionary Relief – charity and non-profit making organisations. This is subdivided into
 - premises which are occupied ;
 - premises which are unoccupied – no charge is made in these cases;
 - Discretionary Relief – Rural Rate relief.
- 3.6 The decision to grant or not to grant relief is a matter purely for the council although the general principles are a matter of concern to Government.

Charity Relief

Occupied premises

- 3.7 The following conditions must be met before the council can consider an application with regard to occupied premises:

Mandatory relief recipients

The ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes.

Non profit making organisations

The property is not an *excepted*³ one and all or part of it is occupied for the purposes of one or more institutions or other organisations, none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or

Sports clubs and societies

The property is not an *excepted* one and it is wholly or mainly used for purposes recreation, and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

Unoccupied premises

- 3.8 No charge is made where a property is subject to an unoccupied property rate so long, as it appears that *when next in use* it will be used wholly or mainly for the purposes stated above. This also includes Community Amateur Sports Clubs (CASCs)

³ an excepted property is one where all or part of it is occupied (otherwise than as a trustee) by council including county & parish councils

Rural Rate Relief

3.9 Where premises are situated in a *rural settlement*⁴ both mandatory and discretionary relief may be granted depending on the circumstances.

3.10 Discretionary relief can be granted to premises as follows:

- where a premises does not receive mandatory relief, has a rateable value of £16,500 or less and:
 - the premises are used for purposes which are of benefit to the local community;
 - it would be reasonable to award relief having regard to the interests of persons liable to pay council tax

In this particular case discretionary relief can be granted up to 100 percent of the rate charge payable.

⁴ A rural settlement is an area of part of an area which appears to have a population of not more than 3,000 on 31December immediately before the financial year in question

4.0 Effect on the council's finances

- 4.1 The granting of discretionary relief will in all circumstances involve a cost to the council. The National Non Domestic Rate Pool maintained by Government will finance the cost of the relief as outlined below:

| Relief Type | % age cost to be borne by the NDR Pool (Government) | %age cost to be borne by the council |
|---|--|--------------------------------------|
| Charity Relief | | |
| Discretionary relief granted to Mandatory Relief recipients | 25% | 75% |
| Non profit Making Organisations | 75% | 25% |
| Sports Clubs and societies | 75% | 25% |
| Rural Rate Relief | | |
| Discretionary relief granted to Mandatory Relief recipients | 75% | 25% |
| Other premises within a rural settlement under £16500 RV | 75% | 25% |

- 4.2 Given the number of recipients and also the overall level of relief granted it is essential that the cost to the council is minimised wherever possible.
- 4.3 Recommendations and costs for the future granting of the relief are contained within sections 11 and 12 of this document.

5.0 Charity Relief – mandatory relief recipients

General explanation

- 5.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80percent) to be granted on premises where the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where as it appears that *when next in use* it will be used wholly or mainly for those purposes.
- 5.2 The legislation has been amended by the Local Government Act 2003 (effective from 1 April 2004) to include registered⁵ Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80percent) relief.
- 5.3 As outlined within Section 4, where mandatory relief has already been granted, any discretionary relief granted would be borne in the main by the council. 75percent would be met by council taxpayers and 25percent only would be financed from Government

Charity registration



- 5.4 Charities are defined within the legislation as being an institution⁶ or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- 5.5 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation⁷, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
 - trusts for the advancement of religion;
 - trusts for the advancement of education; and
 - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.

⁵ Registered with HMRC as a CASC

⁶ S67(10) Local Government Finance Act 1988

⁷ Income Tax Special Commissioners v Pemsell (1891)

- 5.6 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
 - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974 ;
 - units of the Scout Association or the Girl Guides Association; and
 - voluntary schools within the meaning of the Education Acts of 1944 to 1980
 - foundation schools within the meaning of the School Standards and Framework Act 1998.
- 5.7 The council would consider charitable organisations, registered or not, for mandatory relief.

Use of premises – wholly or mainly used

- 5.8 Irrespective of whether an organisation is registered as a charity or not, the premises must be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection but on occasions the council has had to question the actual use to which the premises are to be put.
- 5.9 Guidance from the Department of Communities and Local Government has stated that in the case of ‘mainly’, at least 51percent must be used for charitable purposes whether of that charity or of that and other charities.
- 5.10 As part of the Revenues and Benefits Division’s working practices, an inspection of the premises is made each time an application is received.
- 5.11 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which could be equally considered for discretionary rate relief.

Offices, administration and similar premises

- 5.12 Premises used for administration of the Charity including:
- offices;
 - meeting rooms;
 - conference rooms.

Charity shops

- 5.13 Charity shops are required to meet additional legislative criteria if they are to receive mandatory (and therefore discretionary) relief. Section 64(10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.
- 5.14 Again, in order to ascertain whether an organisation meets these requirements, inspections are made by staff when an application is received

Premises already receiving Mandatory Relief

- 5.15 The council has granted mandatory relief from charitable organisations such as:
- village halls;
 - community halls;
 - museums;
 - swimming pools;
 - leisure centres;
 - scouts / guides.

6.0 Discretionary Relief – Non Profit Making Organisations

General explanation

- 6.1 The legislation⁸ allows the council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts.
- 6.2 Relief cannot be granted to any premises occupied by the council, the county council or any parish council (*excepted premises*).
- 6.3 A number of issues arise from the term ‘not established or conducted for profit’. This requires the council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.⁹
- 6.4 Where the council grants discretionary relief under this part of the legislation (no mandatory relief will be given by definition), the majority of the cost of any amount granted will be borne by Central Government. As highlighted within Section 4 of this document, the NDR pool meets 75percent of any relief granted with the balance of 25percent being met by council tax payers of the Borough.

Premises already receiving Discretionary relief

- 6.5 At the present time the council gives relief to the following premises in this category:
- village halls;
 - community centre.

⁸ S47 Local Government Finance Act 1988

⁹ National Deposit Friendly Society v Skegness Urban District Council (1958)¹ and Guinness Trust (London Fund) v West Ham County Borough Council (1959)

7.0 Discretionary Relief – Recreation

General explanation

- 7.1 Sports clubs have been subject to considerable scrutiny in respect of rate relief over the last few years. This has culminated in changes to the legislation, which allow registered Community Amateur Sports Clubs (CASCs) to qualify for mandatory relief. This is in direct response to clubs asking for certainty over liabilities (mandatory relief being established by right rather than by application).
- 7.2 Ideally all clubs should be encouraged to apply for CASC status, which would automatically entitle them to 80percent relief while at the same time ensuring that no cost of the relief is taken on by the council.
- 7.3 Full details of the CASC criteria laid down by HMRC are given within Appendix III of this report.
- 7.4 Sports clubs can also apply to the Charity Commissioners for registration as a charity (thereby falling under the mandatory provisions) where they meet the following conditions:
- a. the promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports;
 - b. The advancement of the physical education of young people not undergoing formal education.
- 7.5 Again as with CASC registered clubs, 80percent mandatory relief would be given if they were registered as a charity. It is generally recognised however that very few clubs take up full charity registration.
- 7.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100percent) where the property is not an excepted one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.
- 7.7 If discretionary relief is given to sports clubs who receive mandatory relief, then the local taxpayers would have to finance 75percent of all sums granted and Government would meet the remaining 25percent of the relief. If mandatory relief is not granted, then any discretionary relief given would be met as follows:
- 75percent NDR pool;
 - 25percent local council tax payers.

Definition of Recreation

7.8 Recreation is clearly defined by the Sports Council as any of the following¹⁰

| | | | | |
|---------------------------|--------------------|-------------------------------------|----------------------|----------------|
| Aikido | Croquet | Kabaddi | Real Tennis | Tang Soo Do |
| American Football | Crossbow | Karate | Roller Hockey | Tenpin Bowling |
| Angling | Curling | Kendo | Roller Skating | Trampolining |
| Archery | Cycling | Korfball | Rounders | Triathlon |
| Arm Wrestling | Disability Sport | Lacrosse | Rowing | Tug of War |
| Association Football | Dragon Boat Racing | Lawn Tennis | Rugby League | Unihoc |
| Athletics | Equestrian | Life Saving | Rugby Union | Volleyball |
| Australian Rules Football | Fencing | Luge | Sailing | Water Skiing |
| Badminton | Fives | Modern Pentathlon | Sand/Land Yachting | Weightlifting |
| Ballooning | Flying | Motor Cycling | Shinty | Wrestling |
| Baseball | Gaelic Football | Motor Sports | Shooting | Yoga |
| Basketball | Gliding | Mountaineering | Skateboarding | |
| Baton Twirling | Golf | Movement, Dance, Exercise & Fitness | Skiing | |
| Biathlon | Gymnastics | Netball | Skipping | |
| Bicycle Polo | Handball | Orienteering | Snowboarding | |
| Billiards and Snooker | Hang/Para Gliding | Parachuting | Softball | |
| Bobsleigh | Highland Games | Petanque | Sombo Wrestling | |
| Boccia | Hockey | Polo | Squash | |
| Bowls | Horse Racing | Pony Trekking | Skater/Street Hockey | |
| Boxing | Hovering | Pool | Sub-Aqua | |
| Camogie | Hurling | Quoits | Surf Life Saving | |
| Canoeing | Ice Hockey | Racketball | Surfing | |
| Caving | Ice Skating | Rackets | Swimming & Diving | |
| Chinese Martial Arts | Jet Skiing | Raquetball | Table Tennis | |
| Cricket | Ju Jitsu | Rambling | Taekwondo | |
| | Judo | | | |

¹⁰ Definition last reviewed by Sport England in 2002

Access to clubs

- 7.9 Guidance issued by the Department for Communities and Local Government also requires the council to consider access to clubs within the community before granting discretionary relief.
- 7.10 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the field covered by the organisation, or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.
- 7.11 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.
- 7.12 The council also asks the following question to help establish the level of access 'Does the organisation actively encourage membership from particular groups in the community e.g. young people, women, older age groups, persons with disability, ethnic minorities' etc?' – Where an organisation encourages such membership, the council looks more sympathetically at their application. Likewise where facilities are made available to people other than members e.g. schools, casual public sessions etc, the council will generally grant relief.

Provision of facilities

- 7.13 Clubs which provide training or education are encouraged as are those who provide schemes for particular groups to develop their skills e.g. young people, the disabled, retired people.
- 7.14 A number of organisations run a bar. The mere existence of a bar should not in itself be a reason for not granting relief. However the council focuses on the main purpose of the organisation. The council is encouraged to examine the balance between playing and non-playing members. Likewise the level of bar profits is considered to be a gauge of how much relief should be given and the need for assistance.
- 7.15 Within this area the council also considers whether the facilities provided relieve the council of the need to do so, or enhance and supplement those that it does provide.

Other considerations

- 7.16 The council encourages the organisation to be affiliated to local or national and again this helps in dictating the overall level of relief.
- 7.17 Of essential importance is whether membership is drawn from people mainly resident in the billing council's area.
- 7.18 There are other conditions, which may encourage the council to grant relief, and all organisations are encouraged to specify these when making an application for discretionary relief.

8.0 Discretionary Relief – premises within rural settlements

General explanation

8.1 The Local Government and Rating Act 1997 allows discretionary relief of up to 100percent to be granted where the rateable value is £16500 or less and

- property is used for purposes which are of benefit to the local community, and
- it would be reasonable for the billing council to award relief, having regards to the council's council taxpayers

8.2 As with all discretionary relief part of the cost is met by Central Government and the balance from local sources. In the case of Rural rate relief, 75percent is met from the NDR pool and 25percent from local taxpayers.

8.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

Benefit to the local community

- 8.4 Whilst each application for the relief will be considered on its own merits there are certain factors which weigh heavily in the decision making process. It is this council's belief that the spirit of the legislation is to assist businesses and amenities which contribute significantly to the quality of life of the people who have their main home in the rural settlement.
- 8.5 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business.

9.0 Discretionary Relief – EU requirements

- 9.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The council must bear this in mind when granting discretionary rate relief.
- 9.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 9.3 Where the relief to any one business is greater than the equivalent of €200,000 over three years. Then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government for advice and then referred back to the council for consideration

10.0 Administration of Discretionary Relief

10.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief. This is essentially laid down by legislation¹¹.

Applications and evidence

10.2 Discretionary rate relief must be applied for in writing by the ratepayer. Application forms are produced within the revenues department and issued to all ratepayers requesting the relief. All applications are acknowledged in accordance with normal targets for responding to correspondence. At this initial stage an estimate is given to the ratepayer of the likely timescale for deciding relief.

10.3 In all cases organisations are required to provide a completed application form plus such evidence, documents, accounts, financial statements etc necessary to allow the council to make a decision. Where insufficient information is provided, despite reminders, then no relief will be granted.

Granting of relief

10.4 In all cases the council must notify the ratepayer of decisions made.

10.5 Where an application is successful, then the following is notified to them in writing:

- the amount of relief granted and the date from which it has been granted;
- if relief has been granted for a specified period, the date on which it will end;
- the new chargeable amount;
- the details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted;
- a requirement that the applicant should notify the council of any change in circumstances that may affect entitlement to relief.

10.6 Where relief is not granted then the following information is provided, again in writing:

- an explanation of the decision within the context of the council's statutory duty;
- an explanation of the appeal rights (see 10.11).

¹¹ The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 10.7 Relief is to be granted from the beginning of the financial year in which the decision is made. When considering backdating discretionary relief, providing an application is received by the 30th September in the current financial year, consideration may given to backdating an award of discretionary relief to the 1st April in the previous financial year.
- 10.8 Relief will essentially be granted in fixed periods of one year with re-applications required from organisations as decided necessary.
The Borough Council will carry out discretionary relief reviews on a three yearly cycle commencing from the 1st April 2020.

Variation and Revocation of a decision

- 10.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- where the amount is to be increased due to a change in rate charge – from the date of the increase in rate charge;
 - where the amount is to increase for any other reason – takes effect at the expiry of a financial year, and so that at least one year's notice is given;
 - where the amount is to be reduced due to a reduction in the rate charge – from the date of the decrease in rate charge;
 - where the amount is to be reduced for any other reason – takes effect at the expiry of a financial year, and so that at least one year's notice is given.
- 10.10 A decision may be revoked, and the change will take effect at the expiry of a financial year, and at least one year's notice must be given.

Appeal rights

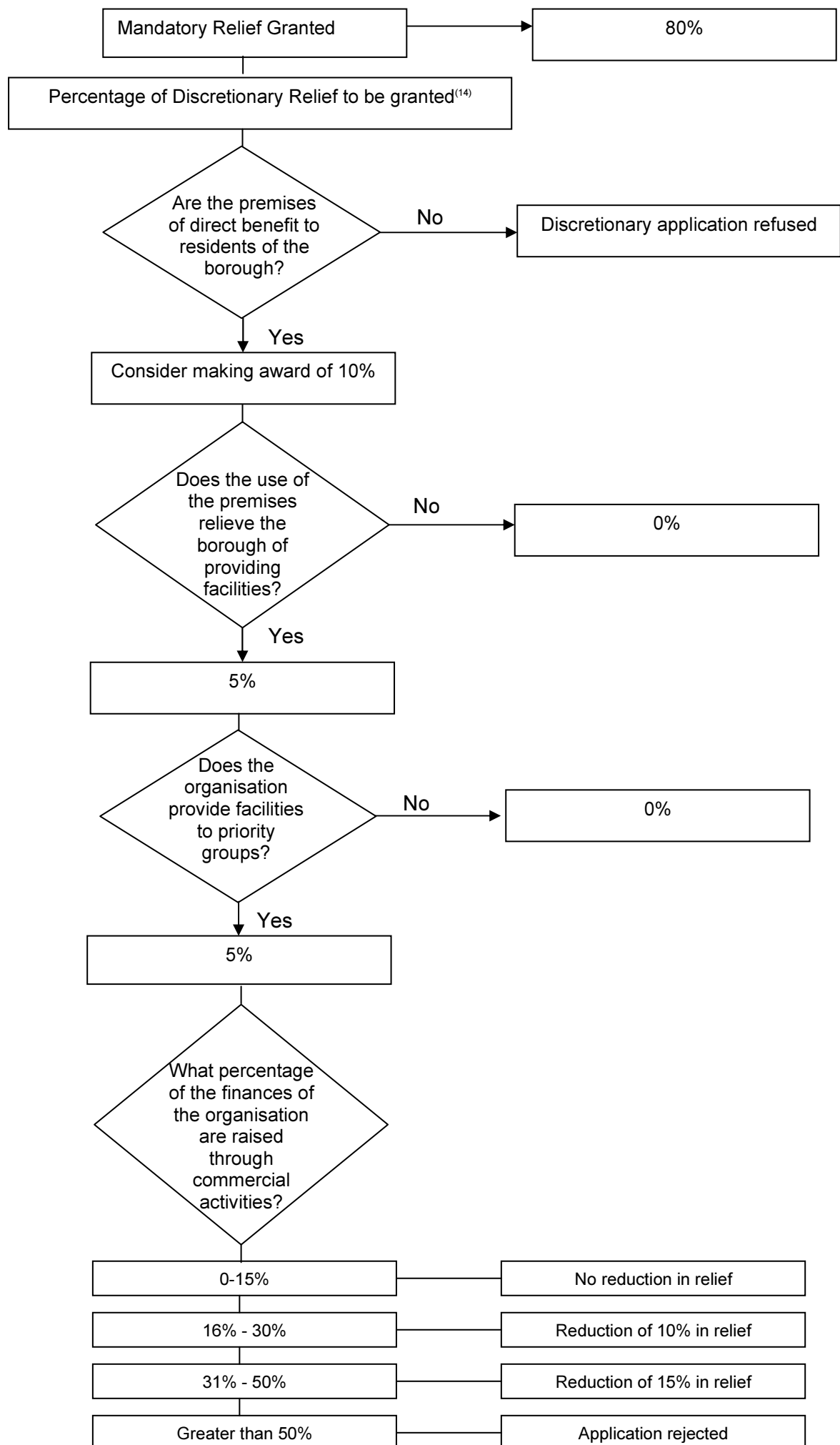
- 10.11 While there is no formal right of appeal except by judicial review, we are advised by the Department for Communities and Local Government to constitute a review panel of members where a decision is appealed and where the original decision has been made by officers under delegated powers.

11.0 The policy for granting Discretionary Relief

- 11.1 It is essential that discretionary relief is granted in accordance with legislative requirements and taking into account the overall benefit to the borough.
- 11.2 The following matrices show the recommended policy for granting discretionary relief. The amount of relief granted will be dependant on the following key factors:
- a. is the organisation is entitled / or could be entitled to mandatory relief¹²?
 - b. are the premises of benefit to residents of the borough?
 - c. does the use of the premises relieve the borough of providing similar facilities?
 - d. does the organisation provide special facilities to certain priority groups such as elderly, disabled, minority groups, disadvantaged groups?
 - e. the percentage level of funding for the organisation available by commercial means e.g. bar profits , sales of merchandise etc;
 - f. in the case of clubs etc, is the organisation available and open to all members of the public within the borough area?
 - g. in the case of rural rate relief, is the organisation of significant benefit to that rural community?
 - h. charity shops will not be eligible for discretionary relief;

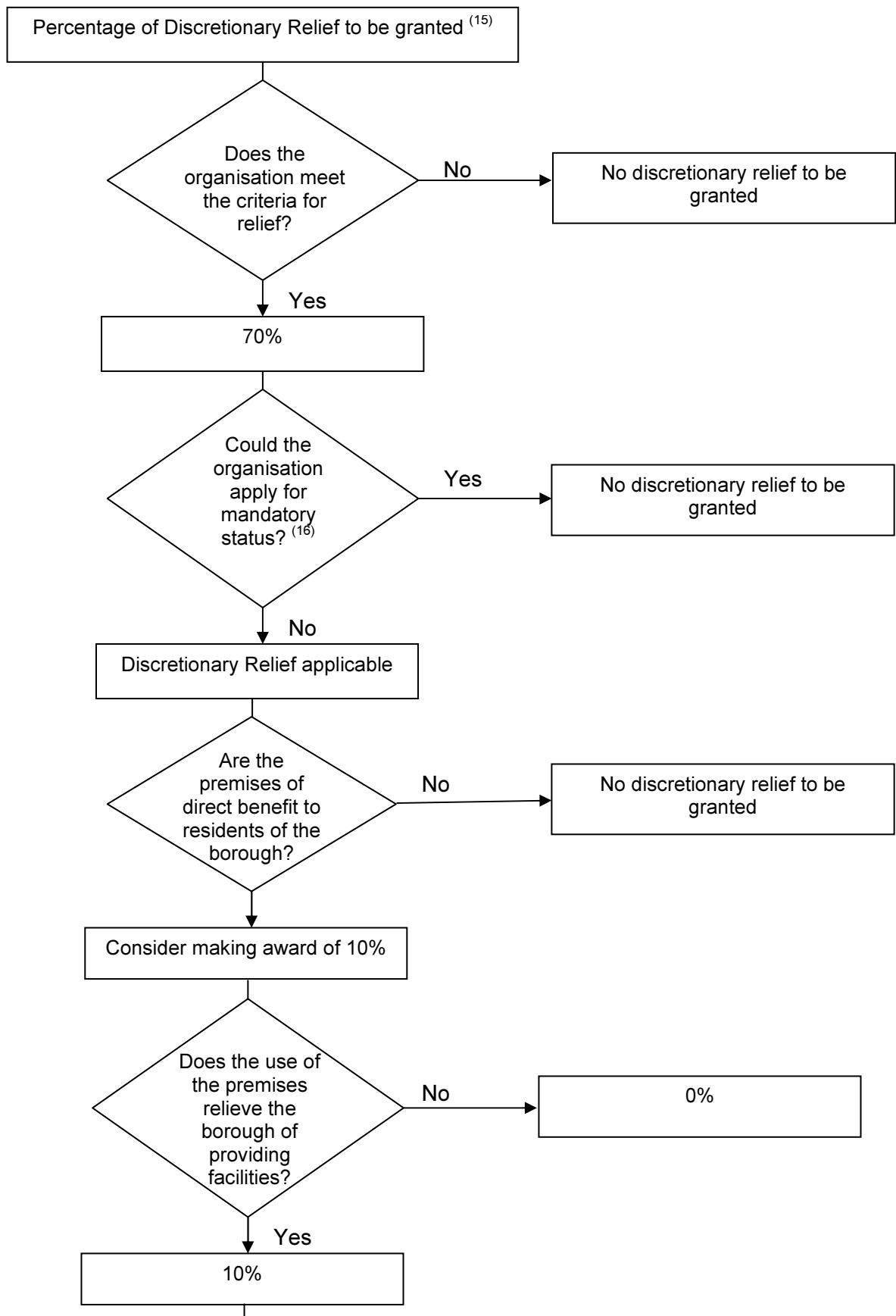
¹² This is particularly important in the case of Community Amateur Sports clubs who may qualify for CASC status. It is intended that where they would qualify to be registered thereby also being eligible for mandatory relief –discretionary relief would not be granted (unless granted together with mandatory relief as per Section 5)

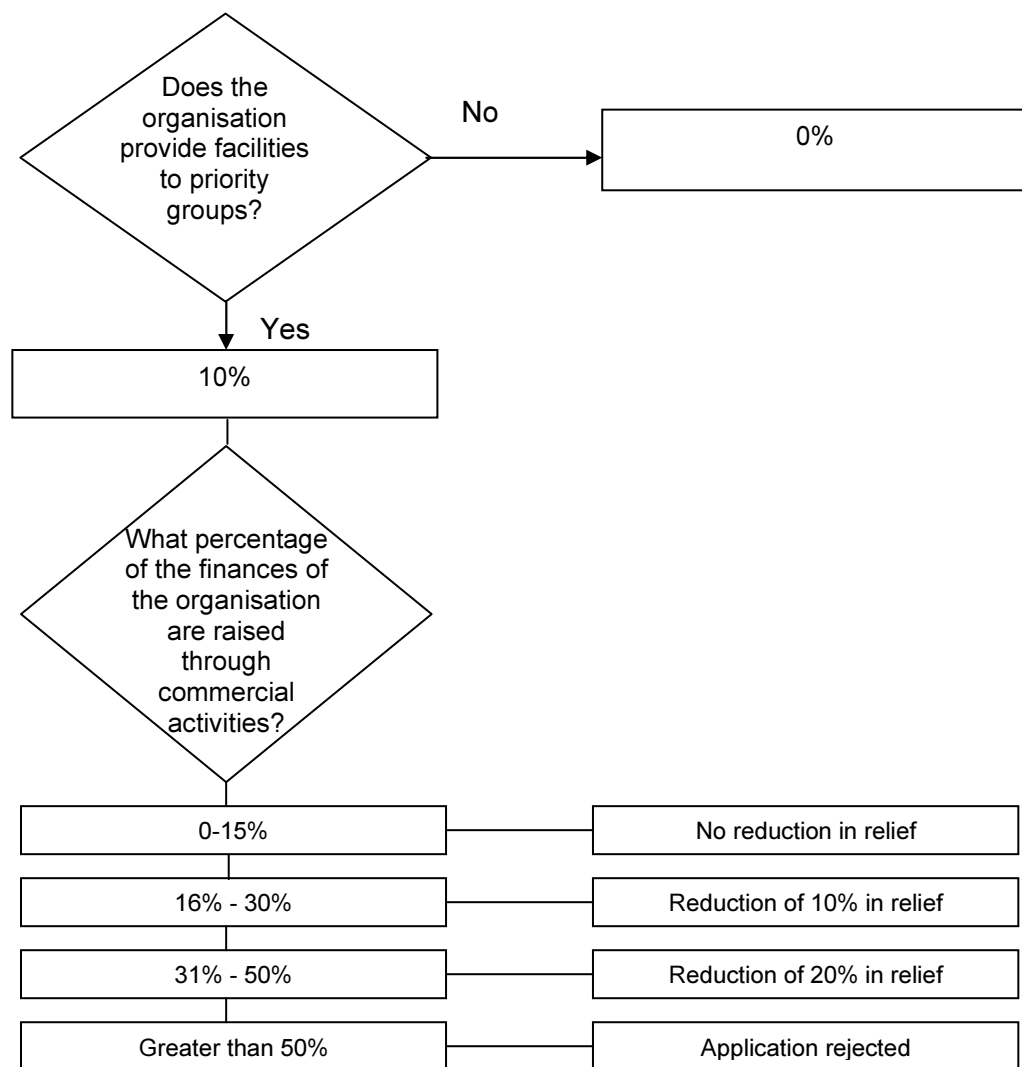
Charity Relief - Mandatory relief recipients (section 5)



¹⁴ Where discretionary relief is to be granted it can be calculated by adding the relevant percentages together. Where a positive value is obtained then relief will reflect that amount. Where either zero or a negative value is calculated then no discretionary relief will be granted.

Discretionary Relief – non profit making organisations (section 6)

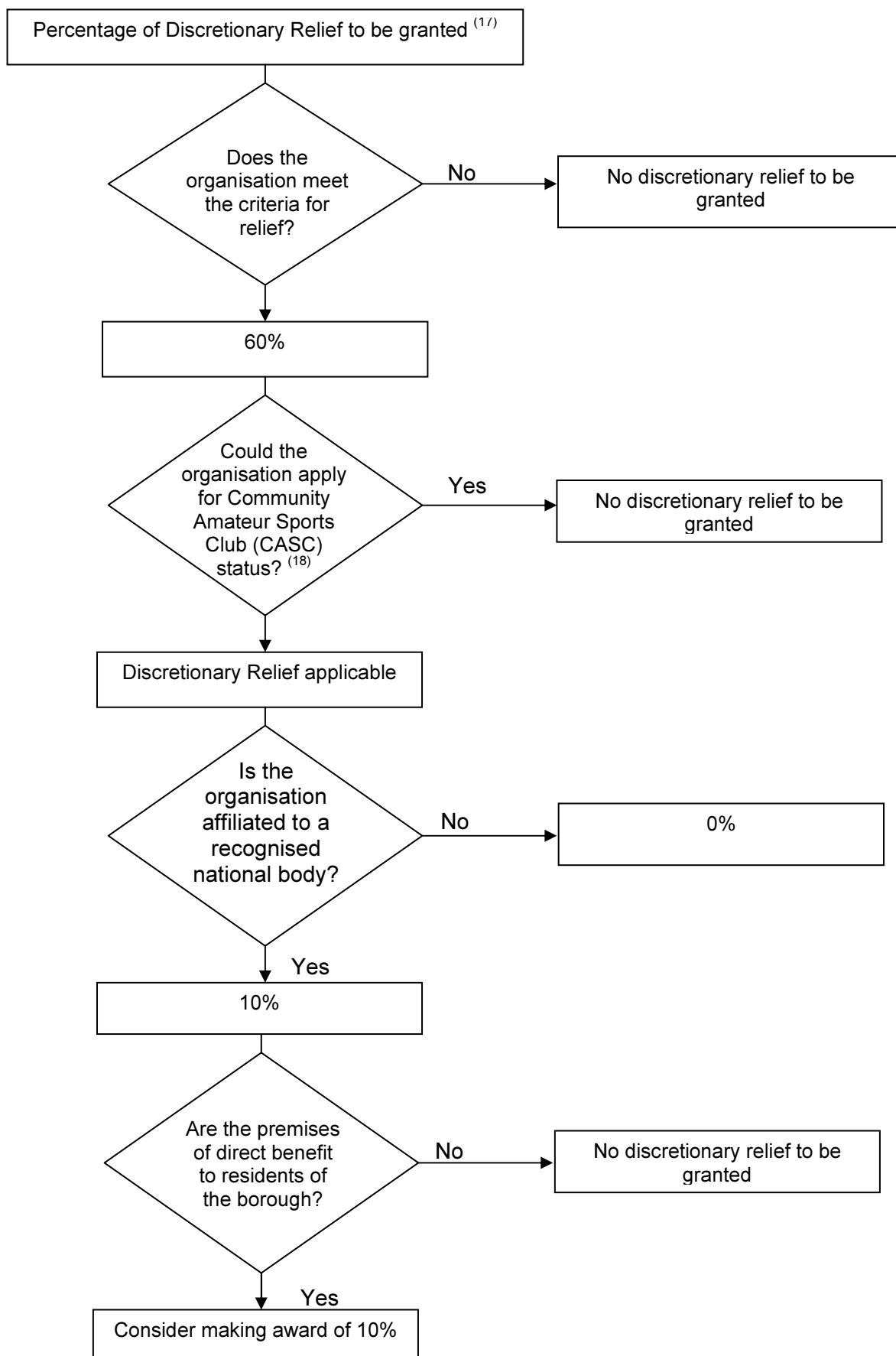




¹⁵ Where discretionary relief is to be granted it can be calculated by adding the relevant percentages together. Where a positive value is obtained then relief will reflect that amount. Where either zero or a negative value is calculated then no discretionary relief will be granted. Failure to meet certain criteria will result in no relief being granted whatsoever.

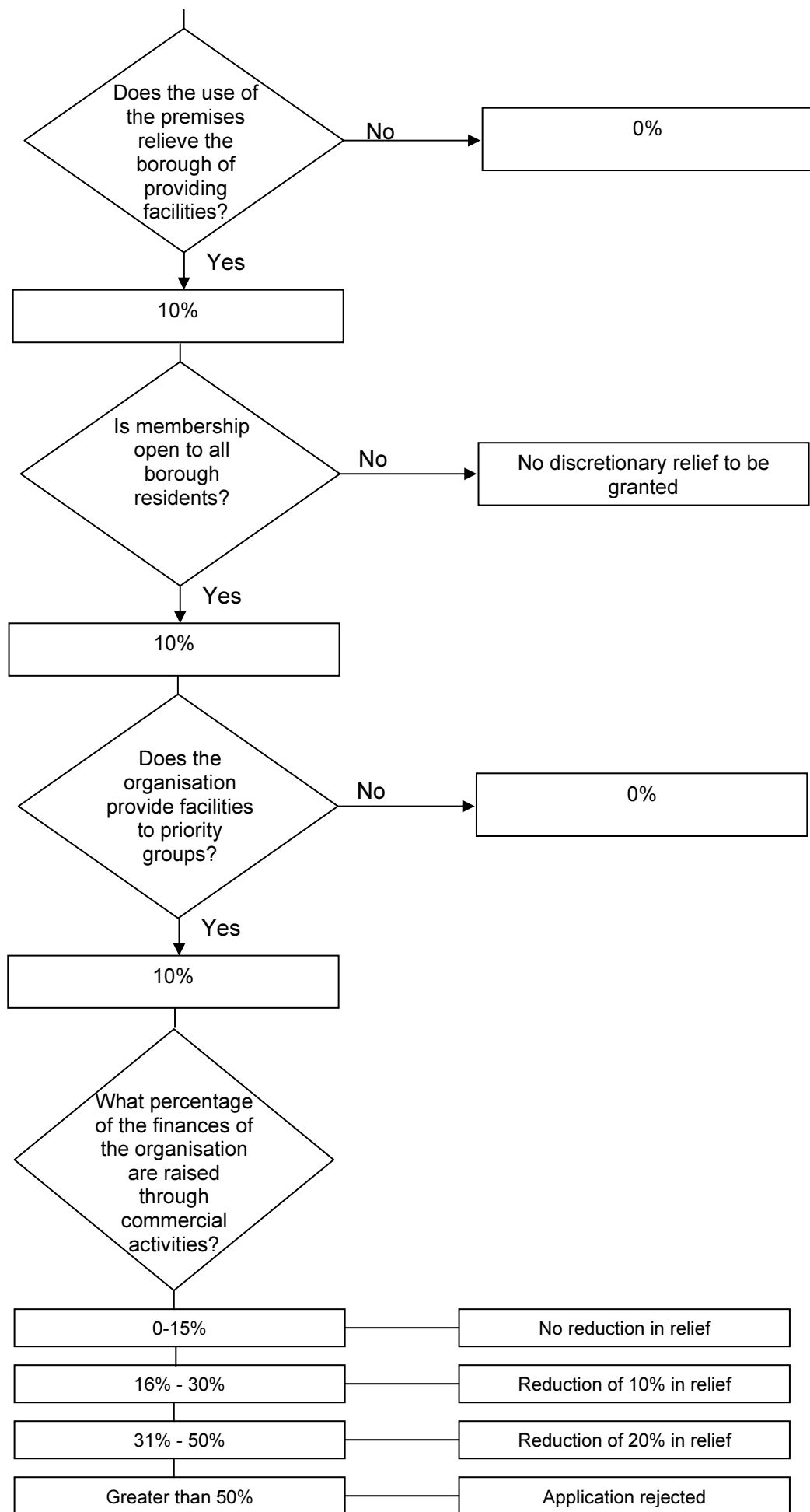
¹⁶ Where mandatory status could be granted then no amount of discretionary relief will be granted except under the provisions laid down in Section 5.

Community Amateur Sports Clubs - Discretionary Relief – recreation (section 7)

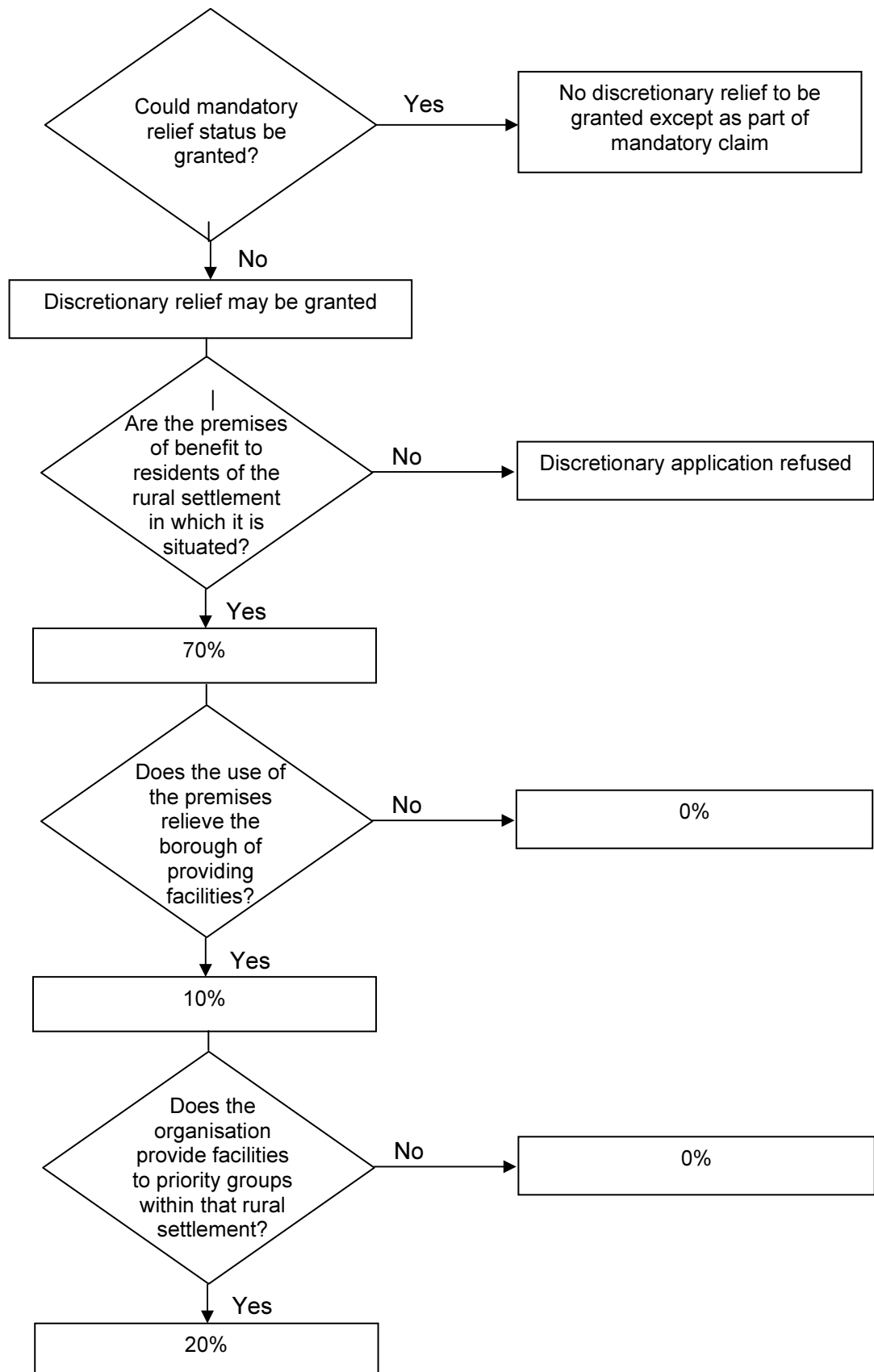


¹⁷ Where discretionary relief is to be granted it can be calculated by adding the relevant percentages together. Where a positive value is obtained then relief will reflect that amount. Where either zero or a negative value is calculated then no discretionary relief will be granted. Failure to meet certain criteria will result in no relief being granted whatsoever.

¹⁸ Where mandatory status could be granted under CASC registration then no amount of discretionary relief will be granted except under the provisions laid down with Section 5. Advice on making application for CASC status should be sort from HMRC via their web site on: www.hmrc.gov.uk/charities/casc/register.htm



Discretionary Relief – Rural (Section 8)



12.0 Proposed Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 13.1 It is proposed that under powers given to the council by section 223 of the Local Government Act 1992, that all permissions for the granting, varying, reviewing and revocation of discretionary relief given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997 and the Local Government Act 2003 be delegated to the Revenues and Benefits Manager.
- 13.2 The method of administration shall be that laid down within this policy document. The level of the discretionary relief shall be calculated in accordance with the matrices given within this policy document.
- 13.3 The policy for granting relief will be reviewed where there is a substantial change to the legislation or funding rules. At such time a revised policy will be brought before the relevant committee / portfolio holder
- 13.4 The amount of funding to be provide by the Council in respect of discretionary relief granted shall be determined by the Head of Corporate Finance and approved by Council in the normal budgeting process

Appeals

- 13.5 Where the council receives a written appeal from the ratepayer regarding the granting, non-granting or amount of any discretionary relief, in line with Department for Communities and Local Government guidelines the case will initially be reviewed by the Revenues and Benefits Manager. If he or she upholds the original decision then the appeal will automatically be referred to the Head of Corporate Finance to consider. Where a decision is revised then the ratepayer shall be informed likewise if the original decision is upheld.
- 13.6 Where a further written appeal is made, the matter shall be referred to a panel of members (consisting of not less than three Council members) for a decision to be made. The person making the appeal may wish to attend the appeal hearing to make their case and answer any further questions the panel members may have. They may wish to appoint a representative to attend the appeal to make their case and answer any questions the panel may have.

Appendix I – Inland Revenue Community Amateur Sports Club Registration (CASC)

Guidance Given to Clubs and Societies

1. Introduction

- 1.1.1 With effect from April 2002 many local amateur sports clubs will be able to register with HMRC as Community Amateur Sports Clubs (CASCs) and benefit from a range of tax reliefs, including Gift Aid.

2. This Guidance

- 2.1.1 This guidance is intended to help sports clubs and their supporters understand the rules and take advantage of the scheme announced in Budget 2002. It explains the rules that apply to clubs that want to register as CASCs with HMRC. It does not deal with the requirements that clubs need to satisfy to secure registration as a charity.
- 2.1.2 Details of the legislation can be found in Schedule 18, Finance Act 2002.

3. Community Amateur Sports Clubs (CASCs)

3.1 What kind of club can register as a CASC?

- 3.1.1 Sports clubs that are formally constituted and that meet certain requirements will be able to register.
- 3.1.2 The definition of a CASC is set out in the legislation. It is designed to give relief to clubs that:
- are open to the whole community
 - are organised on an amateur basis
 - have as their main purpose providing facilities for, and promoting participation in one or more eligible sports
- 3.1.3 Your club will not qualify if, for example:
- the sports councils do not recognise the sport in which the club is engaged,
 - where your facilities are controlled by a Ltd Company, which is separate from the sports club then only the underlying sports club can register,
 - you do not have your own membership,
 - you provide facilities for others, but do not promote and encourage the sport for your own membership,
 - your main purpose is not the provision of facilities for and promotion of participation in an eligible sport.

3.2 Open to the whole community

3.2.1 A club is open to the whole community if:

- membership of the club is open to all without discrimination
- the club's facilities are available to members without discrimination, and
- any fees are set at a level that does not pose a significant obstacle to membership or use of the club's facilities

3.3 Discrimination

3.3.1 Discrimination includes indirect discrimination and includes:

- discrimination on grounds of ethnicity, nationality, sexual orientation, religion or beliefs
- discrimination on grounds of sex, age or disability, except as a necessary consequence of the requirements of a particular sport

3.3.2 This does not prevent a club from having different classes of membership depending on:

- the age of the member
- whether the member is a student
- whether the member is waged or unwaged
- whether the member is a playing or a non-playing member
- how far from the club the member lives or
- any restriction on the days or times when the member has access to the club's facilities

3.3.3 If a club effectively discriminates by only accepting members who have already reached a certain standard, rather than seeking to promote the attainment of excellence by enhancing access and the development of sporting aptitude, then it does not have an open membership policy. So, a club selecting members on the basis of existing attainment would not come within the CASC requirements.

3.3.4 Clubs can refuse or revoke membership, on non-discriminatory grounds, where the membership, or continued membership of the person concerned would be likely to be contrary to the best interests of the sport or the good conduct and interests of the club

3.3.5 Although clubs should be open to all without discrimination, single sex clubs may be permitted where such restrictions are not discriminatory in intent but a genuine result of physical restraints (such as changing room facilities) or the requirements of the sport.

3.4 Level of fees

3.4.1 A club's fees should be set at such a level that does not pose a significant obstacle to membership or use of facilities. The legislation does not specify what an acceptable level is, however clubs should bear in mind that the object of the scheme is to enable all of the community to participate in sports. So fees must be set at a level that most members of the community are able to afford.

- 3.4.2 Some sports, for example offshore yacht racing or polo, are inherently expensive and that tends to restrict participation. Clubs involved with inherently expensive sports that want to register as CASCs will need to be able to demonstrate that membership and participation is within the financial reach of the wider community. This might be achieved by using other income to cross-subsidise fees or by the club making club-owned equipment available for use by members at reduced rates.
- 3.4.3 Example. Dinghy sailing does not require significant wealth, but even a basic second-hand boat and safety equipment can cost several hundred pounds. If a club required all members to own their own boats this would present a significant obstacle to membership for many people. However, if the club made a boat and equipment available to members for hire at modest rates this obstacle would be removed.

3.5 Organised on an amateur basis

- 3.5.1 A club is organised on an amateur basis if:
- it is non-profit making
 - it provides for members and their guests only the ordinary benefits of an amateur sports club, and
 - its governing document requires any net assets on the dissolution of the club to be applied for approved sporting or charitable purposes

3.6 Non-profit making

- 3.6.1 A club is non-profit making if its governing document requires any surplus income or gains to be reinvested in the club. Surpluses or assets cannot be distributed to members or third parties.
- 3.6.2 This does not prevent donations by the club to charities or to other clubs that are registered as community amateur sports clubs.

3.7 Ordinary benefits of an amateur sports club

- 3.7.1 The ordinary benefits of an amateur sports club are:
- provision of sporting facilities
 - reasonable provision and maintenance of club-owned sports equipment
 - provision of suitably qualified coaches
 - provision, or reimbursement of the costs, of coaching courses
 - provision of insurance cover
 - provision of medical treatment
 - reimbursement of reasonable travel expenses incurred by players and officials travelling to away matches
 - reasonable provision of post-match refreshments for players and match officials

- sale or supply of food or drink as a social adjunct to the sporting purposes of the club

3.8 Application of assets on dissolution

- 3.8.1 The governing document of the club should make it clear how its assets will be applied in the event of dissolution. The CASC legislation requires that the assets be applied for approved sporting or charitable purposes. The term “approved sporting or charitable purposes” means any of the following as may be approved by the members of the club in general meeting or by the members of the club’s governing body:
- the purposes of the sport’s governing body for use in related community sport,
 - the purposes of another CASC,
 - the purposes of a charity.
- 3.8.2 Even small, seemingly innocuous, departures from this precise wording such as “charitable or benevolent purposes” may mean that this requirement is not met.
- 3.8.3 The following examples would be unacceptable for a CASC
- provision for the assets to be divided amongst the members
 - no provision at all for the assets on dissolution
 - provision for assets to be given to non-charitable or not for profit organisation, or
 - provision for the assets to pass to what the club deems to be an approved sporting body
- 3.8.4 HMRC has no objection to a club having a dissolution clause that provides for repayment of any unspent grant to be made to a grant making body, where this was a condition of the original grant.
- 3.8.5 Once the contractual obligation to repay any unspent grant had been met the residual surplus must be applied for approved sporting or charitable purposes as outlined above.

3.9 Payments to members

- 3.9.1 A club is allowed to:
- enter into agreements with members for the supply to the club of goods or services, or
 - employ and pay remuneration to staff who are also members of the club
 - provided the terms are approved by the governing body of the club without the member concerned being present and are agreed with the member on an arm’s length basis.

- 3.9.2 So, a club would be able to pay members for services such as coaching or grounds maintenance as long as the conditions above were satisfied. We would not normally expect a CASC to pay members to play. However, some small payments to some members for playing may be acceptable as long as the object of paying players is to encourage wider participation in the sport. A club which pays players simply to achieve competitive success will not meet the qualifying criteria.
- 3.9.3 Example 1. A cricket club pays a member for his services as a groundsman. The rates of pay are reasonable and negotiated at arms length. This would be acceptable.
- 3.9.4 Example 2. An amateur football club pays two professional players to play in a league. In addition to their playing duties the two players have coaching and development roles with the club's junior squads which are open to all, regardless of ability. Again, this would be acceptable.
- 3.9.5 Example 3. A rugby club fields three teams that play in league tournaments. The first team players are engaged on full-time professional playing contracts. While they are required to undertake a small number of promotional activities they do not have any coaching or junior development role. This would be unlikely to be accepted as a CASC.

3.10 Main Purpose

- 3.10.1 The main purpose of the club must be to:
- provide facilities for, and
 - encourage participation in one or more eligible sport
- 3.10.2 The club's governing document must make it clear that this is the club's main object. That does not rule out the club having social members, but we would expect the substantial majority of the club's activities to be directed at furthering the main object. Where a club's social activities are disproportionately large, that might call into question whether the club meets the main purpose requirement. This might be the case where only a minority of the club's members actively participate in the sport concerned.
- 3.10.3 The club must be engaged in providing facilities and encouraging participation.

3.11 Providing facilities

- 3.11.1 The club does not have to own the facilities for participating in eligible sports. So, a club that regularly hires facilities at a Local Council leisure centre to enable members to participate would be providing facilities. Similarly, a club that provides equipment and organisation, without providing premises, might be eligible.

3.11.2 Example 1. A swimming club that regularly hires pools to hold lessons and training sessions would be likely to qualify.

3.11.3 Example 2. A cycling club that organises social and training rides and open competitions without having any premises would be likely to qualify.

3.12 Encouraging participation

3.12.1 The club's emphasis must be on encouraging all members to participate regardless of their ability. So, a club that pursues a team sport might field a number of teams, ranging in ability from recreational and novice players up to a reasonably high competitive standard. This would be acceptable as long as the overall emphasis was on participation. A club that only allowed participation at an elite level with other members being spectators rather than players would not be acceptable.

3.12.2 In order to qualify as a CASC the majority of a club's membership must participate in an eligible sport. A participating member is not merely restricted to a member who plays, but includes those engaged in activities such as coaching, managing, preparing surfaces, refereeing, supervision of juniors, indeed broadly any non-paid work undertaken on behalf of the club. The club might also have junior members (who are not included as members), but who are participating in the sport.

3.12.3 Certain classes of members, such as family members, who will generally have joined in furtherance of the sporting activities and not primarily to enjoy social benefits, can also be included.

3.13 Eligible sports

3.13.1 Eligible sports are defined by Treasury Order, by reference to the Sports Councils' list of recognised activities.

3.13.2 HMRC cannot consider applications from clubs whose sport is not on the Sports Councils' list. Any requests for new activities to be added to the list should be addressed to the Sports Councils, not to HMRC.

3.14 How to register as a CASC

3.14.1 To register as a CASC you need to apply to Inland Revenue Sports Club Unit with the following information:

- a copy of the CASC's governing document - this might be a constitution, Rules or Memorandum & Articles of Association
- a copy of the CASC's latest accounts
- a copy of any prospectus, member's handbook, rule book etc

3.14.2 We will let you know when we have registered the club as a CASC and tell you what date it is registered from.

- 3.14.3 We might refuse to register some clubs as CASCs, or register them only after they have changed their rules. If you disagree with our decision, either to not register or to register from a later date, there is provision for you to appeal against our decision. We will provide details of how to appeal when we tell you our decision.

3.15 What will be the effective date of registration?

- 3.15.1 The legislation gives HMRC discretion to make registration effective from a date before the application is received. Normally, we will register a club with effect from the beginning of the accounting period in which it applies, provided it met the qualifying requirements throughout that period.
- 3.15.2 Where a club has had to change its rules to meet the criteria, we will only register the club with effect from the date the new rules were formally adopted.
- 3.15.3 No registration will be effective before 1 April 2002.

3.16 Are CASCs charities?

- 3.16.1 A sports club that is registered as a CASC is not a charity. However, it is open to any sports club to apply to the Charity Commission ("CC") for registration as a charity. While it is possible for a club to be a CASC and a charity the trading activities that a CASC can carry on may be a bar to charitable status.
- 3.16.2 The CC will consider registering as charities those sports clubs, in England and Wales, that seek to encourage community participation in healthy recreation for the public benefit.
- 3.16.3 Sports clubs in Scotland or Northern Ireland may apply to HMRC to be accepted as a charity for tax purposes. We would expect the principles of the CC guidance to apply to Scottish and Northern Irish organisations applying to HMRC for recognition of their charitable status.

3.17 The tax reliefs for registered CASCs

- 3.17.1 Sports clubs of the kind that are eligible to register as CASCs are treated as companies for tax purposes. Consequently, their profits may be chargeable to Corporation Tax.
- 3.17.2 Sports clubs that are registered as CASCs will be able to claim the following tax reliefs:
- exemption from Corporation Tax on profits from trading where the turnover of the trade is less than £30,000

3.17.3 All of the exemptions depend upon the club having been a registered CASC for the whole of the relevant accounting period and the income or gains being used only for qualifying purposes.

3.17.4 If the club has only been a registered CASC for part of an accounting period the exemption amounts of £15,000 (for trading) and £10,000 (for income from property) are reduced proportionately. Only interest and gains received after the club is registered are exempted.

3.17.5 "For qualifying purposes" means for the purposes of providing facilities for, and promoting participation in, one or more eligible sports. This may extend to some investments of surplus funds where those investments are clearly commercial in nature and made for the financial benefit of the CASC.

3.17.6 Where a CASC spends its income or gains in ways that are not qualifying purposes there are rules that restrict the CASC's exemption from tax. For example, if a CASC spent half of its income in ways that were non-qualifying we would restrict its tax exemptions to half its income. This would not affect income that would not be taxable anyway.

3.17.7 CASCs, of course, will also benefit from the new £10,000 nil rate band for corporation tax.

3.17.8 Example 1. CASC 1 runs a trade with turnover of £10,000, has rental income of £5,000 and interest of £500. All of the income is applied for qualifying purposes. The trade and rental income is below the relevant limits. All the income is applied for qualifying purposes and is consequently exempt from tax.

3.17.9 Example 2. CASC 2 runs a trade with turnover £20,000, profit £6,000. Because the turnover exceeds the £15,000 limit the profit is potentially taxable. CASC 2 also has gross rental income of £12,000, net £4,000. Because the gross rental income is above the exemption limit it is potentially taxable. Because the total taxable income of £10,000 falls within the nil rate band no tax is payable.

3.17.10 Example 3 CASC 3 lets part of its premises to other organisations and receives rental income of £9,000 per annum. Its accounting period ends on 30 June and it obtains registration as a CASC with effect from 1 December 2002. The property income for the period 1 December 2002 to 30 June 2003 will amount to £5250 ($£9,000 \times 7/12$). The exemption is also reduced proportionally but, as the limit is £5833 ($£10,000 \times 7/12$), the income of £5250 for the first CASC period of registration will be exempt.

3.17.11 Example 4 CASC 4 is entitled, in a particular accounting period, to exemption on the following sources of income,

- Bank interest £6,000

| | |
|--------------------------------|---------|
| ▪ Income from property (gross) | £5,000 |
| ▪ Gift Aid income (gross) | £15,000 |
| ▪ total | £26,000 |

The club also has income of £5,000 membership fees.

During the accounting period the club spends £7,000 on a non-qualifying purpose.

The calculation of the reduction of income, which is available for relief is as follows,

$£26,000 : (£26,000 \times £7,000 / £31,000) = £26,000 - £5,870 = £20,130$

HMRC will determine which source of income (£5,870) will be brought back into charge to corporation tax. However, the club can, within thirty days of being notified of this, specify which income or gains it wants brought back into charge.

NB: As CASC 4 has no other taxable income, the income of £5,870 is charged at nil corporation tax rate.

3.18 Claiming the tax reliefs

3.18.1 Where a CASC receives a CTSA tax return the relief can be claimed in the return. However, most clubs will not receive a CTSA tax return each year. If the club has had tax deducted from its income, or if it has received Gift Aid payments, it will be able to claim a repayment from Inland Revenue Sports Clubs Unit.

3.18.2 If you think that your club is liable to tax, but it has not received a notice to file a tax return you should ask Inland Revenue Sports Clubs Unit to send you a return.

3.19 Reliefs for donors

3.19.1 There is a range of tax reliefs to encourage individuals and companies to support CASCs.

3.19.2 Individuals can make gifts to CASCs using the Gift Aid scheme

3.19.3 Individuals can obtain relief from Inheritance Tax for gifts to CASCs. Gifts will not form part of the donor's estate for inheritance tax purposes, in the same way as gifts to charity.

3.19.4 Businesses that give goods or equipment that they make, sell or use get relief for their gifts. They do not have to bring any disposal amount into account, but can still obtain relief for the cost, for tax purposes.

3.19.5 Gifts of chargeable assets to CASCs by individuals or companies are treated as giving rise to neither a gain nor a loss for Capital Gains purposes.

3.19.6 There are rules to prevent the exemptions for CASCs and the donor reliefs being used for tax avoidance purposes.

3.20 Gift Aid

3.20.1 Individuals who are UK taxpayers can make gifts to CASCs using Gift Aid in the same way as they can make gifts to charities. Relief is available for gifts made to a registered CASC after 6 April 2002. Gift Aid is only available for gifts to CASCs and not for other payments such as membership subscriptions.

3.20.2 A CASC can reclaim basic rate tax on donations made by individuals, whether large or small, regular or one-off - provided the conditions for the Gift Aid scheme are satisfied. In particular, the CASC will have to be able to show an audit trail from the donation to a donor who has given a Gift Aid declaration that covers that donation. 3.20.3 The rules of the Gift Aid scheme for individuals, as they apply to charities, also apply to registered CASC's (but remember, a CASC's membership subscriptions are not eligible as Gift Aid payments).

3.20.4 Gifts made using Gift Aid are treated as having been paid after deduction of Basic Rate income tax. As long as the CASC applies the income for qualifying purposes it can claim repayment of this tax from Inland Revenue Charities (at present 28p for each £1 donated (while the Basic Rate of income tax remains at 22percent))

3.20.5 If the donor pays tax at the Higher Rate they can claim additional relief in their SA tax return. All they need to do is enter the amount paid to the CASC in the Gift Aid box on their SA return.

3.20.6 Companies cannot make gifts to CASCs using Gift Aid, but can normally claim a deduction in computing their profits for either formal sponsorship of a sports club or for payments made to enhance their standing in the local community.

3.21 How to register for Gift Aid repayments

3.21.1 When you apply to register as a CASC we will send you the information and forms that you need to register for repayments under Gift Aid. If you have had tax deducted from other income you can claim repayment at the same time as claiming under Gift Aid.

3.21.2 In particular, you will need to nominate one named individual who is authorised to claim repayments on behalf of the CASC.

3.22 Non-domestic rates relief for CASCs

- 3.22.1 For CASCs in England and Wales Section 64 of the Local Government Act 2003 provides the same relief that would be available to a charity (80percent mandatory relief) where the CASC property is wholly or mainly used for the purposes of that club and of other such registered clubs. For CASCs in Scotland, the Scottish Executive has agreed voluntary relief with Local Authorities for the same amount.
- 3.22.2 HMRC does not administer this relief and therefore requests for advice on non-domestic rates you will need to contact your Local Council Finance Department.

3.23 De-registration

- 3.23.1 There is no provision in the legislation for a club to de-register. Once a CASC always a CASC. Before applying to be a CASC, members really need to be agreed that what they really want is to maintain the club for the continuing use of the community. If members have one eye on selling off the ground for building a supermarket and sharing the profits, then CASC status is not for them. If a CASC ceases to operate, its assets would have to be passed on in accordance with the legislation to another CASC, a registered charity or the governing body of an eligible sport for use in related community sport.
- 3.23.2 It should also be borne in mind that where a club holds property and, without disposing of it-
- ceases to be a registered club, or
 - ceases to hold property for qualifying purposes
- it will be treated as having disposed of and immediately reacquired, the property at the time of cessation for a consideration equal to its market value at that time. As any gain will not be treated as accruing to a registered club, a CASC ceasing to be registered could have a capital gains tax liability.

| | |
|------------------------------|--|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Flood and Water Management Supplementary Planning Document |
| Report of: | Annette Roberts, Head of Development Services |
| Corporate Lead: | Robert Weaver, Deputy Chief Executive |
| Lead Member: | Lead Member for Built Environment |
| Number of Appendices: | Two |

Executive Summary:

In November 2014, Council approved the adoption of a Flood and Water Management Supplementary Planning Document (SPD). Since adoption, however, there have been significant updates to national guidance surrounding flood and water management. A review of the SPD has therefore been undertaken to take into account of the latest guidance and an updated draft SPD has been prepared. This is attached at Appendix 1 to this report with the appendices to the SPD attached at Appendix 1a.

Recommendation:

- 1. To APPROVE, for public consultation, the Flood and Water Management Supplementary Planning Document set out in Appendix 1 and 1a.**
- 2. To delegate authority to the Head of Development Services, to make any necessary minor amendments to the draft document as considered appropriate prior to its publication for consultation.**

Reasons for Recommendation:

To agree the draft Flood and Water Management Supplementary Planning Document for public consultation.

Resource Implications:

Resource implication on officer time to conduct the consultation, review responses and make an amendments as appropriate.

Legal Implications:

The preparation of an SPD is not a statutory requirement, but a decision for each local planning authority based upon demands for further information to assist in the delivery of sustainable development. An SPD cannot in itself establish planning policy; it must be consistent with national and local planning policies. Before a local planning authority can adopt an SPD it must carry out formal public consultation, accompanied by the provision of a Consultation Statement setting out who was consulted in the preparation of the SPD; a summary of the issues raised; and how those issues have been addressed. Once adopted, the SPD would be a material consideration in the determination of planning applications. A Planning Authority can adopt an SPD either as originally prepared or as modified to take account of any representations made in relation to the SPD or any other matter they think is relevant.

Risk Management Implications:

There is no statutory requirement to prepare SPDs. However, it is considered to be important that Tewkesbury Borough has appropriate planning policies for flood and water management to ensure that development does not exacerbate flood risk and opportunities for betterment are sought.

Performance Management Follow-up:

Subject to the approval of the SPD for public consultation, and following a review of the representations made, a final version of the SPD will be reported back to Council with a view to adoption.

Environmental Implications:

The SPD contains further detail and advice in relation to the emerging JCS and Tewkesbury Borough Plan policies on environmental issues such as flood risk, water management, pollution and biodiversity.

1.0 INTRODUCTION/BACKGROUND

- 1.1** In November 2014, Council approved the adoption of a Flood and Water Management Supplementary Planning Document (SPD). The final version of the SPD, published in December 2014, has since been used as a material consideration in determining planning applications.
- 1.2** This SPD was established to provide a user-friendly guide to assist applicants in making better planning applications; to aid infrastructure delivery; and to help the general public and other stakeholders to gain a better understanding of the Council's commitment to minimising flood risk. It is to be read in conjunction with other national and local planning policies and guidance, such as the National Planning Policy Framework and the Joint Core Strategy.

- 1.3** Since adoption, however, there have been significant updates to national guidance surrounding flood and water management. This includes revisions to policy and guidance provided in the NPPF and NPPG, changes to recommendations by the Environment Agency, and updated guidance on best practice. Key changes have included the Environment Agency requirements for taking into account of climate change and updated CIRIA guidance on Sustainable Urban Drainage Systems (SUDS). These changes have meant it is necessary to update the SPD to reflect the most recent practice to ensure it remains relevant and effective.

2.0 REVIEW OF SUPPLEMENTARY PLANNING DOCUMENT

- 2.1** A review of the SPD has been undertaken to take into account the latest guidance and an updated draft SPD has been prepared. This is attached at Appendix 1 to this report. A series of supporting appendices accompany the SPD and are attached at Appendix 1a. The format of the SPD itself has largely stayed the same and the document contains the following sections:

1. Introduction and Objectives.
2. Setting the Local Context.
3. Legislative and Policy Background.
4. The Importance of Pre-Application Advice.
5. Flood Risk and Site Selection.
6. Managing and Mitigating Flood Risk.
7. Sustainable Drainage Systems.
8. Water Management, Recycling, Supply and Pollution Control.
9. Water Management Statements.
10. Biodiversity.

- 2.2** The updated SPD is more detailed document that aims to provide more in-depth guidance and achieve a higher standard of water and flood risk management. It provides an update on the legislative and policy background, primarily around the NPPF and NPPG which most notably includes changing guidance around the approach to climate change. As such, a key change included in the SPD is a requirement for all major development to provide a detailed flood risk assessment is to provide an appropriate assessment which includes a 70% allowance added to peak river flows to account for climate change. This approach is also recommended for non-major development where possible. This provides a precautionary approach to assessing flood risk on potential development sites.

- 2.3** The draft SPD also now proposes a comprehensive guidance on the application of SuDS, referring the best practice guidance from the CIRIA SUDS Manual. It provides guidelines on topics such as SuDS design principles, place-making, surface water management, water reuse and maintenance.

3.0 CONSULTATION

- 3.1** If approved for public consultation, the draft SPD would be published for a six week consultation in September/October 2017. Following the consultation period, a response consultation report will be produced and any appropriate amendments made to the SPD. It is envisaged that final draft of the SPD would be reported to the Executive Committee and Council later in 2017.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 5.1** Flood & Water Management SPD (Nov 2014).
Tewkesbury Borough Local Plan to 2011.
Joint Core Strategy.
Emerging Tewkesbury Borough Plan (2011-2031).

6.0 RELEVANT GOVERNMENT POLICIES

- 6.1** National Planning Policy Framework.
National Planning Practice Guidance.

7.0 RESOURCE IMPLICATIONS (Human/Property)

- 7.1** Resource implication on officer time to conduct the consultation, review responses and make an amendments as appropriate.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 8.1** The preparation of the Flood and Water Management SPD provides an opportunity for greater flood risk management that could have a positive impact in terms of helping to bring forward more sustainable forms of development.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 9.1** None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 10.1** None.

Contact Officer: Matt Barker, Planning Policy Manager Tel: 01684 272089
Email: matthew.barker@tewkesbury.gov.uk

Appendices: 1 – Draft Flood and Water Management Supplementary Planning Document.
1a – Appendices to SPD.

Flood and Water Management

Supplementary Planning Document



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CHAPTER 1 - INTRODUCTION AND OBJECTIVES

- 1.1 Flood events have had a detrimental effect on the social, economic and environmental wellbeing of the country. Parts of Tewkesbury Borough in particular have suffered from the effects of flooding in recent times, largely due to its proximity to the Severn and Avon Rivers.
- 1.2 All forms of flooding and their impact on the natural and built environment are material planning considerations that are taken into account when determining planning applications. Tewkesbury Borough Council expects an integrated approach to flood risk and water cycle management (including rainwater, storm water, sewage, ground water, surface water and recycled water) to secure a range of social, economic and environmental benefits. Consequently, there is a need for a comprehensive approach to dealing with flood risk and the aim of Tewkesbury Borough Council is to ensure that this matter is properly considered at the very earliest, and all subsequent, stages of the planning process.
- 1.3 This Supplementary Planning Document (SPD) presents a user-friendly guide to assist applicants in making better planning applications; to aid infrastructure delivery; and to help the general public and other stakeholders to gain a better understanding of the Council's commitment to minimising flood risk over and above the bare minimum.
- 1.4 The aim of this SPD is to provide guidance on the approach that should be taken to manage flood risk and the water environment as part of new development proposals. The SPD highlights the documents which will be required to accompany planning applications, including:
 - Sequential Test, and where appropriate Exception Test, reports
 - Site Specific Flood Risk Assessments (FRA's) and Drainage Strategies (incorporating the approach to surface water drainage and suitability evidence)
- 1.5 This document is a material consideration when considering planning applications. It should be read in conjunction with national and local planning policies and guidance (see Chapter 3 below). In accordance with these; Tewkesbury Borough Council will always seek opportunities to reduce the overall level of flood risk in the area and beyond. It will also seek to maximise amenity, biodiversity and water quality benefits, as well as those

opportunities and benefits which can be obtained from effective flood and water management.

- 1.6 The key flood and water management objectives of Tewkesbury Borough Council are summarised as follows:-

Key Objectives





1. To steer new development to areas with the lowest probability of flooding.
2. To ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere; and to always seek betterment over the bare minimum requirements, wherever possible.
3. To require the inclusion of Sustainable Drainage Systems (SuDS) within new developments which mimic natural drainage as closely as possible, with the provision for their long-term maintenance, in order to sustainably mitigate the risk of flooding.
4. To ensure that development incorporates appropriate water management techniques which improves the existing hydrological conditions and maximises the opportunities and benefits of betterment of water quantity, water quality, biodiversity and amenity.
5. To ensure on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.
6. Encourage the use of water efficient and recycling devices within new developments.

- 1.7 There is an emerging policy framework within the Joint Core Strategy (JCS) and Tewkesbury Borough Plan, which will include policies relating to flood risk and water management. Policy INF3 of the emerging JCS specifically relates to flood and water management issues. This SPD provides additional information to supplement this emerging

policy, as well as those in the emerging Tewkesbury Borough Plan and the existing ‘saved’ policies contained within the Tewkesbury Borough Local Plan to 2011. Early use of this document by applicants in the design process is therefore essential.

How to Use This Supplementary Planning Document.

- 1.8 To ensure that Tewkesbury Borough has a consistent and appropriate approach to flood risk and water management, this SPD should be used by:-
- Developers and applicants when considering sites for development.
 - Developers and applicants when preparing the brief for their design team to ensure drainage and water management systems are sustainably designed.
 - Consultants when carrying out site-specific flood risk assessments.
 - Design teams preparing master plans, landscape and surface water drainage schemes and assessments.
 - Development management officers and their specialist consultees when determining delegated planning applications, selecting appropriate planning conditions, making recommendations to committees and drawing up section 106 obligations that include contributions for suds.
 - Other interested parties (e.g. local members) who wish to better understand the interaction between development, flooding and drainage issues.
- 1.9 This SPD is set within the context of a water flood risk management hierarchy to help developers and decision-makers understand flood and water management and to embed it in decision-making at all levels of the planning process.
- 1.10 The flood risk management hierarchy.

| Assess | | Avoid | | Substitute | | Control | | Mitigate |
|-----------------------------------|---|--|---|---|---|---------------------------------------|---|-----------------------------------|
| Appropriate flood risk assessment |  | Apply the sequential test to the site location |  | Apply the sequential approach at site level |  | E.g. suds design, flood defences, etc |  | E.g. flood resilient construction |

- 1.11 This SPD addresses the flood and water management issues associated with development within the Tewkesbury Borough context. It should however be understood that the design of drainage systems and water features is dependent on a number of constraints such as existing ground conditions, including site contamination levels. This SPD does not provide detailed information on landing groundwater contamination or remediation measures.
- 1.12 Neither does this SPD provide a comprehensive guide on all other development related issues. There is a wide range of other guidance available as part of the national planning policy, and from various sources, for other matters.

CHAPTER 2 - SETTING THE LOCAL CONTEXT

2.1 Tewkesbury Borough is heavily influenced by the Severn and Avon Rivers, which run through the district. These rivers pose the greatest flood risk particularly during periods of high flows at the place where the two watercourses meet at Tewkesbury town. A considerable amount of land to the western side of the Borough comprises the functional flood plain and the majority of the borough area drains into the Severn. Flooding from surface water is also a problem as drainage is closely linked to main river levels, with the largely impermeable geology and generally gentle topography of the Borough contributing to increased likelihood of surface water flooding.

2.2 Tewkesbury Borough has suffered from numerous severe flooding events in its history, one of the most notable of which was in the summer of 2007.

Case Study

The summer of 2007 was one of the wettest on record.

Following a very dry April, Gloucestershire experienced heavy rainfall in June. This overloaded the county's drainage systems through a combination of the influx of surface water and very high water levels in main rivers and brooks and lead to some localised flooding across the county.

During July however the rains were even heavier. On 20th July, two months' worth of rain fell in just 14 hours. This ultimately resulted in two emergencies; widespread flooding and water shortages. The water shortage occurred due to the Severn Trent Water Treatment Works in Tewkesbury being contaminated with flood water.

With flood water reaching depths of over two metres in some places, across Gloucestershire over half of all homes and 7,500 businesses were without any mains water for up to 12 days and without drinking water for 17 days. Electricity was lost to 48,000 homes for two days. Within Tewkesbury borough over 1800 homes were directly affected by the floods.



The effects of global climate change are likely to result in more occurrences of extreme weather events and resultant flooding in the future.

With the need for significant levels of new housing and employment development within the Borough, which is emerging through the Joint Core Strategy, it is imperative that issues associated with water management are identified and subsequently tackled if

existing problems are not to be exacerbated, along with the associated negative social, environmental and economic impacts. Key issues to be tackled include: the location and design of existing and future development; flood risk management; design and maintenance of flood risk management infrastructure; future water resource needs; water supply and sewerage.

- 2.3 Tewkesbury Borough Council will at all opportunities seek to manage, and reduce flood risk through the development management process.

CHAPTER 3 - LEGISLATIVE AND POLICY BACKGROUND

- 3.1 There are a number of legislative and policy considerations that have been taken into account in the preparation of this SPD, and which must also be taken into account when submitting a planning application. These considerations are summarised as:

LEGISLATION

3.2 European Legislation

The Floods Directive

- 3.2.1 **The EU Floods Directive - 2007/60/EC** came into force due to a need for European Union countries (member states) to better understand and gather accurate data about the risks from surface water flooding. In the UK the Directive came into force via the Flood Risk Regulations 2009 which in turn sets the requirement for Preliminary Flood Risk Assessments (PFRA) to be produced by all unitary and county councils.

The Water Framework Directive

- 3.2.2 **The Water Framework Directive - 2000/60/EC (WFD)** was enacted into UK law in December 2003. This legislation requires member states to make plans to protect and improve the water environment. In summary, the Directive aims to protect and prevent the deterioration of aquatic ecosystems; conserve habitats and species that depend directly on water; reduce the release of individual pollutants that present a significant threat to the aquatic environment; reduce the pollution of groundwater and prevent or limit the entry of pollutants; and help reduce the effects of floods and droughts.

3.3 National legislation

The Flood and Water Management Act (FWMA) 2010

- 3.3.1 **The Flood and Water Management Act 2010** (FWMA) has brought about significant legislative changes to the management of flood risk and water. Gloucestershire County Council (GCC) has been established as a Lead Local Flood Authority (LLFA) with responsibility for managing local flood risk from surface runoff, ordinary watercourses and groundwater in the area. GCC has a responsibility to produce a Local Flood Risk

Management Strategy, and they also have powers and duties to issue consents for works on ordinary watercourses and undertake enforcement activities.

- 3.3.2 The FWMA also seeks to encourage the uptake of Sustainable Drainage Systems (SuDS) by agreeing new approaches to the management of drainage systems. This new approach seeks to deliver sustainable drainage systems by strengthening of current planning policy.

PLANNING POLICY

3.4 National Planning Policy Framework (NPPF)

- 3.4.1 In March 2012 Government published the **National Planning Policy Framework (NPPF)** which sets out Government planning policy in England. The framework replaced many of the previous Planning Policy Guidance (PPG) or Planning Policy Statements (PPS), including PPS25: Development and Flood Risk. However, the accompanying planning practice guidance to the NPPF retains key elements of PPS25 and its associated Practice Guide.

- 3.4.2 At the heart of the NPPF is the presumption in favour of sustainable development, which is described as ‘a golden thread running through both plan-making and decision-taking.’ Sustainable development comprises three dimensions; economic, social and environmental and these should not be treated in isolation as they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought simultaneously through the planning system.



- 3.4.3 Flood risk and water management falls within Section 10: ‘Meeting the challenge of climate change, flooding and coastal change’ and one of the core planning principles of the framework is that planning should take full account of flood risk. Furthermore, the framework sets out the government’s intention that planning authorities should adopt proactive strategies to mitigate and adapt to climate change.
- 3.4.4 Solely as a starting point, the flood risk assessment climate change allowance guidance on the gov.uk website can be reviewed. Extracts from which are included below:

Table 1 peak river flow allowances by river basin district (use 1961 to 1990 baseline)

| River basin district | Allowance category | Total potential change anticipated for the '2020s' (2015 to 2039) | Total potential change anticipated for the '2050s' (2040 to 2069) | Total potential change anticipated for the '2080s' (2070 to 2115) |
|----------------------|--------------------|---|---|---|
| Thames | Upper end | 25% | 35% | 70% |
| | Higher central | 15% | 25% | 35% |
| | Central | 10% | 15% | 25% |
| Severn | Upper end | 25% | 40% | 70% |
| | Higher central | 15% | 25% | 35% |
| | Central | 10% | 20% | 25% |

Using peak river flow allowances for flood risk assessments

Consider the appropriate flood risk vulnerability classification to decide which allowances apply to your development or plan. This will help you understand the range of impact. The higher central, central, and upper end allowances are in table 1. Whilst the majority of the Borough is within the Severn River Basin District there is a small area to the east of the Borough within the Thames District. Please refer to the EA's River Basin District Map to identify the relevant district for your site.

Table 2 shows anticipated changes in extreme rainfall intensity in small and urban catchments. For flood risk assessments and strategic flood risk assessments, assess both the central and upper end allowances to understand the range of impact.

Table 2 peak rainfall intensity allowance in small and urban catchments (use 1961 to 1990 baseline)

| Applies across all of England | Total potential change anticipated for the '2020s' (2015 to 2039) | Total potential change anticipated for the '2050s' (2040 to 2069) | Total potential change anticipated for the '2080s' (2070 to 2115) |
|-------------------------------|---|---|---|
| Upper end | 10% | 20% | 40% |

| Applies across all of England | Total potential change anticipated for the '2020s' (2015 to 2039) | Total potential change anticipated for the '2050s' (2040 to 2069) | Total potential change anticipated for the '2080s' (2070 to 2115) |
|--------------------------------------|--|--|--|
| Central | 5% | 10% | 20% |

Table 3 sea level allowance for each epoch in millimetres (mm) per year with cumulative sea level rise for each epoch in brackets (use 1990 baseline)

| <u>Area of England</u> | 1990 to 2025 | 2026 to 2055 | 2056 to 2085 | 2086 to 2115 | Cumulative rise 1990 to 2115 / metres (m) |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|--|
| South West | 3.5 (122.5 mm) | 8 (240 mm) | 11.5 (345 mm) | 14.5 (435 mm) | 1.14 m |

For further guidance on the application of climate changes allowances please refer to the EA's local area advice on Climate Change Allowances for Planning at Appendix V of this document.

Whilst the majority of Tewkesbury Borough Council area is not directly affected by Tidal flooding, the increase in sea level will have an impact on Tidal flood levels towards Gloucester and affect Fluvial Flood levels and needs to be taken into account.

The NPPF and its associated **Planning Practice Guidance** is an important consideration in the decision making process.

3.4.5 The framework indicates that local plans and planning applications should both ensure that flood risk, including surface water flooding, is not increased as a result of development and that development proposals should only be permitted in areas at risk of flooding, where it can be demonstrated that:

- a site specific flood risk assessment has been undertaken which follows the Sequential Test, and if required, passes the Exception Test;
 - within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required;
 - that any residual risk can be safely managed, including by emergency planning; and
 - the site gives priority to the use of sustainable drainage systems.
- The framework also indicates that local plans should use opportunities offered by new developments to reduce flood risk elsewhere.

3.4.6 Sustainable Drainage Systems: Written Ministerial Statement

On 18th December 2014, a ministerial statement was made by the Secretary of State for Communities and Local Government (Mr Eric Pickles). The statement has placed an expectation on local planning policies and decisions on planning applications relating to major development to ensure that SuDS are put in place for management of runoff, unless demonstrated to be inappropriate. The statement made reference to revised planning guidance to support local planning authorities in implementing the changes and on 23rd March 2015, the Department for Environment Food and Rural Affairs (Defra) published the “Non Statutory Technical Standards for Sustainable Drainage Systems”

3.5 Local Planning Policy

The Tewkesbury Borough Local Plan to 2011 - March 2006

- 3.5.1 **The Tewkesbury Borough Local Plan to 2011** was adopted in March 2006. In accordance with paragraph 215 of the NPPF, due weight should be given to relevant ‘saved’ policies in the local plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Planning law makes it clear that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. The local plan therefore remains the starting point for decision making.
- 3.5.2 The following local plan policies are relevant to flood risk and water management and should be taken into account when you are thinking of submitting a planning application:-
- 3.5.3 **Policy EVT5** states that within areas with a high flood risk, and low to medium flood risk and outside these areas if required by the environment agency, proposals for development must be accompanied by a Flood Risk Assessment. Development will only be permitted provided that the proposed development has been demonstrated to meet a number of criteria in respect of flood protection.
- 3.5.4 **Policy EVT9** relates to Sustainable Urban Drainage Systems (SUDS) and states that development proposals must demonstrate that appropriate provision has been made for the on-site attenuation and treatment of surface water run-off. Further comprehensive guidance on the design, maintenance and adoption of SuDS is available within the SuDS Manual (CIRIA, C753)

- 3.5.5 Tewkesbury Borough Council considers that these policies are consistent with the NPPF and therefore should be afforded significant weight in the consideration of planning applications in accordance with paragraph 215 of the NPPF.

The emerging Joint Core Strategy

- 3.5.6 **The Joint Core Strategy (JCS)** is a strategic development plan document that is being prepared through a partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council. The JCS will provide a co-ordinated strategic plan for this joint administrative area during the period up to 2031. Whilst not yet adopted, the JCS has an extensive and up to date evidence base, including Strategic Flood Risk Assessments which provide a detailed assessment of multiple flood sources for specific broad locations within the JCS area.

The emerging Tewkesbury Borough Plan

- 3.5.7 Whilst the JCS will provide the strategic level policies for development in the area, this will be supplemented at individual district level by locally specific plans. In Tewkesbury Borough, the council has begun preparation of the **Tewkesbury Borough Plan**, which is at a relatively early stage of preparation at the time of the publication of this SPD.

CHAPTER 4 - THE IMPORTANCE OF PRE-APPLICATION ADVICE

- 4.1 The Council encourages early discussions in relation to development proposals. Developers are strongly advised to use the Council's **pre-planning application advice service** to discuss any potential issues that may arise from development proposals.
- 4.2 Seeking pre-application advice may help applicants to address issues such as:
- Whether the proposed development is acceptable in principle and thus warranting further investigations in respect of flooding and drainage
 - Whether a Flood Risk Assessment (FRA) needs to be submitted and, if so, what is the required scope of the assessment?;
 - Confirmation of whether the Sequential and/or Exceptions Tests need to be applied, and advice on how to undertake the tests appropriately;
 - Advice on the most appropriate form of sustainable drainage measures for a site;
 - Whether there are any known contamination issues on the site which could affect site design and layout and the types of SuDS used?
 - Agreeing the discharge points for site drainage with the LPA and relevant RMA;
 - Obtain any relevant data needed in order to prepare the site specific FRA and drainage strategy.
- 4.3 The Council will, if necessary, seek the technical advice and views of the following Flood Risk Management Authorities (FRMA) when providing pre-application advice to applicants and determining subsequent planning applications:-

Environment Agency

- 4.4 **The Environment Agency** (EA) is a public body that has responsibilities for protecting and enhancing the environment as a whole and contributing to the government's aim of achieving sustainable development. The EA are a statutory consultee and provide bespoke advice on certain planning applications in Flood Zones 2 and 3 and on sites in Flood Zone 1 which have critical drainage problems (as notified to the local planning authority by the Environment Agency). The EA do however apply standing advice to a wide range of development proposals. For the EA's local level consultation filter, flood risk matrix and standing advice please refer to APPENDIX V. The consultation filter should be used to identify when the EA should be consulted and the flood risk matrix to identify when standing advice applies and which standing advice note to refer to. In providing pre-application advice the Council will refer to the EA's standing advice where applicable. It should be noted however that the EA operate charges for providing bespoke pre-

application advice (i.e. in situations where standing advice does not apply) and in such circumstances the Council is unable to consult the EA as part of its own pre-application advice service. Applicants are therefore encouraged to obtain pre-application advice from the EA on a separate basis.

Severn Trent Water

- 4.5 **Severn Trent Water** (STW) has the responsibility to maintain foul, surface and combined public sewers in Tewkesbury Borough so that they can effectively drain the area. STW ensures that the public sewer system has the capacity to accept flows from new developments. To provide the necessary capacity STW may require planning conditions to be imposed on planning permissions requiring the delay of any connection to the sewerage system until the additional capacity to accommodate the development is provided. STW will be a statutory consultee on future developments.

Lead Local Flood Authority (Gloucestershire County Council)

- 4.6 The 2010 FWMA establishes **Gloucestershire County Council** as Lead Local Flood Authority (LLFA). As Lead Local Flood Authority, it has responsibility for managing local flood risk from surface runoff, ordinary watercourses and groundwater in the area and is a statutory consultee. Gloucestershire County Council is also the Local Highway Authority, and in this regard it is responsible for road construction and highway drainage consents.

Lower Severn Internal Drainage Board

- 4.7 IDBs are local public authorities that manage water levels. They are an integral part of managing flood risk and land drainage within areas of special drainage need in England and Wales. IDBs have permissive powers to undertake work to provide water level management within their Internal Drainage District. They undertake works to reduce flood risk to people and property and manage water levels for local needs. Much of their work involves the maintenance of rivers, drainage channels, outfalls and pumping stations, facilitating drainage of new developments and advising on planning applications. They also have statutory duties with regard to the environment and recreation when exercising their permissive powers. IDBs input into the planning system by facilitating the drainage of new and existing developments within their districts and advising on planning applications; however they are not a statutory consultee to the planning process.

Planning Application Requirements

- 4.8 Pre-application advice will help applicants to understand the issues relating to their proposal by the time a planning application is submitted. However, it is also important that all the correct information is submitted to ensure applications can be validated and determined efficiently. The Council's **validation checklists** set out the requirements.

CHAPTER 5 - FLOOD RISK AND SITE SELECTION

5.1 Introduction

5.1.1 Development in areas at risk of flooding should be avoided. Flood risk includes risk from all sources of flooding, including from:

- rivers (fluvial)
- tidal and coastal flooding;
- rainfall surface water (pluvial);
- overwhelmed sewers and drainage systems;
- groundwater; and
- from reservoirs, canals and lakes.

Where development is necessary, it should be safe and should not increase flood risk elsewhere.

5.1.2 Flood risk is an expression of the combination of the flood probability (how likely the event will happen) and the magnitude of the potential consequences (the impact such as economic, social or environmental damage) of the flood event.

5.1.3 The likelihood or risk of flooding can be expressed in two ways:

Chance of flooding: As a percentage chance of flooding each year. For example, for Flood Zone 3a there may be a 5% annual probability of this area flooding

Return period: This term is used to express the frequency of flood events. It refers to the estimated average time interval between events of a given magnitude. For example, for Flood Zone 3a the return period could be expressed as 1 in 20 year

5.1.4 There is however a move away from using return periods as an expression of flood risk as this approach does not accurately express the risk of flooding. For example, it is misleading to say that a 1 in 100 year flood will only occur once in every hundred years. This suggests that if it occurs in one year then it should not be expected to reoccur again for another 100 years; however this is not the case. The percentage chance of flooding each year, often referred to as **annual probability**, is now the preferred method of expressing flood risk.

5.1.5 Fluvial flooding is divided into flood zones based on the risk of flooding:

Figure 5.1: Fluvial Flood Risk Zones

| Flood Zone | Definition |
|---|---|
| Zone 1 - Low Probability | Land having a less than a 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map - all land outside Zones 2 and 3) |
| Zone 2 - Medium Probability | Land having between a 1% and a 0.1% annual probability of river flooding; or Land having between a 0.5% and a 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map) |
| Zone 3a - High Probability | Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map) |
| Zone 3b - The Functional Floodplain | This zone comprises land where water has to flow or be stored in times of flood. LPAs should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the EA. (Not separately distinguished from Zone 3a on the Flood Map) |

5.1.6 Maps showing Flood Zones are available on the gov.uk website. Flood Zones refer to the probability of river and sea flooding, ignoring the presence of defences. Table 4.1 details the Flood Zones and their definitions taken from the PPG. It should be noted that the EA's flood map is indicative only and doesn't cover the entire Borough. For example, flood risk associated with smaller watercourses with a catchment of less than 3 km² does not necessarily feature on the EA flood map. This does not however mean that there is not a risk of flooding associated with these watercourses. Other sources of flood mapping are available which may provide more robust and extensive information. These may include

the Level 2 SFRA for the JCS area and GCC's SFRA mapping. Individual site specific hydraulic modelling may also be required in some instances to establish the flood risk on a site.

- 5.1.7 To cope with the potential risks and forecasts of climate change (predicted 1.14m rise in sea levels in the South West of England, warmer summers, wetter winters and increased river flows by 2115) and to ensure that new development is safe for its lifetime, the Government has emphasised that development in areas at risk of flooding should be avoided by directing development away from the highest risk areas. Where development is necessary it should be made safe without increasing flood risk elsewhere. Please see the DEFRA/ EA publication 'Flood Risks to People' for further information on what is considered 'safe'.
- 5.1.8 All proposals should therefore follow a Sequential Approach to flood risk. This means relevant development will be directed to the areas at the lowest risk of flooding at a strategic, local and site-scale level. It will be necessary to consider flooding from all sources: the sea (tidal), rivers (fluvial), surface water (pluvial) and ground water, and a possible combination of all of these. Further detail on the Sequential Test is provided below.
- 5.1.9 The design flood with annual probability of 1% flood level fluvial, or 0.5% tidal, plus climate change allowance should be used to inform the sequential approach, including appropriate location of built development; consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development.

5.2 Site Vulnerability

The general approach to flood risk and planning is to ensure that where possible. Development is located in the areas of lowest flood risk and this approach can be applied at various levels i.e. strategic scale, individual site scale and building scale to ensure the most vulnerable uses are located in the area of lowest flood risk

- 5.2.1 Therefore it is necessary to identify how 'vulnerable' the proposed development is using the vulnerability classification set out in Table 2 of the **Planning Practice Guidance**. This is important because different types of development are acceptable in different flood risk situations. In simple terms, the more vulnerable the development type is, the more important it is to locate it in areas of the lowest possible flood risk. The table in the

[Planning Practice Guidance](#) sets out in more detail what types of development can be located in which flood zone and categorises the developments into the following areas.

- Essential Infrastructure
- Highly Vulnerable
- More Vulnerable
- Less Vulnerable
- Water Compatible Development.

5.3 The Sequential Test

5.3.1 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding with the Environment Agency's 'flood zone' maps normally being the starting point for any assessment. As set out in section 5.5, the local Strategic Flood Risk Assessment Level 2 mapping ([SFRA L2](#)) for the area can also be used in conjunction with the Environment Agency's maps to establish flood risk. Development should not be permitted if there are reasonably available sites in areas with a lower probability of flooding. The sequential approach is to be used in areas known to be at risk from flooding.

5.3.2 The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, Tewkesbury Borough Council will take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 where flood risk is minimal, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

In applying the sequential test to major developments Tewkesbury Borough Council will require the developer to provide information and if deemed necessary, request additional up to date modelling to demonstrate that the application takes account of changes both in climate change requirements and any actual recorded flooding events since the original Environment Agency modelling was carried out.

5.3.3 The sequential approach should also be applied within the application site itself by locating the most vulnerable elements of the development in the lowest flood risk areas in the first instance. The use of flood risk areas (i.e. Flood Zones 2, 3a and 3b) for recreation, amenity and environmental purposes can provide an effective means of flood risk management as well as providing connected green spaces with consequent social and

environmental benefits. Sequential test guidance can be found at <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>.

5.3.4 The Sequential Test does not need to be applied for:

- Individual developments on sites which have been allocated in development plans, as the Sequential Test process has already been undertaken (unless the Flood Zones for the site have changed);
- Minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site); or
- Sites located wholly in Flood Zone 1

5.3.5 The definition of minor development for the purposes of the Sequential Test is:

- Minor non-residential extensions: industrial/commercial/leisure etc. extensions with a footprint less than 250 square metres;
- Alterations: development that does not increase the size of buildings e.g. alterations to external appearance;
- Householder development: for example sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of houses into flats.

5.3.6 All sources of flood risk should be considered when assessing the need for the Sequential Test as well as undertaking the test.

5.3.7 The PPG requires a pragmatic approach to the Sequential Test and site availability and suggests that it might be impractical to suggest there are more suitable alternative sites in some circumstances. For example, it may be that proposals are submitted which involve the redevelopment of heritage assets where the benefits that would arise from bringing the buildings back into use cannot be provided by development on an alternative site.

5.3.8 The following sets out how applicants should undertake the Sequential Test for assessment by the LPA. This would normally take the form of the submission of a report commensurate in size to the scale of development proposed.

- The Applicant should agree with the LPA the geographical area over which the test is to be applied. This will normally be based on the circumstances and requirements of the proposed development in question. For example, where a large scale strategic

housing development is proposed it will normally be appropriate to consider the Borough as a whole, however where a small scale housing development meeting local needs is proposed the geographical area may be more refined and based on that local area. Furthermore, there may be situations where the functional requirements and objectives of the proposed development justify a refined catchment area (e.g. the catchment area for a school, community facilities and development within a regeneration zone).

- The relevant policies of the local plan should be the starting point to understand areas of local need. For uses that have a sub-regional, regional or national impact it may be appropriate to expand the area beyond the LPA boundary.
- The developer should identify and list reasonably available sites that meet the functional requirements of the application in question and are considered reasonably available and would be given planning permission for the proposed use. The Council's Strategic Assessment of Land Availability (SALA) provides a source of information on sites in the Borough that are available for development. It must however be noted that the identification of a potential site within the SALA does not imply that it is deliverable and developable and the council would grant planning permission for development. All alternative sites must still be in conformity with the Adopted Development Plan, the National Planning Policy Framework and its associated National Planning Practice Guidance. Other sources of alternative sites may include unimplemented site allocations within an adopted Development Plan Document and unimplemented planning permissions (although permissions that are likely to be implemented are not considered to be reasonably available).
- The Developer should obtain the necessary flood risk information for all the sites. This should include the SFRA, the EA's Flood Zones maps, the EA's Areas Susceptible to Surface Water Flooding Maps, the British Geological Society Areas Susceptible to Groundwater Flooding Maps together with any other local flood risk known to the FRMA's or the Council.
- The Developer should apply the Sequential Test and compare the flood risk from all sources for the reasonably available sites to the original sites flood risk as set out in the site specific FRA to demonstrate if there are any reasonably available sites that have a lower flood risk, state how they compare regarding flood risk and any reasons why they are unsuitable or not available within the report.

- If the site is not within Flood Zone 1 are there any reasonably available sites in the area with a lower probability of flooding that would be appropriate to the type of development or land use proposed. If no, this does not mean that the proposed development is acceptable in flood risk terms as it may be necessary to apply the exception test as part of the site specific flood risk assessment.
- Reasonably available does not mean that the sites must be in the same ownership. Instead the Council will view reasonably available sites as those that are both ‘deliverable’ and ‘developable’ as defined by the NPPF (Para.47, footnotes 11-12). The Council does not necessarily accept however that to be ‘deliverable’ for the purposes of the Sequential Test an alternative site must have a realistic prospect of housing being delivered on it within the first five years. Instead, determining whether an alternative site is deliverable should be based on the likely delivery trajectory of the proposed development in question (for example where a very large, complex development is proposed and it is unlikely that the site would deliver within the first five years it is inappropriate to only consider alternative sites that can deliver within five years). Furthermore, for non-residential developments delivery timeframes may not be as important a consideration. The deliverability of alternative sites will therefore be considered on a case by case basis. In addition, reasonably available sites should:

1. Lie within the agreed area of search; *and*
2. Can accommodate the general requirements of the development; *and*
3. Are, in principle, in conformity with the Adopted Development Plan, the National Planning Policy Framework and its associated National Planning Practice Guidance.

5.3.9 In considering whether an alternative site can accommodate the general requirements of the development the Council will expect a flexible approach to be employed. For example, where appropriate applicants will be required to consider disaggregating proposals where two or more alternative sites with a similar combined capacity have been identified.

5.4 The Exception Test

5.4.1 If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if required (see Table 3 Flood Risk Vulnerability and flood zone compatibility PPG). For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits (including social, economic and environmental benefits) to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.4.2 The Exception Test applies to planning applications and the allocation of land through the development plan process. Both elements of the exceptions test must be satisfied.

5.5 The Joint Core Strategy Strategic Flood Risk Assessment

5.5.1 To complement the Environment Agency's flood zone maps, Gloucestershire County Council prepared a **Strategic Flood Risk Assessment (SFRA) Level 1** for the County in September 2008. This assessed all forms of flood risk: fluvial (rivers), tidal (sea), surface water, groundwater, sewers, reservoirs and canals.

5.5.2 To provide more site specific information, two **SFRA Level 2** reports were published in October 2011 and April 2013. These involved a more detailed review of flood risk at identified broad locations based on the risk identified in the Level 1 SFRA. Areas with the lowest flood risk (Flood Zone 1) were not subject to the Level 2 SFRA. Along with the Environment Agency's flood maps, the SFRA L1 and L2 and the site specific FRA provide the information necessary to apply the Sequential Test and Exception Test in the development management process by helping to identify sites that may or may not be suitable for development. An additional SFRA Level 2 report will also be published as part of the emerging Tewkesbury Borough Plan to cover any housing and employment allocations.

5.6 Site Suitability and Flood Risk Considerations for Planning Applications and Site Specific Flood Risk Assessments (FRA)

5.6.1 Developers proposing development or a change of use to a more vulnerable class in areas of flood risk from any source or with critical drainage problems (as notified to the local planning authority by the Environment Agency) or which could create flood risk for others or are more than 1 hectare in size are responsible for:

- Demonstrating that the proposed development is consistent with national and local planning policy.
- Undertaking appropriate consultation with the flood risk management authorities (Section 4)
- Providing a site-specific flood risk assessment (FRA), as part of the planning process, which meets the requirements of this Section, and those set out by the relevant flood risk management authority.
- Integrating measures into the proposals design that reduce flood risk to the development and elsewhere, by incorporating appropriate flood risk management measures (Chapter 6), including the use of Sustainable Drainage Systems (SuDS) (Chapter 7)
- Ensuring that any necessary flood risk management measures are sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime. (Section 7.15)

5.6.2 The Council will refuse to validate applications for sites in Flood Zones 2 and 3 where no FRA is submitted.

5.6.3 The following section sets out the points that need to be taken into consideration when determining a site's suitability for development due to flood risk. All requirements are consistent with the NPPF and PPG with local requirements explained further.

Assessment

5.6.4 Applicants must consider allocations within the local Development Plan. If the site has been allocated in the Development Plan for the same land use type/vulnerability classification that is now being proposed, then an assessment of flood risk, at a strategic level, has already been undertaken. This will have included assessing the site, against other alternative sites, as part of the sequential approach to flood risk. A site's allocation in the Development Plan for the same land use/vulnerability does not however preclude it from requiring a site specific FRA, only from the application of the Sequential Test.

- 5.6.5 Can it be demonstrated that the flood risk information contained within the SFRA and associated sequential test assessment accompanying the local plan/development plan (where applicable) is still appropriate for use? If not, has the flood zoning of a site changed after adoption of the relevant part of the local plan or is there any updated climate change allowances or a recorded flood. In this case Tewkesbury Borough Council will require the developer to provide evidence that the changes have been taken into account and for a Major Development the Developer will need to provide an updated Flood Risk Assessment using updated modelling to redefine the flood zones.
- 5.6.6 Where the site has not been allocated in the local plan or the flood zone classification has changed since adoption of the plan (i.e. it is a windfall or none allocated site), a detailed flood risk assessment including the sequential test and, where appropriate, the exception test will need to be undertaken following the overarching principles of the sequential approach. Details of the sequential and exception test are specified above at 5.3 and 5.4.
- 5.6.7 Applicants should indicate their site boundary on a plan and, if applicable, the boundary of any allocated site and provide evidence of any checks to see if there is any updated Flood Risk information after the preparation of the relevant SFRA.
- 5.6.8 For 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015) a detailed FRA is to provide an appropriate assessment (hydraulic model) of the 1% annual probability flood event, with **70%** allowance added to 'peak river flows' to account for climate change.
- 5.6.9 For non-major development; the preference is to undertake the same approach as for major development. However; in the absence of modelled climate change information it may be reasonable to utilise an alternative approach (see APPENDIX V).
- 5.6.10 Have other sources of significant flood risk from sources other than fluvial or tidal, such as pluvial (surface water, as demonstrated either by the LLFA surface water management plan or physical photographic evidence of previous events), groundwater, reservoirs, sewers, etc. been considered (see Sequential Test details at 5.3)?



5.7 What an FRA Should Contain

- 5.7.1 A brief FRA is all that is normally required for small-scale proposals such as householder development and other minor extensions (<250sqm) in Flood Zones 2 and 3. The FRA (which must be submitted along with supporting evidence, as part of a planning application) for such developments must, as a minimum, be based on the most up to date EA guidance for Minor Development in Flood Zone 2 and 3. In addition, it needs to take into account the most up to date advice on climate change (see APPENDIX V for local Environment Agency Guidance on both these points). However, for other types of development a more detailed FRA will be required. Obtaining pre-application advice from the Council will assist in determining the level of detail required for a FRA.
- 5.7.2 For more complex development schemes, an FRA will be required to include a detailed sustainable drainage scheme to mitigate the site. Any suggestion that preferred SuDS techniques for a particular site are unviable or unduly onerous, by virtue of factors such as extraordinarily high development costs or significant harm to heritage assets must be robustly evidenced. The [Environment Agency](#) has published further guidance setting out what an FRA should contain and [English Heritage](#) has published guidance on the consideration of heritage assets within flood mitigation schemes.
- 5.7.3 FRAs should be proportionate to the risk and appropriate to the scale, nature and location of the development. A FRA should always be undertaken **as early as possible** in the planning process to avoid abortive work raising landowner expectations where land is unsuitable for development.
- 5.7.4 **FRAs should**, where appropriate:
- a) Consider and quantify the **different types of flooding** (whether from natural or human sources and including joint and cumulative effects). The LPA will expect links to be made to the management of surface water as described in Chapters 6 and 7. Information to assist with the identification of surface water and groundwater flood risk is available from the LLFA, the EA and the LPA. Applicants should also assess the risk of foul sewage flooding as part of the FRA. Severn Trent Water as sewerage undertaker can provide relevant information to the applicant to inform preparation of FRAs.
 - b) Consider the effects of a range of flooding events including the **impacts of extreme events** on people, property, the natural and historic environments and river processes.
 - c) Consider the **vulnerability of occupiers and users** of the development, taking account of the Sequential and Exception Tests and the vulnerability classification, and include

arrangements for safe access (Please see the Defra/EA publication ‘Flood Risks to People’ for further information on what is considered ‘safe’).

- d) Identify relevant **flood risk reduction measures** for all sources of flood risk not just for the site but elsewhere i.e. downstream existing flooding problems.
- e) Consider both the potential adverse and beneficial **effects of flood risk management infrastructure** including raised defences, flow channels, flood storage areas and other artificial features together with the consequences of their failure.
- f) Include assessment of the remaining **residual risk** after risk reduction measures have been taken into account and demonstrate that this risk is acceptable for the particular development or land use. Further guidance on this is given in Chapter 6.
- g) Be supported by appropriate **evidence data** and information, including historical information on previous events.
- h) Consider the risk of **floodings arising from the proposed development** in addition to the **risk of flooding to development on the site**. This includes considering how the ability of water to soak into the ground may change after development. This would mean the preparation of surface water drainage proposals. This includes all flow routes including flood flow paths or ordinary watercourses flowing onto the development site and therefore needing to be taken account of.
- i) Take a ‘**whole system**’ holistic approach to drainage to ensure site discharge does not cause problems further along in the drainage sub-catchment/can be safely catered for downstream and upstream of the site.
- j) Take the appropriate **impacts of climate change** into account for the lifetime of the development including the proposed vulnerability classification.
- k) The FRA must clearly demonstrate that the **Sequential Test and Exception Test** have been passed.
- l) A surface water drainage strategy contains the proposals for the surface water drainage of the development. Such a strategy should include initial proposals that are sufficient to demonstrate a scheme can be delivered that will adequately drain the proposed development whilst not increasing flood risk elsewhere as part of the FRA.
- m) If an outline application is to be submitted for a major development, then an outline surface water drainage strategy must be submitted as part of the FRA outlining initial proposals and quantifying the conceptual surface water management for the site as a whole. This should detail any strategic features, including their size and location. A detailed surface water drainage strategy must subsequently be submitted and approved for the whole site and with each reserved matters application that comes forward it must be demonstrated that the surface water drainage strategy is still appropriate and how

the reserved matters application complies with the outline and detailed whole site surface water drainage strategy's.

Surface Water Drainage Strategy

5.7.5 Developers should prepare the surface water drainage strategy as part of the FRA, ensuring consistency between the surface water flood risk and any initial drainage proposals. It is recommended that a surface water drainage strategy is based on the following principles:

- a) Work up your drainage strategy in tandem with your site layout and highway designs. This will help avoid abortive work in any one area. Use Chapters 6 and 7 to ensure that the following have been considered:
 - a.1. The submission requirements, including any supporting investigations
 - a.2. Sustainable drainage design principles
 - a.3. Interception, infiltration, flow rate runoff control, volumetric runoff control, and exceedance flow management
 - a.4. Site discharge location and attenuation provision
 - a.5. Water quality treatment, habitat provision and biodiversity
 - a.6. Health and safety, access and amenity
 - a.7. Use the correct climate change allowances for the development based on its lifetime.
 - a.8. Ensure that the required management and maintenance of all site features has been clearly set out as part of the drainage strategy. Get initial agreements in place to cover management funding for the lifetime of the development.
- b) Check that the quality of the water environment and therefore the Water Framework Directive (WFD) impacts have been specifically considered as part of all of the flood and drainage measures proposed. Is development of the site likely to cause detriment to the WFD status of a water body? Have opportunities been taken to enhance the water environment?

5.7.6 Where there are proposals which include changing the discharge of surface water flows between catchments, planning permission will be refused unless copies of Legal Easements from the new point of discharge to the original point of discharge to the main watercourse are provided to the Planning Authority as part of any planning submission. The detailed drainage design will need to comply with the Local Authority Suds Officers Practice Guidance and this document. The design will need to ensure that any attenuation facility

has a Flood Hazard Rating of less than **0.75**, with normally a maximum depth of storage of **1.2m**, and banks no steeper than a **1 in 6** slope (exceptions could be considered for very small scale/depths of slope).The design shall ensure that the attenuation storage requirement is assessed against a **1% (1 in 100)** annual probability flood event plus **70%** allowance for climate change on the receiving watercourse. The greenfield run off rate to be used for the design of Attenuation Storage for all storms up to a **1% (1 in 100)** annual probability plus 70% allowance for climate change, shall be the **1 in 1 year** greenfield run off rate calculated by using ReFH2 for the whole catchment.

- 5.7.7 For Development Sites where either there is recent photographic evidence, or if the Surface Water Management Plan shows the presence of pluvial flooding, the Development will need to compensate for the pluvial flood volume lost by providing additional flow and storage capacity within the developments surface water drainage system and attenuation storage. In a large-scale development or an allocation, the compensatory storage would need to be comprehensive, contiguous and protected from development.
- 5.7.8 The detailed design of development should seek to reduce the risks of flooding for any existing development and land in or around the application site as part of the new development and deal with flooding in a comprehensive manner for the whole of the site.
- 5.7.9 Within an application site, where there is reason to believe that overland flow could occur into the site then provision shall be made to accommodate those flows within the site layout. The design of the site must also ensure that flows resulting from these overland flows are managed in exceedance routes that minimise the risks to people and property and avoids creating hazards to access and egress routes.
- 5.7.10 The critical duration event for watercourses and rivers can typically range from around 4 hours for small catchments, up to 3 days for the large rivers such as the River Severn. Therefore there is the real possibility the critical duration event for the development site could coincide with major flows in rivers, with subsequent hydraulic consequences. Where there is this 'dependency' then the relevant return period needs to be applied to both the site drainage system and the relevant watercourse, to ascertain what the implications are for the site system. Where the impact is considered to be significant; more detailed examination of the interconnection needs to be undertaken, using joint probability analysis, in order to refine the site design.

CHAPTER 6 - MANAGING AND MITIGATING FLOOD RISK

- 6.1 Residual risks are those remaining after applying the sequential approach and mitigating measures. Applicants will be required to assess flood risk for their development, propose measures to mitigate it and show that any residual risks can be safely managed. However, resilience measures should not be used to justify development in inappropriate locations.
- 6.2 The following measures can help mitigate flood risk and will be expected to be taken into account in new development where appropriate (also see APPENDIX V):-

Flood Mitigation Measures

Floor levels in new residential and non-residential development

Floor levels for habitable rooms in new development must be set at 600 mm or more above the flood level predicted for the 1:100 year flood event (plus climate change) in order to reduce the potential risk to life and damage to property.

Protection of flood flow routes and culvert policy

Development should ensure it does not inhibit the function of flood flow routes to convey floodwater as efficiently as possible across floodplains. Culverting of watercourses will be strongly resisted and existing culverts opened up where possible.

Use of flood resilient construction in new development

Where appropriate, new development should be built with flood resilient materials and construction methods, demonstrating that as a minimum, the mandatory elements of the Code for Sustainable Homes are met. Flood resilient construction allows buildings to recover quicker than conventional buildings following a flooding event.

Flood-resistant construction can prevent entry of water or minimise the amount that may enter a building. This form of construction should be used with caution and accompanied by other resilience measures, as effective flood exclusion may be reliant on elements, such as barriers to doorways, being maintained in a good state. Buildings may also be damaged by water pressure or debris being transported by flood water. This may breach flood-excluding elements of the building and permit rapid inundation.

Provision of safe access and egress routes in new development

For residential developments to be classed as 'safe', as a minimum dry pedestrian access should be provided to and from the development without crossing through the 1 in 100 year plus climate change floodplain. Vehicular access to a site should also be achievable, taking into account extreme events. The production of flood plans are also recommended to aid evacuation and rescue during flood events, which should satisfy the concerns of the local authority emergency planner and the emergency services. Access should also be considered for other types of development.

Site layout

- 6.3 The site layout of any proposed development should take into consideration areas of flood risk present on the site and this should influence the choice of where to locate elements of the proposed development including Sustainable Drainage Systems (SuDS) (see Chapter 7). This is in line with the Sequential Approach to flood risk as outlined in Chapter 5. If, following the application of the sequential test, areas of flood risk cannot be avoided then the least vulnerable elements of the proposed development should be located to coincide with the highest level of flood risk.
- 6.4 The inclusion of good quality green infrastructure (including trees and other vegetation) within a development master plan has the potential to significantly increase the profile and profitability of developments. Low lying ground can be designed to maximise benefits by providing flood conveyance and storage as well as recreation, amenity and environmental purposes. Where public areas are subject to flooding easy access to higher ground should be provided. Structures, such as street furniture and play equipment, provided within the low lying areas should be flood resistant in design and firmly attached to the ground.
- 6.5 Site layout does not only have to cater for the flood risk on the site but can also accommodate flood water that may contribute to a problem downstream. For example, where a proposal has a watercourse flowing through which contributes to flooding downstream in the existing community or further downstream within an adjacent community, the proposed development should offer flood risk betterment by holding back flood flow peaks within the site in a green corridor and by making space for this water. This is a proactive approach to flood risk management where new developments offer enhancements to the surrounding area. All developments with watercourses identified within their site must consider this approach.
- 6.6 The site layout should also respond to the characteristics of the location and the nature of the risk. In some areas it is more appropriate to make space for water and allow controlled flood water onto areas of the development site. This is particularly relevant to riverside developments where extreme events can be catered for in multi-function open space areas (likely to form part of the green infrastructure provision) that would normally be used for recreation but infrequently can flood. The use of such features in these areas

should be appropriate and compatible with the frequency, depth and duration of any flooding. However, signage clearly explaining the use of such areas for flood control and recreation should be fully visible so that infrequent flood inundation does not cause alarm.

CHAPTER 7 - SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

- 7.1 SuDS are surface water drainage systems which manage water runoff in a more sustainable way than conventional drainage, through managing flow rates and protecting water quality. All developments regardless of scale and constraints should seek to incorporate Sustainable Drainage, and in virtually all cases it will be a requirement. It is a fallacy that ground conditions preclude their use, as there are a variety of solutions available depending on the location and needs of a development. SuDS are intended to replicate, as closely as possible, the natural drainage from a site before development takes place.
- 7.2 SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk, by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge and improving water quality and amenity. The range of SuDS techniques available means that a SuDS approach in some form will be applicable to almost any development, to maximise the opportunities and benefits obtainable from surface water management.
- 7.3 Please note that reference is made to ‘SuDS’ throughout this chapter, rather than ‘surface water drainage’ as the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Non-Statutory Technical Standards for Sustainable Drainage and adopted and emerging Local Planning policies require a SuDS solution to surface water management for new development. Many of the general principles within this chapter can also be applied to traditional surface water drainage and so this chapter needs to be complied with on all development sites and the provision of SuDS maximised. Even on very constrained sites SuDS can be implemented in one form or another.
- 7.4 **WHAT IS REQUIRED?**
- 7.4.1 For all Greenfield sites, developers must attenuate runoff so as to not exceed the **1 in 1 year** greenfield rates for all storms up to a 1 in 100 year event. An allowance of **+70%** peak rainfall must be made to take account of future climate change and urban creep. The climate change allowance must be added to the post-development run-off rate and volume calculations only.

- 7.4.2 For brownfield sites, SuDS techniques should reduce the proven current instantaneous runoff rate to the **1 in 1 year** greenfield run off rate wherever possible for all storms up to a 1 in 100 year event. An allowance of **+70%** peak rainfall must be made to take account of future climate change and urban creep. In all instances, opportunities to improve runoff rates and reduce flood risk will be sought, with a minimum discharge reduction of **40%**. Innovative SuDS design solutions will be supported in principle.
- 7.4.3 The preferred hydrological methods are those utilising ReFH2 with FEH 2013 rainfall data. If other models give a more conservative estimate of flow rate and volumes, these may be acceptable to the LPA.
- 7.5 There are a variety of SuDS techniques and further guidance should be sought via the SuDS Manual (CIRIA C753). The use of ‘open to surface’ SuDS management train techniques is preferred, as opposed to piped or tanked solutions which offer nothing in terms of water quality, biodiversity, amenity, have increased future maintenance requirements and are typically more expensive to implement. In addition, any innovative solutions will be welcomed and supported in principle.

- 7.5.1 One or more of the following ‘open to surface’ options should be considered first. This list is not exhaustive and further guidance can be found in the SuDS Manual (CIRIA C735). If these methods are discounted; robust evidence as to why this is the case should be demonstrated as part of any submission.

Surface SuDS Elements

Permeable surfaces: Surfaces that allow inflow of rainwater into the underlying construction or soil; such as gravel, permeable hard surfacing, permeable block paving, porous tarmac and porous concrete. The storage can be created within the sub-base of these surfaces given careful selection of the stone fill or use of plastic box systems. They are also very effective at removing a wide range of pollutants and may also permit infiltration.

Green roofs: A vegetated roof which provides retention, attenuation and treatment of rainwater, and promotes evaporation and local biodiversity.

Brown roofs: Similar to green roofs, but the permeable layer is made from crushed material which provides a good void ratio and does not contain any contaminants.

Rainwater harvesting: A system that collects rainwater from where it falls rather than allowing it to drain away. It includes water that is collected within the boundaries of a property, from roofs and surrounding surfaces and can reduce the risk of flash flooding. Rainwater harvesting systems are not included in the calculation of attenuation storage provision due the fact that they may be full at the start of a storm event.

Filter trenches/ drains: Linear drains consisting of trenches filled with a permeable material, often with a perforated pipe in the base of the trench to assist drainage, to store and conduct water. They may also permit infiltration.

Filter strips: Vegetated areas of gently sloping ground designed to drain water evenly off impermeable areas and to filter out silt and other particulates.

Sand Filters: Structural controls designed to treat surface water by passing runoff through a filter bed of sand. Temporary storage can be provided by ponding above the filter layer and they can be used where high pollutant removal is required.

Swales: Shallow vegetated channels that conduct and can retain water in larger storm events. The vegetation filters out particulate matter in the flow thus providing treatment and improving water quality. They may also permit infiltration.

Basins: Ponds and wetland areas that may be utilised for surface runoff storage.

Bio-retention areas: Vegetated areas designed to collect and retain runoff and permit settlement of suspended solids and biological removal of pollutants before discharge via a piped system or infiltration to the ground.

- 7.5.2 The following below ground techniques are recognised, but the developer must demonstrate how the siltation risk is to be reduced and how silt can be removed from the drainage element safely and economically. Design life data, maintenance and replacement information must also be provided. In general; priority is given to the use of ‘open to surface’ SuDS management train techniques, as opposed to piped or tanked solutions which offer nothing in terms of water quality, biodiversity, amenity, have increased future maintenance requirements and are typically more expensive to implement.

Sub-Surface SuDS Elements

The most commonly found sub-surface elements of a sustainable drainage system are set out below. It should be noted that these solutions should only be considered when all other surface/open to air techniques have been robustly demonstrated not to be suitable.

Geocellular/Modular Storage: Sub-surface storage structure that has a very high void ratio and thus occupies a reduced space compared to other options, e.g. stone filled trenches. They can also be used as a very effective infiltration technique where ground conditions are suitable.

Pipes and accessories: A series of conduits and their accessories, normally laid underground, that convey surface water to a suitable location for treatment or disposal.

Pre-treatment devices: These remove silt, sediment and debris to prevent downstream clogging and provide pollutant capture from runoff. These devices require regular maintenance to work efficiently. e.g. sediment sumps and catch basin inserts.

Large diameter pipes, culverts or tanks: Provide a volume of below ground storage which should be large enough to allow for unrestricted future maintenance and cleaning.

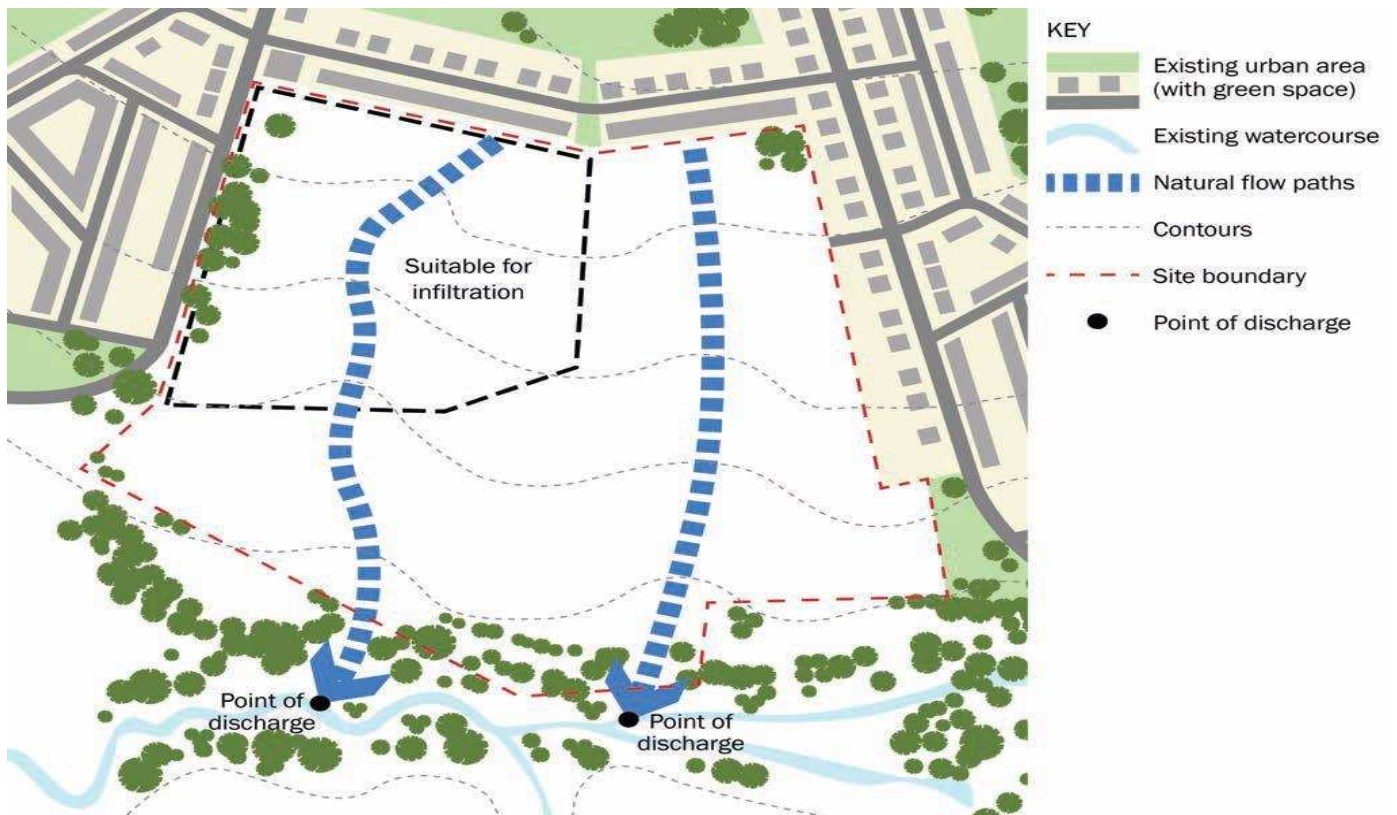
- 7.6 Prior to submitting a planning application an applicant should discuss with the Council's Development Management team what SuDS techniques would be most appropriate and how they should be applied on a site. Some SuDS techniques are not appropriate on sites with particular ground conditions. The Local Highways Authority should be contacted to discuss suitable/adoptable SuDS solutions for the surfacing of estate roads.

7.7 **SuDS DESIGN PRINCIPLES**

Design in SuDS from the start.

- 7.7.1 Considering SuDS during the preliminary stages of site design provides the opportunity to incorporate features that are appropriate to the local context and character of an area. Integrated design to achieve multi-functional benefits is inherent to the site master planning and layout process; therefore it is most efficient and cost effective to design SuDS schemes into a site as early as possible. When drainage is accounted for from the beginning of the design process, it provides opportunity for the built up areas to be designed in-line with the topography, rather than to fit the drainage around the site at a later stage which is much less effective.
- 7.7.2 Land uses that have different pollution potential can also be clustered and phased so that management trains can be designed most effectively. The result of early inclusion of SuDS is a more effective and efficient layout which will avoid the need for abortive work and changes at a later stage which can escalate costs.
- 7.7.3 The better the SuDS design the more options for adoption that might be available to a development. The stages described in Figure 7.1 to Figure 7.5 show how a design can integrate SuDS spatially through the evolution of a masterplanning exercise.

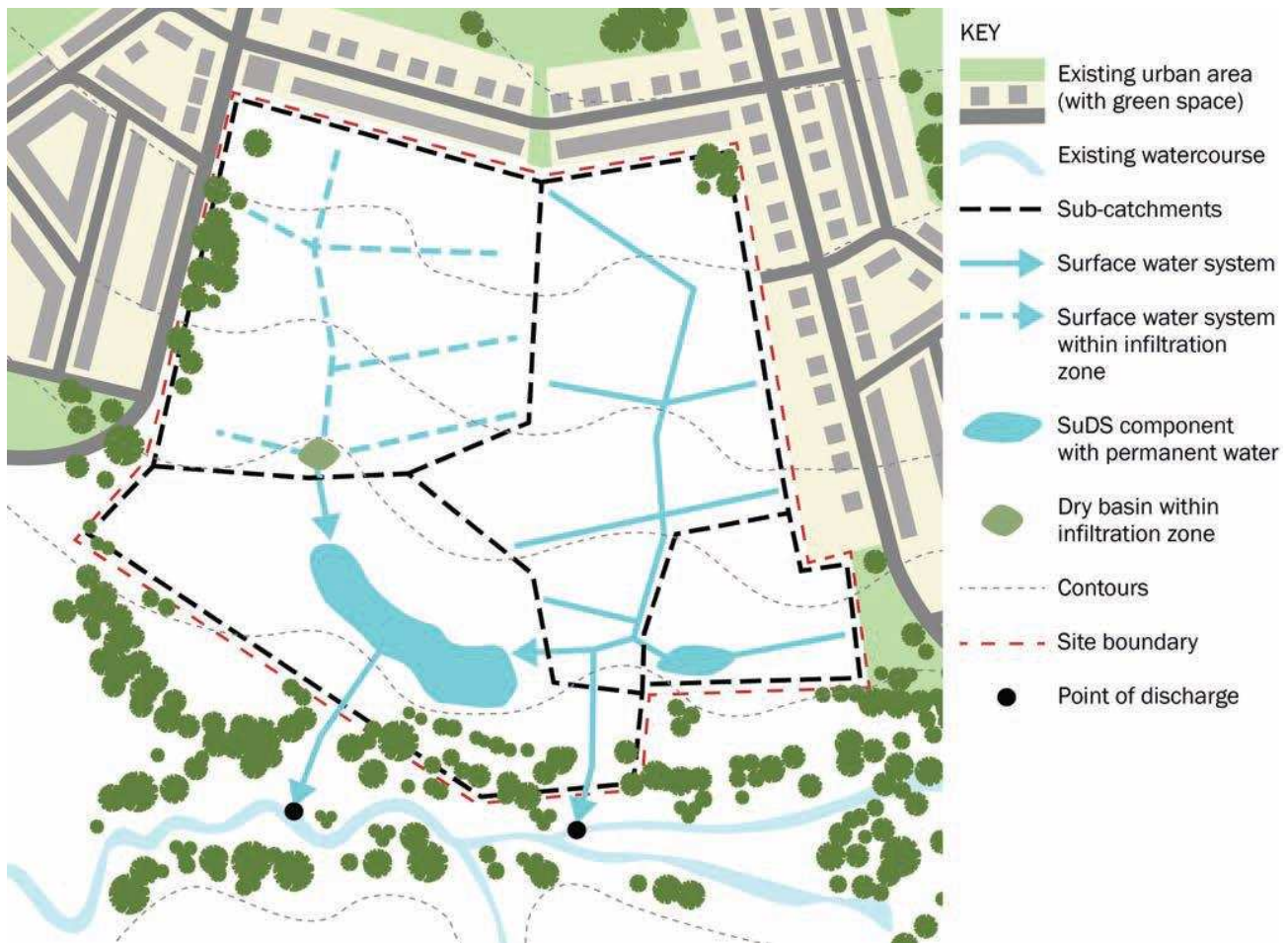
Figure 7.1: Stage One



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Examine site topography and geology: Aim to mimic the natural drainage systems and processes as far as possible. Identify key natural flow paths, existing water bodies and potential infiltration areas to understand opportunities and constraints.

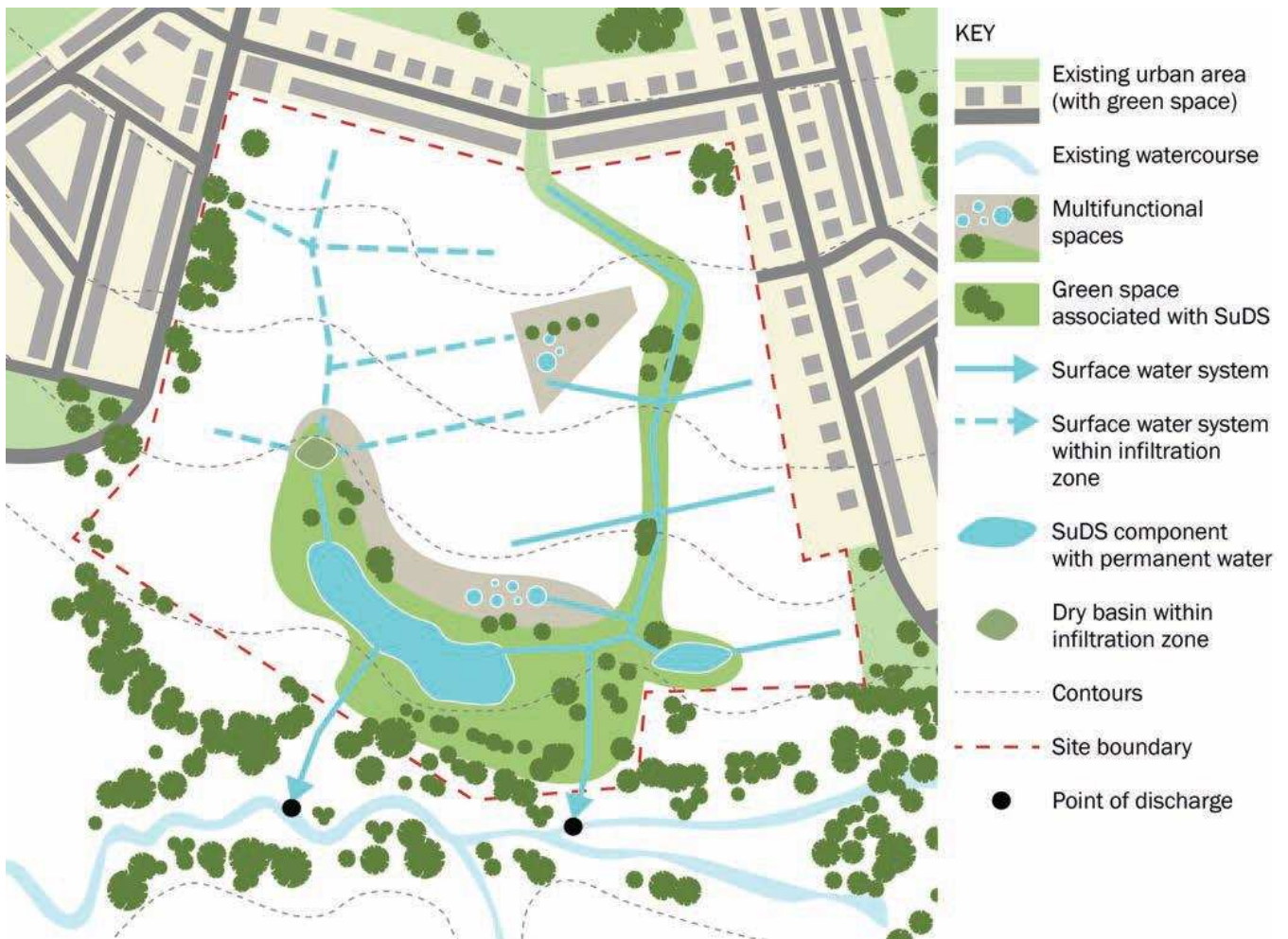
Figure 7.2: Stage Two



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Create a spatial framework for SuDS: Minimise runoff by rationalising large paved areas and maximising permeable surfaces. Consider likely space needs for site control SuDS based on character of development and the proposed degree of source control. Use flow paths and possible infiltration or storage areas to inform development layout.

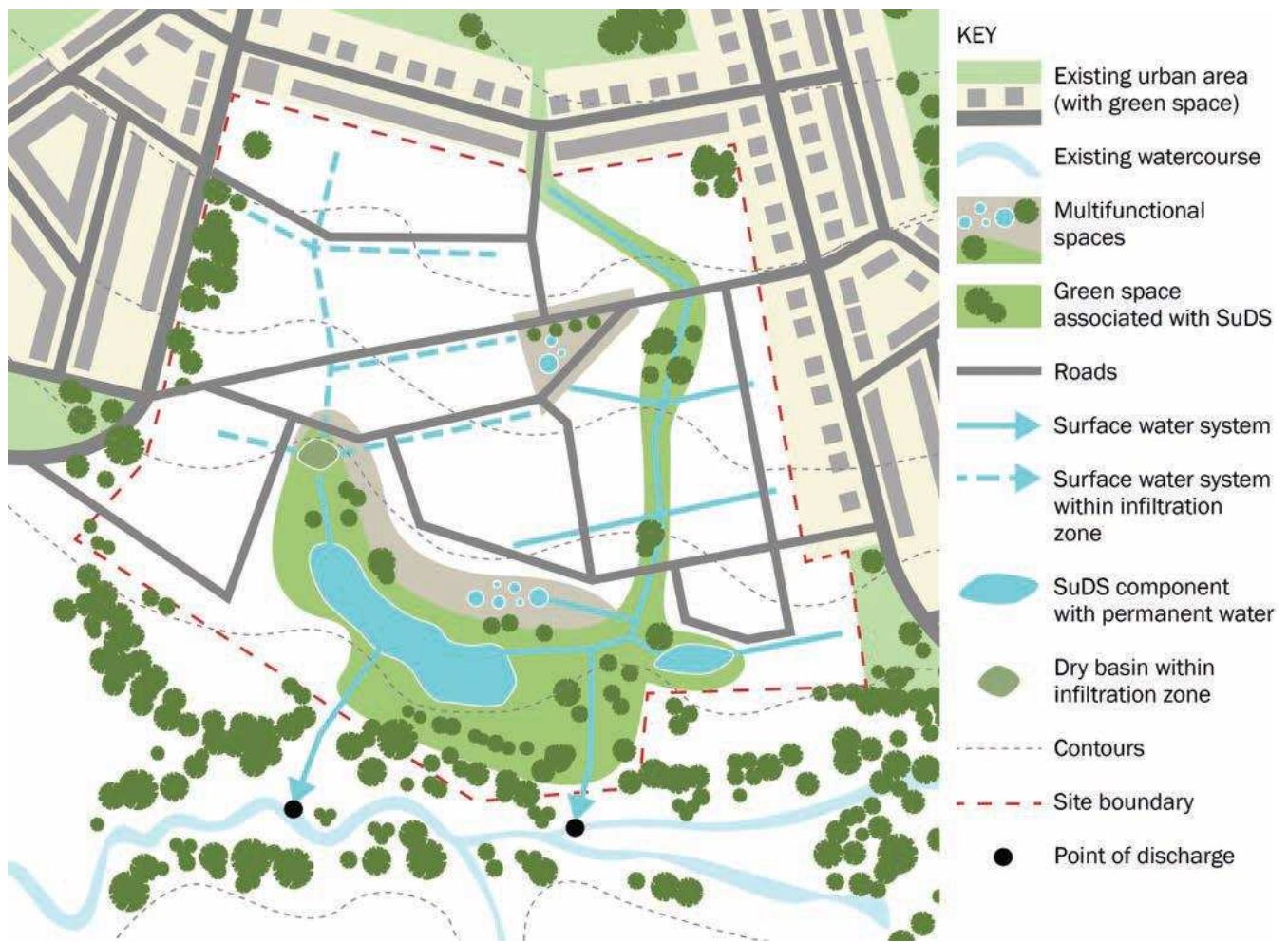
Figure 7.3: Stage Three



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Look for multi-functional spaces: Consider how SuDS features can be co-located with green infrastructure, open space and public realm areas to create multi-functional spaces. SuDS can be designed to be valuable amenity and ecological features.

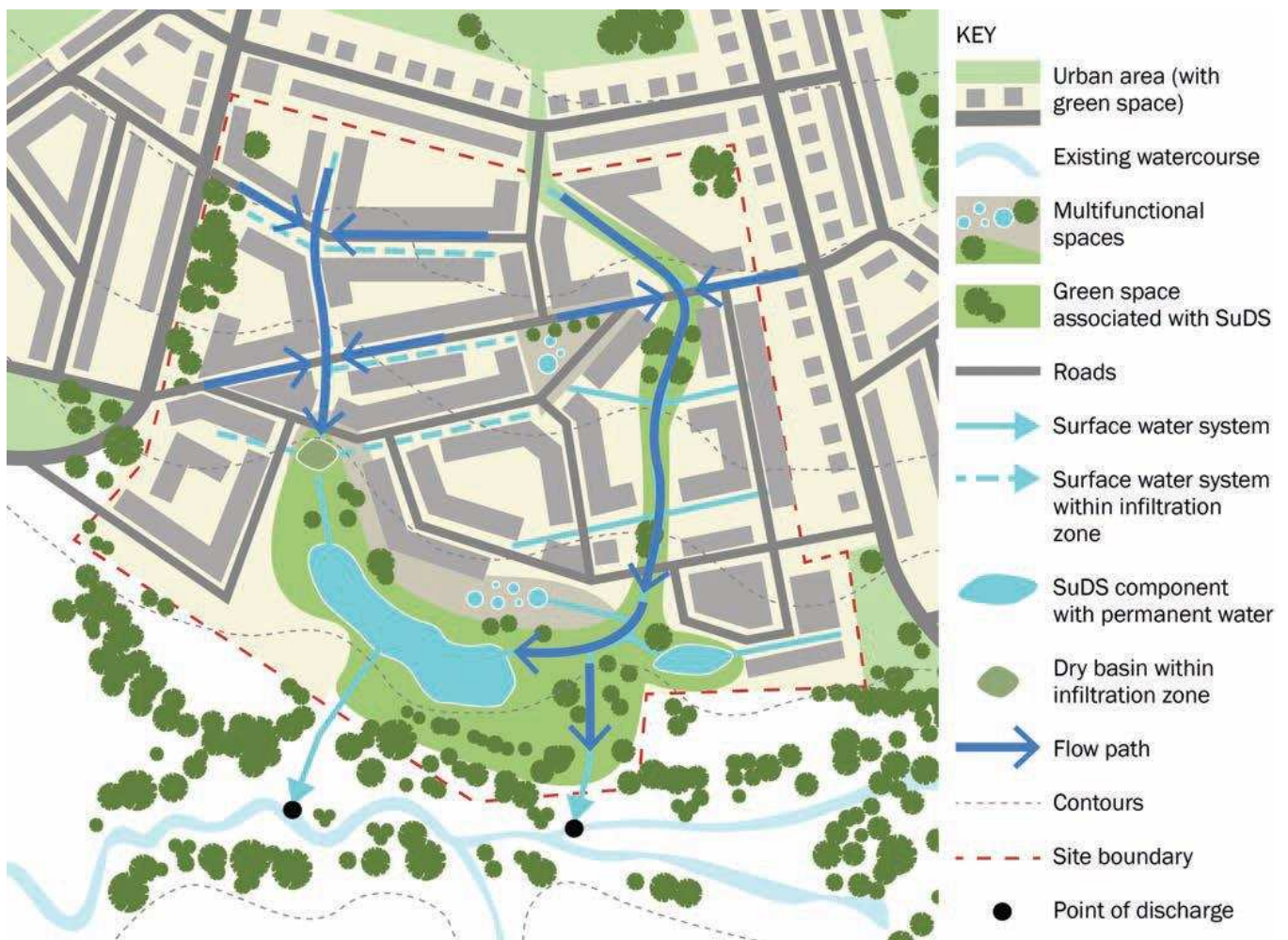
Figure 7.4: Stage Four



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Integrate the street network with SuDS: Structure the street network to complement and manage flow pathways. Integrate SuDS features into street cross-sections, ensuring street widths are adequate. SuDS should be used to enhance the streetscape providing amenity and multi-functionality by integrating with other street features including tree planting, traffic calming, parking bays, verges and central reservations.

Figure 7.5: Stage Five



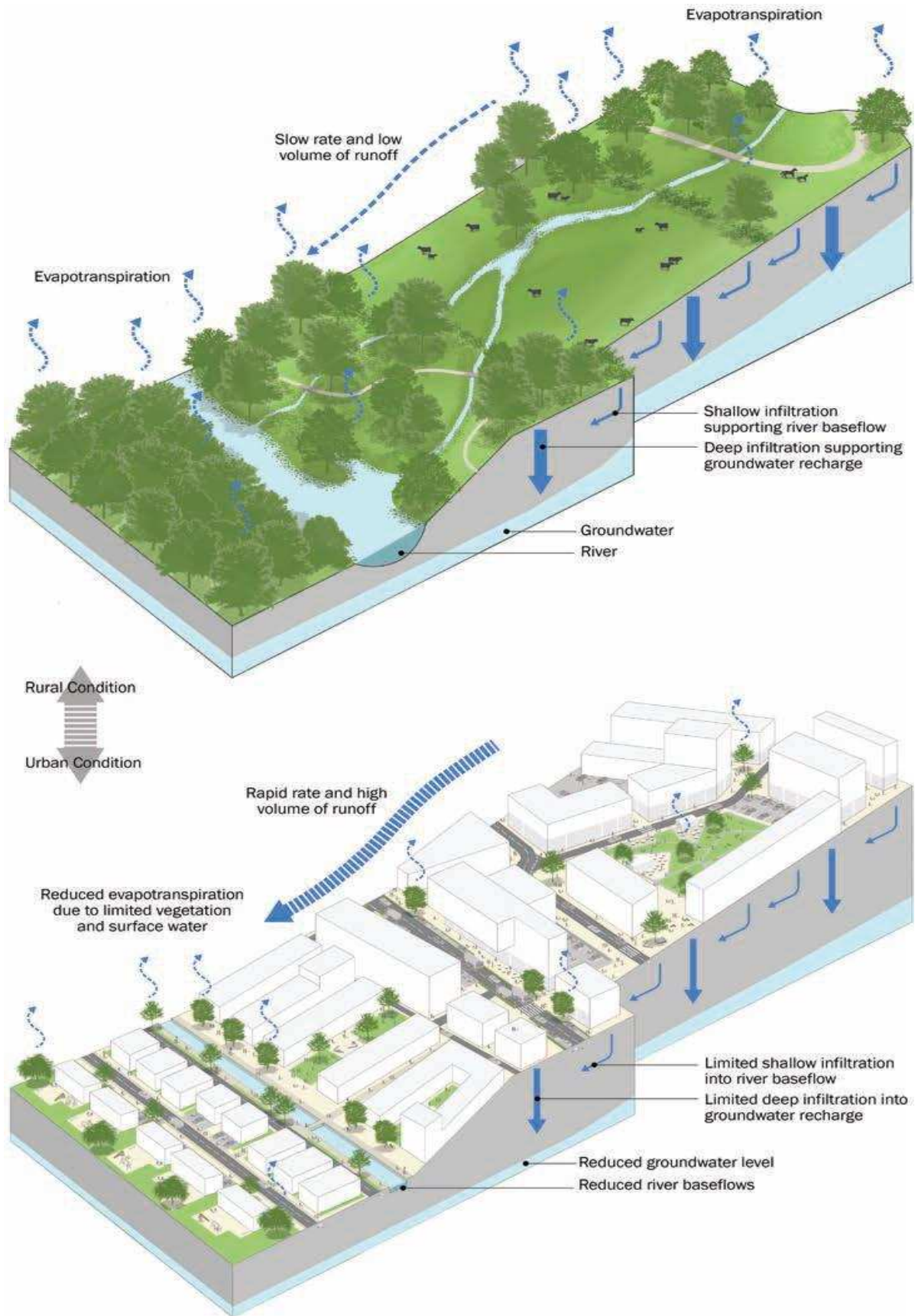
Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C7537

Cluster land uses to manage pollution: The number, size and type of SuDS selected will be affected by land uses and the corresponding pollution risk. Potential polluters, e.g. industrial development should have their own isolated SuDS network. Integrate a series of SuDS features that will provide water treatment throughout the networks, responding to the level of pollution risk. Clustering should be considered alongside other mixed use ambitions.

Mimic natural drainage

- 7.8.1 The topography of an undeveloped site provides a good indication of natural flow routes and can therefore assist in defining appropriate and efficient flow routes through a developed site without relying on additional infrastructure. The most effective and cost efficient designs make use of the local topography, increase landscape permeability, and reduce the amount of surface water flowing off site as much as possible. Allowing surface water runoff to follow the natural physical geography requires less soil movement and can eliminate the need for additional underground piping and pumping of water. Where the site is suitable for infiltration, opportunities to discharge water to the ground should be taken to mimic natural infiltration and recharge groundwater aquifers.
- 7.8.2 All new developments on greenfield land are required to discharge the runoff from the impermeable areas at the 1 in 1 year greenfield runoff rate, or less than. The IDB may stipulate its rates of discharge for developments within its area and the Lead Local Flood Authority (LLFA) or LPA agree an acceptable discharge rate outside of these areas. Note that the IDB area, consent will be required for any discharge into an IDB watercourse. Similarly a developer will be required to provide evidence confirming their right to discharge surface water to any watercourse particularly where a change of catchment could occur.
- 7.8.3 All major development proposals will need to demonstrate which watercourse catchments they fall within.
- 7.8.4 It must be demonstrated by the applicant that the site can continue to drain when receiving water bodies are in flood conditions. Irrespective of any agreed runoff rates, source control methods must be implemented across sites to provide effective pre-treatment of surface water. This must be demonstrated as part of the proposal.
- 7.8.5 Brownfield (previously developed land) sites must reduce the existing runoff from the site as part of the redevelopment. In order to provide betterment, redevelopments should look to reinstate 1 in 1 year greenfield runoff rates unless otherwise agreed by the LPA.
- 7.8.6 Figure 7.6 shows the differences in drainage patterns between natural landscapes and built-up areas. Mimicking the natural landscapes in urban areas is the best strategy to mitigate flood risk and improve downstream water quality.

Figure 7.6: Difference between natural and urban drainage

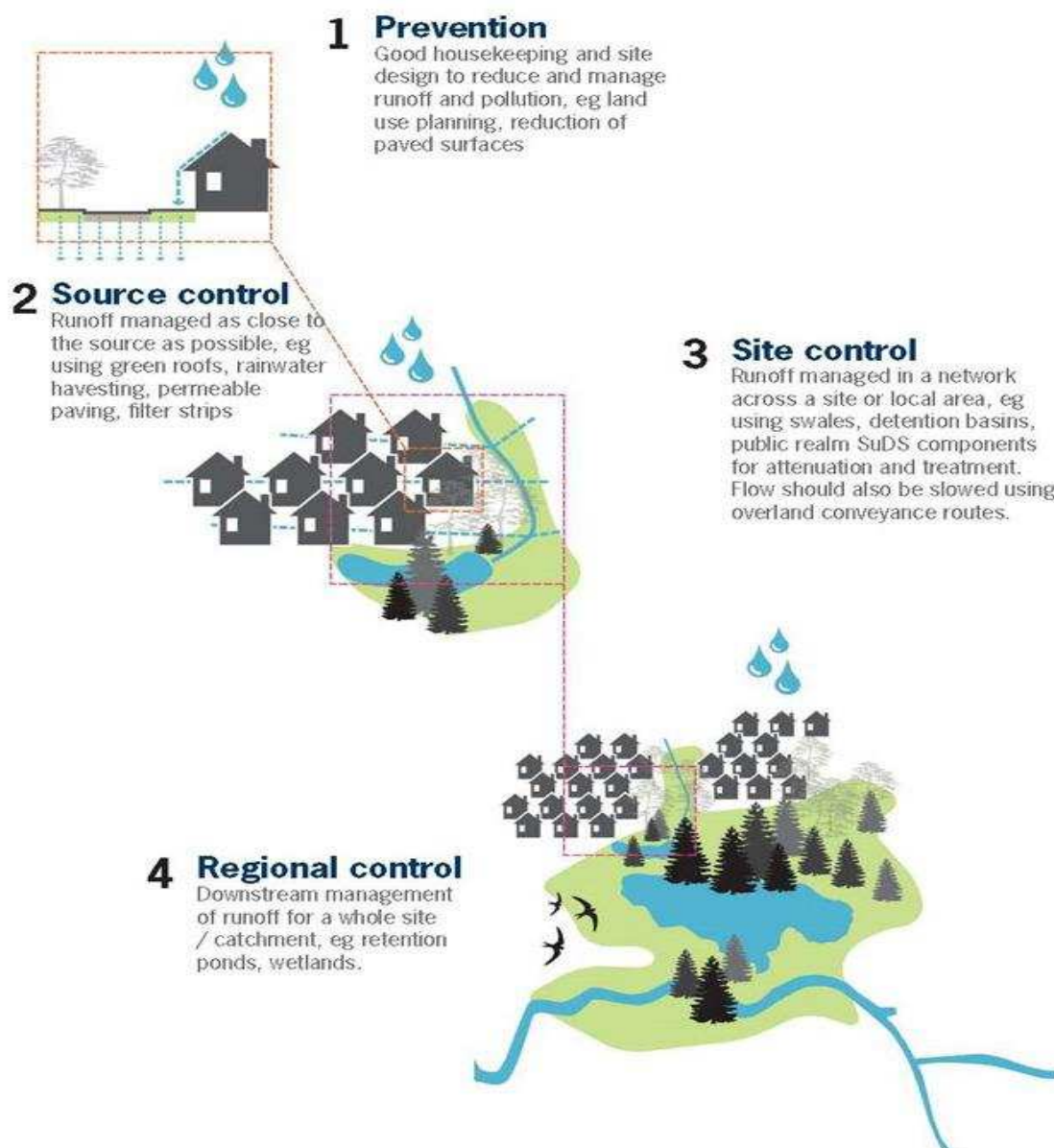


Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

The Surface Water Management Train

- 7.8.7 The Surface Water Management Train (sometimes called the treatment train) is fundamental to designing a successful SuDS scheme and provides a hierarchy of drainage techniques for improving quality and quantity. If water cannot be dealt with at one level in the management train, it should sequentially be taken down the hierarchy. Techniques closer to source are preferable to those lower down the hierarchy. Therefore prevention and source control should always be considered before site or regional control and discharging runoff to surface water sewers should only be considered as a last resort. Further information on applying the principles of the Surface Water Management Train is included below.

Figure 7.7: SuDS Management Train (CIRIA C697 2007)



Water reuse first




- 7.8.8 Reusing water whenever possible is important to improving the country's water resilience, and reducing pressures on precious water supplies. Recycled rainwater and surface water runoff can be used for non-potable purposes, such as toilet flushing and irrigation. Water can be collected for reuse from both roofs and/ or paved surfaces and can be stored for reuse using a water butt or rainwater recycling system. Surface water runoff from streets or public areas can also be collected and treated using SuDS features, such as a rain garden, before storing it for surrounding buildings to reuse.

Follow the drainage Hierarchy

- 7.8.9 It is a Building Regulations and PPG requirement that the discharge hierarchy in Figure 7.8 is used when considering proposals.

Figure 7.8: Surface water drainage hierarchy

Rainwater shall discharge to the following, listed in order of priority

| | | | | | | |
|--|---|--|---|--|---|------------------|
| To ground in an adequate soakaway or some other adequate infiltration system; where that is not reasonably practicable |  | A watercourse; or where that is not reasonably practicable |  | A surface water sewer, highway drain or other drainage or where that is not reasonably practicable |  | A combined sewer |
|--|---|--|---|--|---|------------------|

Note: in all instances adequate stormwater storage will need to be provided in order to meet the relevant infiltration or discharge rates and volumes (see Section 7.4).

Use infiltration where suitable.

- 7.8.10 The potential for infiltration measures on a site should be considered at the outset. Careful consideration of the acceptability of infiltration drainage should be given particularly in relation to potable water sources (e.g. drinking water) or land contamination issues.
- 7.8.11 The British Geological Survey can provide maps and reports to support decisions with regards to the suitability of the subsurface for the installation of infiltration type SuDS type systems. The suitability for infiltration across an area should be based on:

- Existing constraints prior to planning infiltration SuDS;
- Drainage capacity and rate of infiltration into the ground;
- Potential for ground instability when water is infiltrated;
- Impact on groundwater quality as a result of infiltration;
- Development on contaminated land or Source Protection Zones (SPZ) (vulnerable aquifers).

7.8.12 Infiltration should be assessed on-site using infiltration tests that follow the detailed SuDS design principles covered in BRE365/CIRIA 156 procedure. SPZ's should be taken into account when considering infiltration and guidance provided by the EA should be consulted to determine infiltration constraints and requirements in these areas. Where infiltration drainage is proposed on previously developed land, contamination risk needs to be considered. This may not rule out the use of infiltrating SuDS but will require site investigations and information on remediation prospects which are outside the scope of this Supplementary Planning Document (SPD).

7.8.13 The maximum acceptable depth for an infiltration device is usually 2.0m below ground level if there is any risk of groundwater contamination, with a minimum of 1.2m clearance between the base of the feature and peak seasonal groundwater levels. In areas with a high groundwater table the possibility of incorporating shallow infiltration features such as trenches should be investigated. Deeper ('deep bore') soakaways pose a serious pollution risk and are not acceptable, and it is expected they will become contrary to the European Union (EU) WFD.

Keep surface water on the surface

7.8.14 In some areas the presence of low permeability clay soils means that infiltration systems are not viable. Whilst low permeability soils are often cited as a reason for not including SuDS; however this is not acceptable as other SuDS solutions do exist. Although soakaways and other infiltration methods may not be suitable, many other methods such as swales, ponds and wetlands should be prioritised, selected and designed accordingly. It is also possible to allow some water to soak into the ground (for example out of the bottom of an unlined swale), even if drainage design calculations do not allow for it.

7.8.15 Design and layout should seek to manage and convey surface water above-ground, avoiding the use of underground piping as far as possible. This is particularly pertinent in the flatter landscape areas or areas of high groundwater. Managing surface water runoff at the surface has the benefit of:

- Avoiding concentration and acceleration of surface water into waterways which causes downstream erosion;
- Integrating removal of pollutants by filtering water during conveyance;
- Reducing construction and maintenance requirements and costs;
- Creating habitats;
- Contributing to public amenity by better quality urban and landscape design;
- Increasing residents' awareness of water management; and
- Detecting blockages and obstructions more easily.



Place-making through SuDS design

- 7.8.16 When using conventional surface water management systems, water is hidden in pipes underground. By bringing water management to the surface using SuDS, there is an opportunity to enliven public spaces and streetscapes. The presence of water features within the urban environment can promote a strong sense of place, bring an urban space to life and create unique spaces that can be enjoyed by all. SuDS features such as ponds, wetlands, pools, fountains and planted rills which can be purely aesthetic or interactive in nature, can be integrated into the public realm and open spaces to enrich the area with green infrastructure. Note that interactive SuDS should include an appropriate level of natural pre-treatment upstream before coming into human contact, such as in the case of water play areas. Designing for water quality is discussed further in later (Section??).

Landscape-led approach

- 7.8.17 The selection of SuDS types and the creation of the SuDS network should both respond to and contribute to the surrounding built and natural landscape. A landscape-led approach uses SuDS as a mechanism to create strong green infrastructure networks and is important to increase connectivity to the wider ecosystem and landscape. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure and enhance biodiversity. Also selection of hardscape materials used in SuDS construction, such as concrete, brickwork, wood, aggregate and paving, should consider the surrounding landscape and urban character and be developed alongside the

overall urban design vision. Using a landscape led approach will improve the amenity value of SuDS for local residents, and provide water management and design benefits.

Minimise embodied carbon in SuDS

- 7.8.18 One of the advantages of SuDS is their ability to improve the natural environment. It is important that environment improvements from SuDS are not reduced by incorporating high carbon solutions. The excessive use of concrete and other aggregates with high levels of embodied energy is discouraged. Eliminating energy consuming water pumps whenever possible is also encouraged. Vegetated SuDS components can have a positive impact by storing carbon as they grow, through a process known as carbon sequestration.

Minimise waste in SuDS

- 7.8.19 When undertaking the maintenance of SuDS, waste will be generated. This will be predominantly grass and other vegetation, and may be managed on site in wildlife piles. There is still a requirement to comply with all relevant waste management legislation and ensure waste is taken to an appropriately licensed site. This is even more pertinent when waste is disposed off-site. Management of SuDS on industrial sites will need to ensure hazardous waste is disposed of separately.

Design for wildlife and biodiversity

- 7.8.20 SuDS can provide the ideal opportunity to bring urban wetlands and other wildlife-friendly green spaces into towns and cities. They can be linked with existing habitats to create blue and green corridors whilst providing an amenity and education resource for the community.
- 7.8.21 Where possible, existing habitats should be retained and incorporated into the landscape design. SuDS features are likely to have greater species diversity if existing habitats are within dispersal distance for plants, invertebrates and amphibians. It should however be noted that existing wetlands should not be incorporated into SuDS unless there is a guaranteed supply of clean water.
- 7.8.22 An aim should be to create new habitats based on the ecological context and conditions of the site. Habitats and species objectives that contribute to local, regional and national biodiversity targets should be prioritised. Further information on local objectives can be found in local (BAPs). Guidance on maximising the biodiversity potential of SuDS can be found in the Royal Society for the Protection of Birds (RSPB) publication, Maximising the Potential for People and Wildlife.

Design for easy maintenance and access

7.8.23 When designing SuDS it is crucial to consider throughout the process how features will be maintained and accessed, who is ultimately responsible for the lifetime of the development, and the likely costs involved. Embedding foresight into every stage of the design process will produce a more effective, better maintained SuDS scheme upon completion. Design should also consider Construction Design and Management (CDM) Regulations from the outset to ensure that access is provided for maintenance and that health and safety measures are adhered to. Those responsible for SuDS across a development must be provided with an operation and maintenance manual by the designer and this could be part of the documentation provided under CDM. Aspects that should be included within the operation and maintenance manual are shown in Table 7.1:

Table 7.1: What to Include in the Operation and Maintenance Manual

- Location of all SuDS components on site
- Brief summary of the design intent, how the SuDS components work, their purpose and potential performance risks
- Depth of silt that will trigger maintenance
- Visual indicators that will trigger maintenance
- Depth of oil in separators etc. that will trigger maintenance
- Maintenance requirements (i.e. maintenance plan) and a maintenance record pro-forma
- Explanation of the objectives of the maintenance proposed and potential implications of not meeting those objectives
- Identification of areas where certain activities are prohibited (e.g. stockpiling materials on pervious surfaces)
- An action plan for dealing with accidental spillages of pollutants
- Advice on what to do if alterations are to be made to a development or if service companies need to undertake excavations or similar works that could affect SuDS
- Details of whom to contact in the event that pollution is seen in the system or if it is not working properly

Source: CIRIA 753 (Chapter 32)

Design SuDS for brownfield sites

- 7.8.24 Previously developed land (brownfield sites) should not be seen as a barrier to using SuDS. When developing on brownfield sites, existing drainage infrastructure should be documented and mapped to determine what can be reused as part of the SuDS scheme.
- 7.8.25 The use of shallow surface features can often be a benefit in brownfield sites as they limit excavations into contaminated soils. The impact of the proposed SuDS features on any contamination and vice versa needs to be carefully assessed by an experienced professional. The presence of contamination in the ground may limit the use of certain features (e.g. soakaways) or require liners below ponds, basins and permeable pavements; however, it will never prevent the use of all SuDS features and a suitable system can be designed. The separation of surface water drainage and foul drainage should be a priority in these areas.

Consider flood extents in SuDS design

- 7.8.26 The natural floodplain must be protected and considered in the design of SuDS. Where SuDS are proposed in a fluvial or tidal floodplain (Flood Zones 3a or 3b) the features may fill during a flood event and would therefore not have capacity to hold the rainfall runoff from the site as originally intended. Large areas of Tewkesbury Borough, where land is low lying, are in the floodplain, and a pragmatic approach to SuDS design needs to be taken where flood risk is carefully considered. However, the presence of a floodplain should not explicitly exclude the integration of SuDS features for day-to-day water management provided the SuDS do not contribute towards stormwater storage requirements. Above ground SuDS should not be included in areas where water regularly flows or is stored

Design open spaces to incorporate SuDS

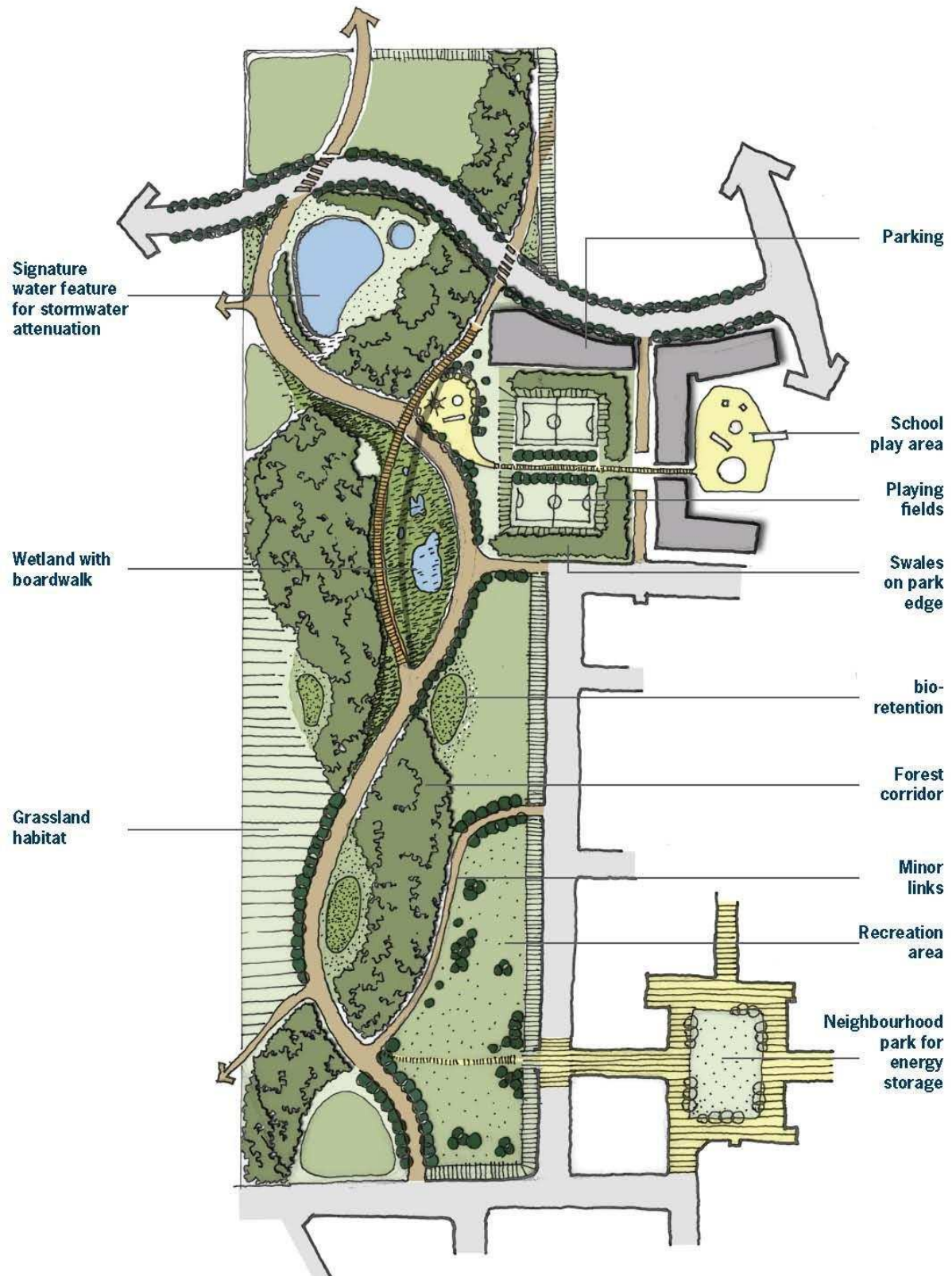
- 7.8.27 Open spaces are an asset to the community and to the environment and form an important component of a wider green infrastructure network. A network of woodland, recreational and open spaces, whether green or paved will be essential for well-designed developments. Open spaces can provide space for SuDS features to provide attenuation and treatment of surface water runoff. Good design will seek ways to integrate SuDS with the rest of the open space and to make SuDS features multifunctional. In these areas there is a need to concentrate on design and amenity value, recreational use, and fit with surrounding landscape (see Figure 7.9). Examples of multi-functional uses in open spaces include; temporary storage areas doubling as playing fields or recreation areas, hardscape attenuation doubling as water features and public art, bio-retention areas doubling as

landscaped garden areas, wetlands and ponds doubling as amenity and habitat areas, and bio-retention planters linking with open space divisions or seating areas. Within open spaces, SuDS design will also need to consider:

- The interaction with the public - safety, education, and controlled access via boardwalks or similar structures;
- Areas of the ground that are likely to be seasonally wet should not be used for formal or informal recreation and play space such as sports pitches;
- An appropriate balance between visual amenity and water treatment needs to be achieved - while amenity value is of increased importance, it should not impinge on SuDS treatment and water management;
- Situating SuDS away from floodplains that might impact on SuDS treatment and floodplain storage and conveyance;
- Ecological needs - existing vegetation of biodiversity value should be retained whenever possible, and land stability taken into account.
- Opportunities to reuse recycled surface water for irrigation or other purposes.
- Consideration should be given to safety issues with regard to water ponding/ storage in or near play areas.

7.8.28 Where the Tewkesbury Borough Council will adopt SuDS in public open spaces, they must still be able to function and be accessible as useable open space for the majority of the time for them to be included within the open space calculations.

Figure 7.9: Integration of SuDS features into open space design



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

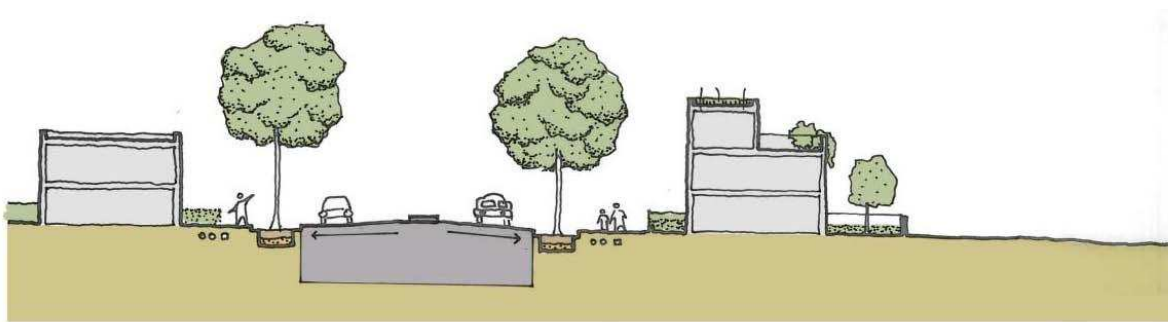
Design streets to incorporate SuDS

7.8.29 Within a catchment, streets and roads are a significant source of surface water runoff and pollutants. Streets are often used as a conveyance of surface water drainage from adjoining sites via underground pipes, and in a SuDS network they are likely to also be key conveyance routes for example through the use of roadside swales. Therefore there is a prime opportunity in streetscapes to integrate SuDS features that capture, treat and attenuate surface runoff. Improving upon traditional drainage, streetscapes can include bioretention technology (rain gardens) with appropriate conveyance such as swales or under-drained SuDS features to minimise the need for conventional piping. A number of standard streetscape features can include SuDS and become multifunctional, including verges, tree pits, traffic calming islands, and parking dividers. To implement SuDS effectively either along or within streets, there is a need to consider:

- Easy and safe access for all highway users, irrespective of mode of travel;
- Easy access to utilities for maintenance workers;
- Improvement to the urban design of streetscapes and contribution to sense of place; and
- Robust design to reduce maintenance and replacement requirements

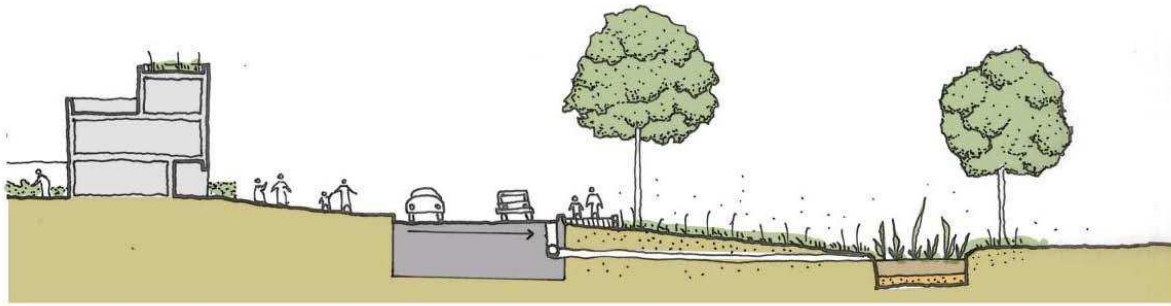
7.8.30 Figure 7.10 to Figure 7.12 demonstrate how SuDS can be incorporated into street design.

Figure 7.10: Street design to drain SuDS features to either side



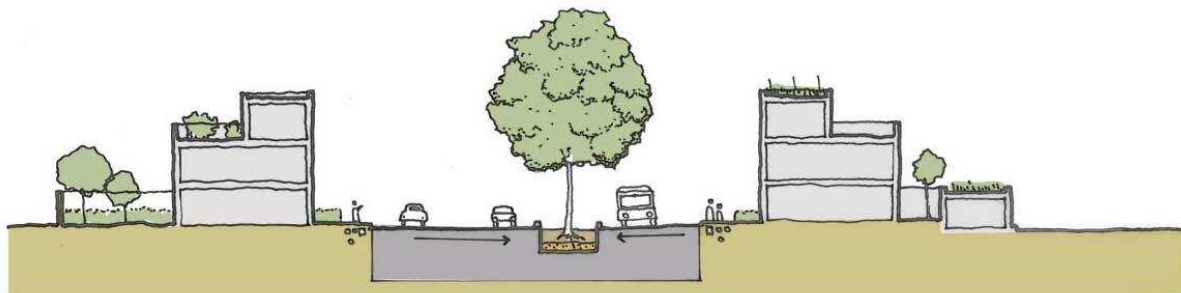
Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Figure 7.11: Street design to drain to adjoining lower ground SuDS feature



Source: Woods Ballard, B., et al (2015) *The SuDS Manual*, CIRIA, C753

Figure 7.12 : Street design to drain to central SuDS feature



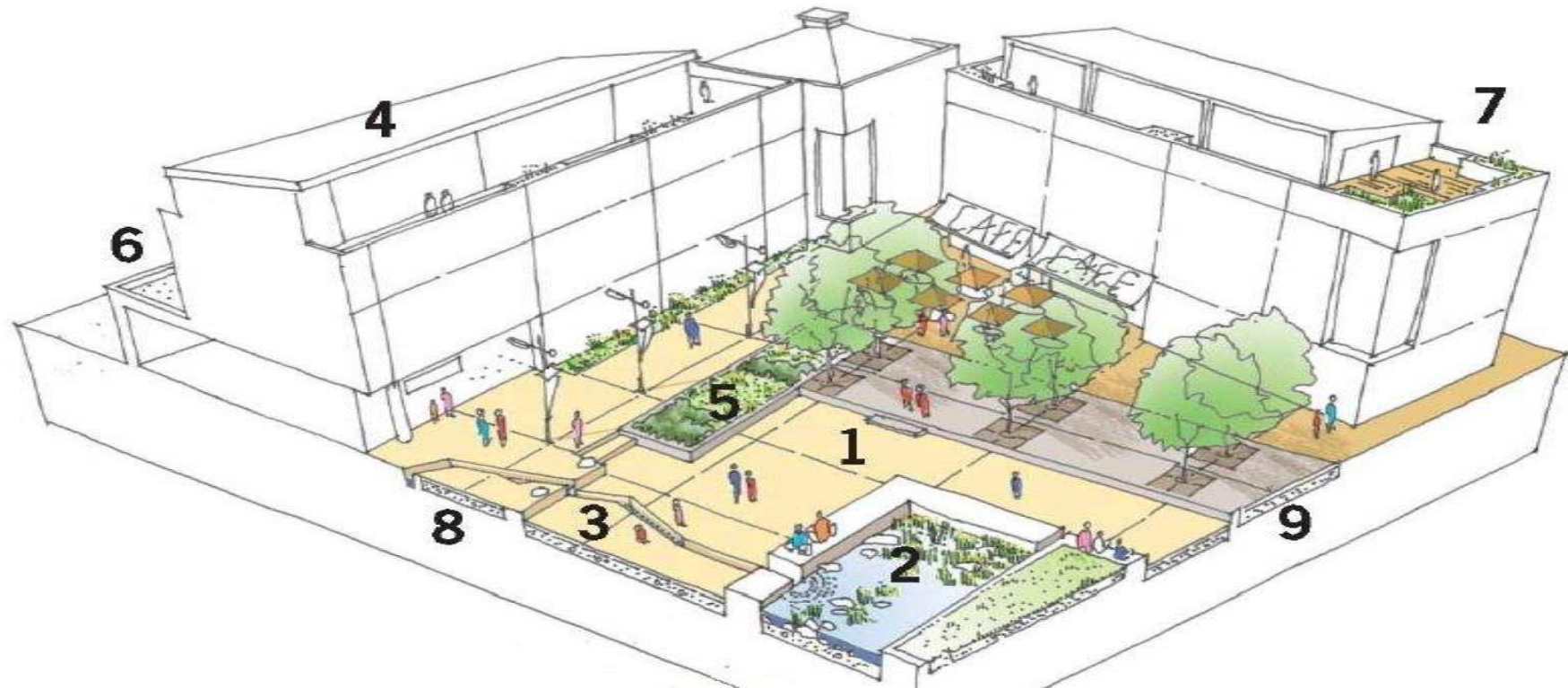
Source: Woods Ballard, B., et al (2015) *The SuDS Manual*, CIRIA, C753

Design SuDS to match the density of developments

- 7.8.31 Limited space is often cited as a reason for not including SuDS, which is not acceptable as solutions do exist. Ideally, initial layout should consider how source control and localised SuDS features can be sized and located to provide adequate attenuation and treatment of runoff from high density areas. It is still possible to use SuDS in high density developments, but design needs to be suitable. Source control measures like green roofs and rainwater harvesting are strategies to reduce runoff. Additionally, building downpipes can be altered or disconnected to feed into gardens, soakaways or permeable paving. In high density courtyards and streets there is also potential to incorporate bio-retention features and planted rills. Figure 7.13 to Figure 7.15 demonstrate how SuDS can be incorporated into developments of varying densities.

Figure 7.13: SuDS options in high density developments.

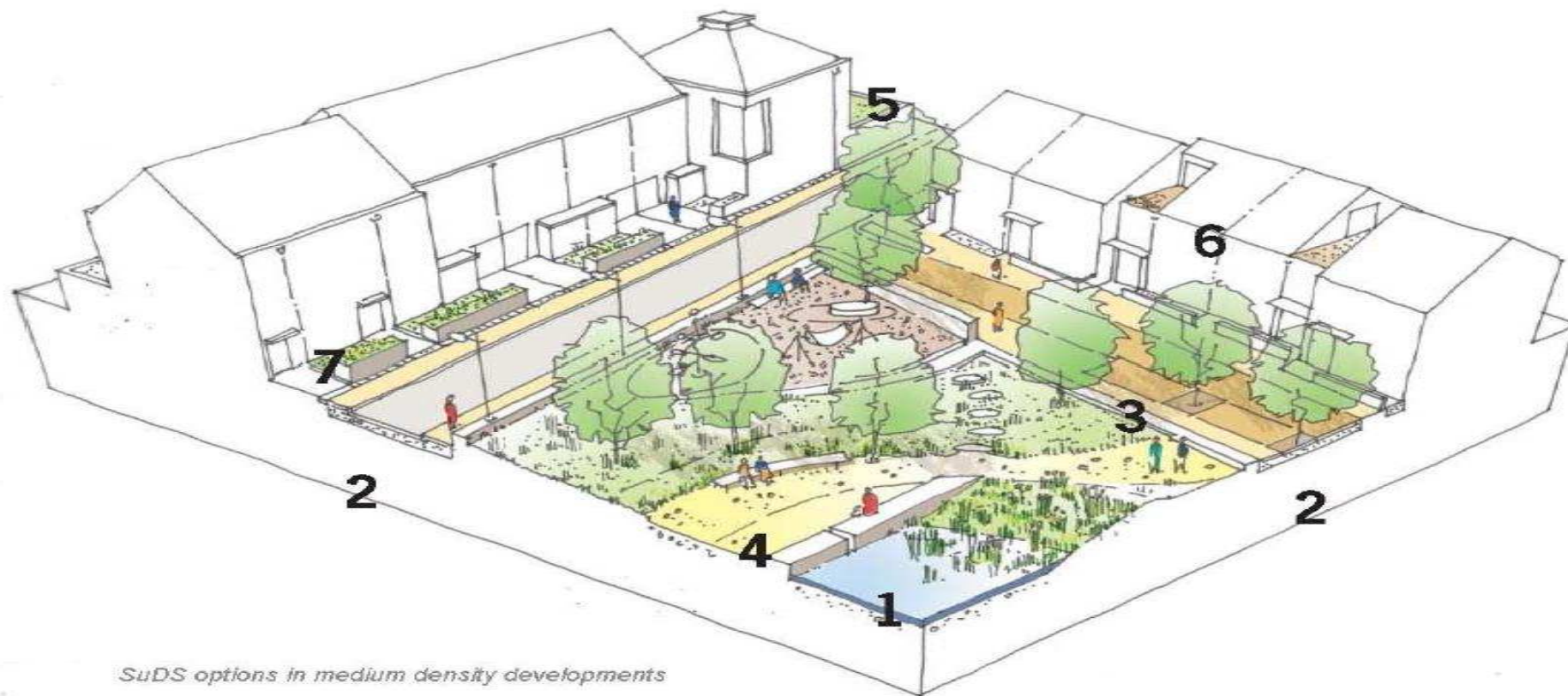
- | | |
|--|--|
| 1 Urban square with permeable paving | 6 Green roofs |
| 2 Retention pond with integrated seating | 7 Roof gardens |
| 3 Rill within pedestrianised shopping street | 8 Permeable paving within street |
| 4 'Brown' roofs within town centre | 9 'Bio-retention tree pits within square |
| 5 Rain garden/planted bio-retention element | |



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

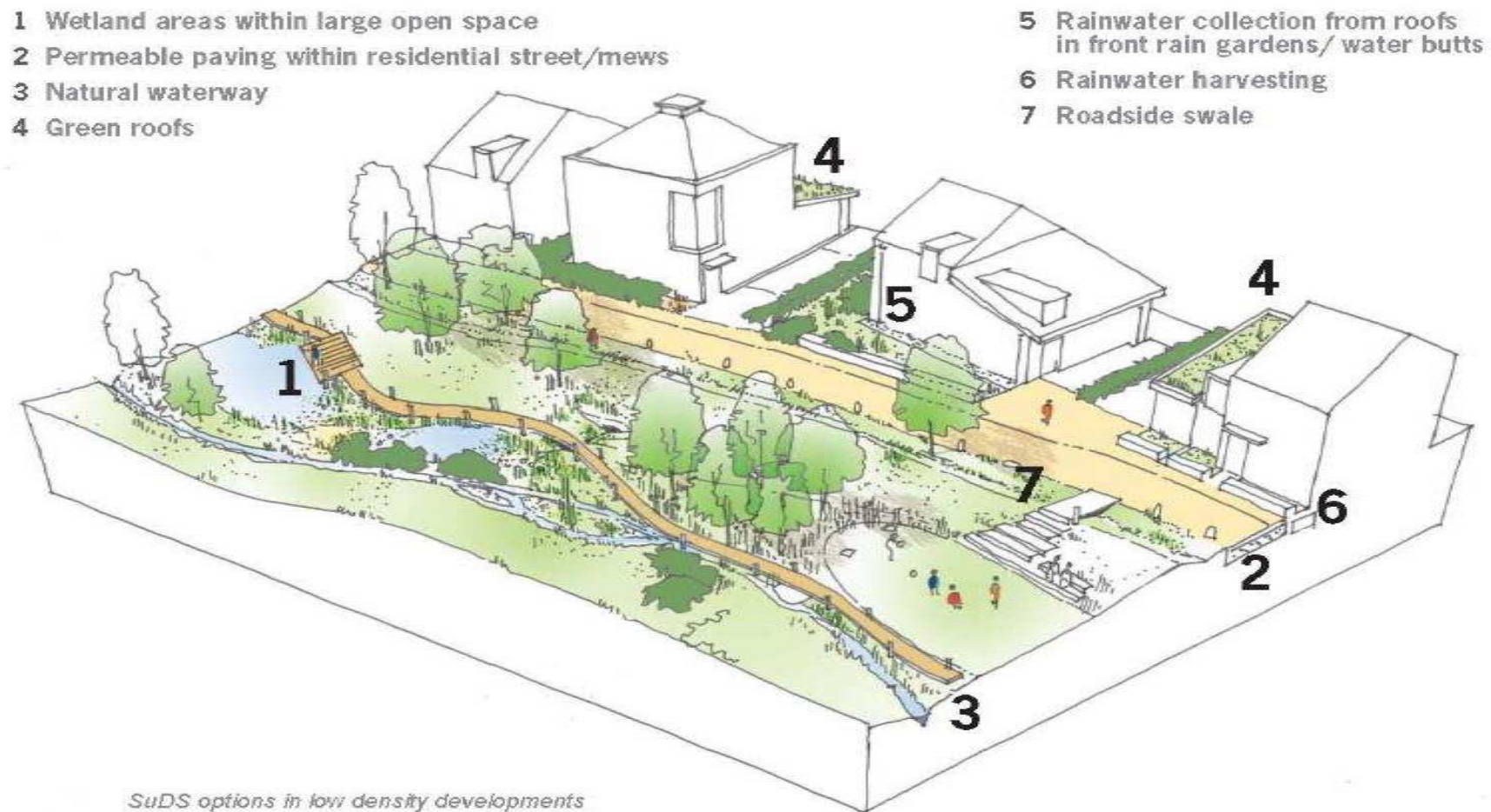
Figure 7.14: SuDS options in medium density developments

- | | |
|---|---|
| 1 Filter strip and retention pond within residential square | 5 Green roofs |
| 2 Permeable paving within residential street/mews | 6 Roof gardens |
| 3 Roadside bio-retention tree pits | 7 Rainwater collection from roofs in front rain gardens/water butts |
| 4 Gravel/permeable surfaces within residential square | |



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Figure 7.15: SuDS options in low density developments

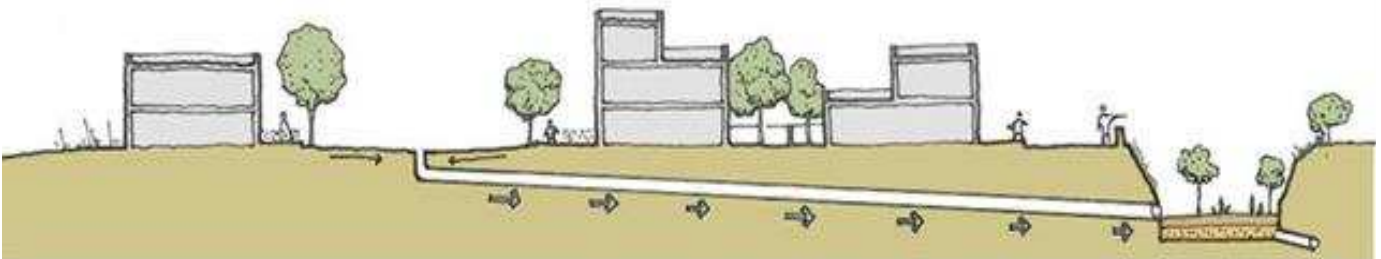


Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Design SuDS for flat sites

7.8.32 Drainage is particularly important on flat sites that do not have the opportunity to take advantage of gravity. Hydraulically efficient kerbs should be designed to channel water directly onto above ground SuDS, before draining to underground storage, or a piped network. Alternatively, roadside swales located within the road verge with flush kerbs can enable surface water to discharge directly into the swale, where it is pre-treated before discharging to a SuDS feature downstream, such as a retention pond, rain garden, or wetland. By keeping water on the surface as much as possible, deep downstream management features can be avoided. Deep features are undesirable due to increased excavation, the potential need for unnecessary pumping and the requirement for mitigation measures. Figure 7.16 demonstrates the negative impact a piped system can have on flat sites.

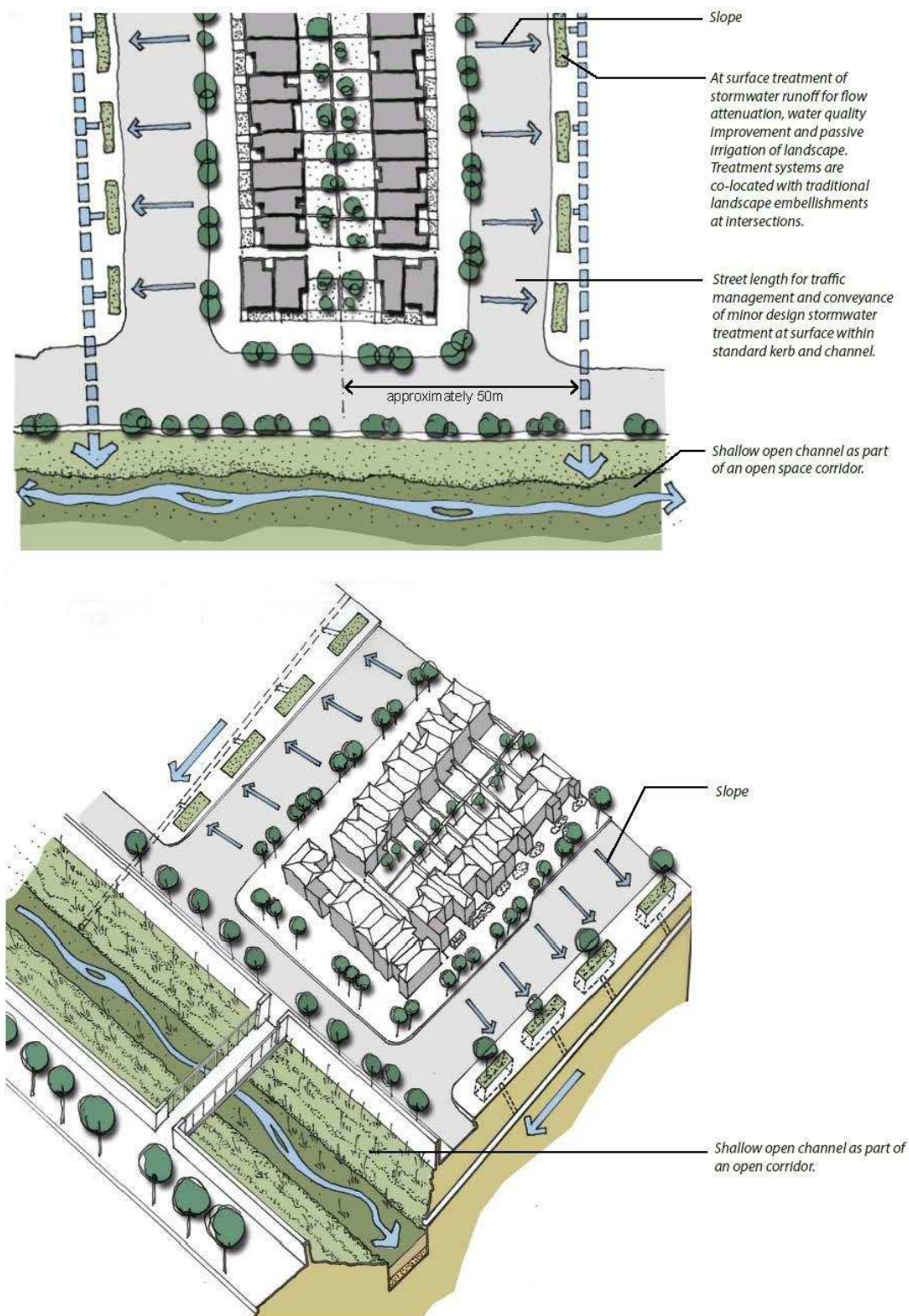
Figure 7.16: Negative impact of piped drainage on a flat site



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

7.8.33 Figure 7.17 shows how SuDS could possibly be incorporated into a flat, urban site.

Figure 7.17: Possible urban layout for a flat site

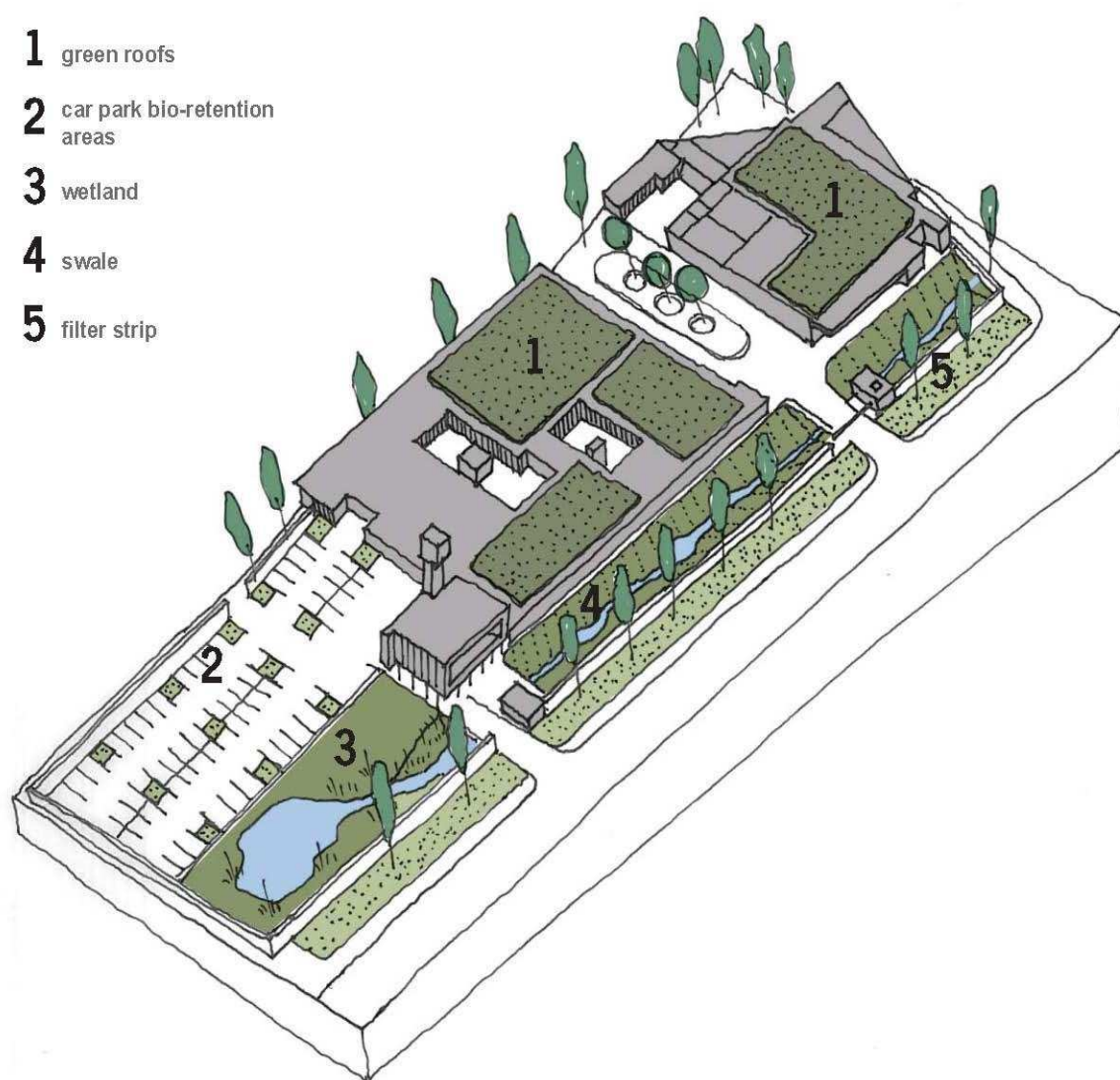


Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Design industrial and agricultural sites to incorporate SuDS

7.8.34 Industrial and agricultural sites often have larger volumes of water discharge with higher levels of pollutants, and as such they require special attention. The best strategy is to separate water discharging from work areas, car parks and roofs. Water runoff from high-risk work areas should be separated into interceptor tanks and treated as industrial waste. This separation is vital to ensuring the surface water from non-work areas of the site that do not have the same contaminants, can be treated similarly to surface water runoff from residential and commercial properties. Additional treatment stages are required where runoff is being drained from higher contamination risk area, such as car parks. Each site should be designed based on the risk posed. Figure 7.18 demonstrates how SuDS can be incorporated in an industrial setting.

Figure 7.18: Incorporating SuDS on industrial sites



Source: Woods Ballard, B., et al (2015) The SuDS Manual, CIRIA, C753

Design standards and designing for exceedance

- 7.9.1 In a new development there should be no flooding of any properties for a 1 in 100 annual probability (critical) rainfall event plus an appropriate allowance for climate change (refer to Chapter 3 for details of climate change allowances). In line with Sewers for Adoption, there should also be no water outside of the designed system for a 1 in 30 annual probability (critical) rainfall event.
- 7.9.2 Consideration should also be given as to how the system performs for events that exceed the design capacity of the system or if a part of the system blocks or fails. The design of the site must also ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property and avoids creating hazards to access and egress routes. Guidance on how to apply this can be found in Designing for Exceedance in Urban Drainage: Good Practice (C635).

Designing for water quality

- 7.10.1 SuDS have a considerable advantage over traditional drainage as a well-designed system will provide a level of treatment to surface water runoff before it is discharged into the receiving water body. It does this through a number of processes including filtration, settlement, and uptake by plants. For example; permeable paving is very effective at removing a wide range of pollutants from runoff, so improving water quality. The pollutants may either remain on the surface or be flushed into the underlying pavement layers, where many are filtered and trapped and degrade over time.
- 7.10.2 To protect the water quality of receiving waters, runoff from a site should be of an acceptable water quality to help ensure current and/or future water quality objectives are not compromised. As there can be a wide range and level of contaminants contained within surface water runoff, water quality needs to be managed using a risk-based approach, facilitated by the SuDS management train. The SuDS management train refers to a variety of SuDS components in a series that provide treatment processes to deliver a gradual improvement in water quality as water moves through the system.
- 7.10.3 The size and number of treatment stages required is based on the level of pollution entering into the system. For example, industrial sites will contain a higher level of pollutants within surface water runoff than from a small residential road. Please refer to

Chapter 4 of the SuDS Manual (CIRIA, C753) for further detail on designing SuDS for water quality.

Designing a safe environment

7.11.1 All SuDS schemes should be designed as a safe environment that can be accessed and enjoyed by residents and visitors. The use of fencing and barriers should not be the approach to making SuDS features safe, particularly in residential developments. It is however recognised that there may be cases in less sensitive environments (such as industrial areas) where steeper earthworks and safety measures are appropriate. The SuDS features themselves should be designed to be safe through measures such as:

- Following the topography of the site - this will minimise the depth of the features throughout the development.
- Ensuring gently sloping sides and that they are planted with vegetation to act as a barrier to unintended entry into the water.
- Ensure open areas of water are obvious to residents and visitors and any vertical drops are easily identified. The use of safety rings are generally not appropriate for SuDS as they are designed to be dropped vertically and not thrown any distance as they are heavy and awkward to handle. Their use should be limited to areas where they will be effective.
- Use of appropriate signage in the right locations. These should not be used as a replacement for appropriate design.

7.11.2 Further information can be found in the CIRIA publication, The SuDS Manual (C753) and the RoSPA publication Safety at Inland Water Sites.

Developing a surface water drainage strategy

Masterplanning

7.12.1 For larger developments a masterplan will be necessary. It is at this stage the SuDS layout (taking into account flow routes, topography, geology and green space) and proposed maintenance of the system should be determined whilst, ensuring a safe design and mitigation of flood risk (see Figure 7.1). Seeking advice at the earliest opportunity from the relevant FRMAs will help avoid any costly issues or redesigns at a later stage. Effective

master planning should ensure a robust, viable and cost-effective scheme from the outset, where objectives of the development are informed by the SuDS scheme and vice versa.

Outline planning application

- 7.13.1 When an outline planning application is required the applicant should include an outline drainage strategy with the planning application. It should include enough design information that demonstrates the conceptual surface water drainage design across the site. The assessment submitted should outline the existing surface water run-off rates from the site and an indication of post development run-off rates with associated storm water storage requirements. SuDS should have been appropriately considered taking into account site specific drainage requirements and constraints and incorporated effectively into the overall masterplan. APPENDIX VIII includes a drainage pro-forma to be followed to ensure the correct information is included within the drainage strategy.

Full planning application or reserved matters application

- 7.13.2 Many developments move straight to a full planning application following pre-application discussions with the relevant FRMAs. At this stage applicants will also be expected to submit a detailed surface water drainage strategy with the planning application. Whilst most topics will have been covered to some degree in the outline drainage strategy (if applicable) the applicant will be expected to provide more detail at this stage. The strategy should demonstrate that opportunities to integrate SuDS have been maximised and where obstacles to their use do persist this should be fully justified within the report. Where proposing to discharge into a third party asset (such as a watercourse or public sewer), appropriate permissions and required consents should have been discussed with the asset owner and legal easements may need to be provided.

- 7.13.3 The key information a surface water drainage strategy must contain includes:

- How the proposed surface water scheme has been determined following the drainage hierarchy;
- Pre-development runoff rates;
- Post development runoff rates with associated storm water storage calculations
- Discharge location(s);
- Drainage calculations to support the design of the system;
- Drawings of the proposed surface water drainage scheme including sub catchment breakdown where applicable;
- Surface water and sustainable drainage systems

- Maintenance and management plan of surface water drainage system (for the lifetime of the development) including details of future adoption;
- Completed drainage pro-forma - the applicant must ensure that the surface water strategy contains the appropriate level of information in relation to the points covered in the pro-forma.

7.13.4 Note that the size and complexity of the site will determine how much information is included within the surface water drainage strategy however using the pre-application design checklist and drainage pro-forma in APPENDIX VIII will ensure the right matters are covered with the appropriate level of detail.

Approval of SuDS

- 7.14.1 SuDS are approved as part of the planning application for a development. It is the LPAs responsibility to ensure that the design submitted as part of either an outline or full planning application is robust and contains adequate detail to ensure that the SuDS are appropriate for the development and will be adequately maintained throughout their lifetime. The LPA may also seek expert advice from the LLFA as part of this process. For major developments national guidance for SuDS can be found in the PPG, additionally the Non-Statutory Technical Standards for Sustainable Drainage Systems provides the high level principles all SuDS designs must follow.
- 7.14.2 A surface water drainage strategy is required to be submitted with a planning application which should contain details of the SuDS. Its scope should be commensurate with the size of development and can range from a paragraph describing the proposed drainage measures with a discharge location for residential extension, to extensive hydrological modelling accompanied by a full report with drawings for a larger site. Further details on what should be considered or included can be found in Appendix ???; this guidance is likely to be updated over time to focus more specifically on different scales of development.

Adoption and maintenance of SuDS

- 7.15.1 It is recommended that a statutory organisation takes on the role of maintaining the SuDS as this will guarantee maintenance of the drainage system in perpetuity; however where this is not possible, alternative bodies may also be considered able to maintain SuDS, provided that a suitable maintenance plan has been submitted to and agreed with the LPA. Statutory organisations may include organisations such as the local authority, Severn

Trent Water, the Lower Severn IDB and Parish Councils. For SuDS serving the highway these should be discussed with the Highways Authority at Gloucestershire County Council (GCC) to ensure suitability for adoption.

- 7.15.2 Open space provision within development sites is a normal planning requirement and offers suitable landscaped areas for the inclusion of a wide range of SuDS features (e.g. ponds, basins and swales). These features can enhance the nature conservation and amenity value of the site, although a primary consideration should be the effectiveness and maintenance of the SuDS.
- 7.15.3 Where the Council is adopting the open space provision, this could include adoption of the SuDS features within the open space (seek clarification from individual local authorities). In adopting these features, a range of issues will need to be addressed:
- The primary purpose of the SuDS features relate to drainage. If the open space is to be used for other purposes, such as nature conservation or as a play area, this must not conflict with the effective working and maintenance of the SuDS.
 - Safety issues will come into play if a body of water is involved.
 - There is a need to ensure that a long-term, effective maintenance regime is in place along with a long term habitat management plan where appropriate
- 7.15.4 If the applicant is minded to choose Severn Trent Water as the appropriate body for SuDS adoption they should ensure the proposed design meets their adoption criteria, referencing relevant guidance and advice where appropriate and that Severn Trent Water have confirmed that they will adopt the SuDS for the whole site.
- 7.15.5 Section 106 of the Town and Country Planning Act 1990 provides a suitable mechanism by which properly designed SuDS features can be transferred into the management and maintenance responsibilities of a local authority or other statutory organisation. The local authority should secure a financial mechanism through commuted sums, identified in the adoption agreement, to facilitate maintenance and management requirements. This would allow adoption of the areas within an acceptable timeframe without placing additional burdens on the local authority's resources. Clarification will also need to be sought from the Council on whether SuDS are delivered through the Community Infrastructure Levy or Section 106.
- 7.15.6 In certain circumstances where a management company is required to maintain the SuDS, a legal agreement tied to the title of the property will need to be agreed with the LPA (usually via a Section 106 agreement). If this is the case then discussions will need to take

place during the pre-application stage of the development so that assurances can be made that this is the correct option for the development.

- 7.15.7 Evidence should be provided by the applicant on the suitability and experience of the management company during this process and how the Council can be assured that the maintenance will be carried and who is responsible for any failure to maintain, repair or replace.
- 7.15.8 The Developer will need to demonstrate that sufficient funding will be provided to maintain and replace the SuDS systems in perpetuity which for this case is taken as the design life of any structures which must be 120 years.

CHAPTER 8 - WATER MANAGEMENT, RECYCLING, SUPPLY AND POLLUTION CONTROL

8.1 WATER SUPPLY AND INFRASTRUCTURE

Water Supply

- 8.1.1 Groundwater resources are a vital component of potable water supplies; once polluted, the damage can be irrevocable. They can also have an impact on sites of wildlife significance. Development proposals that significantly threaten this resource will not be permitted. Development proposals will, where appropriate, need to demonstrate that they can be implemented without detriment to the quality or quantity of existing water and the wider environment. Tewkesbury Borough Council will have regard to current Environment Agency guidance on the protection of groundwater.

Foul Drainage

- 8.1.2 When preparing sewerage proposals for any development, the first presumption will be to provide a system of foul drainage discharging into a public sewer. This should be achieved in consultation with the statutory sewerage undertaker for the area. Only if, taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewage treatment plant incorporating a combination of treatment processes will be considered. The plant should offer full treatment (including secondary and if necessary tertiary treatment) with the final effluent discharge from it meeting the standard and conditions set by the Environment Agency where applicable. Proposals for package treatment plants should also set out clearly the responsibility and means of operation and maintenance to ensure that the discharge consent is not likely to be infringed in the life of the plant. Such provision may be adopted by the statutory sewerage undertaker under section 104 of the Water Industry Act 1991, subject to certain criteria being met. Severn Trent Water are likely to be issuing guidance on adoption of treatment plants in the near future.
- 8.1.3 Only if it can be clearly demonstrated that the sewerage and sewage disposal methods referred to above are not feasible, will a system incorporating septic tank(s) be considered. Applications for planning permission should be supported by an assessment of the proposed use of septic tanks, to confirm that there will be no adverse effects. This assessment should focus on the likely effects on the environment, amenity and public health. It should include a thorough examination of the impact of disposal of the final

effluent, whether discharged to a watercourse or disposed of by soakage into the ground. An Environmental Permit maybe required from the Environment Agency for certain types of non-mains drainage. Further guidance on this is available from the Environment Agency advice document '[Guidance for the registration of small sewage effluent discharges](#)'.

Development adjacent to watercourses

- 8.1.4 Any riverside developments should leave a minimum **8 metre** wide undeveloped buffer strip, to preserve the river and its floodplain as an enhancement feature and to allow for routine maintenance. Such developments should also have a maintenance strategy for clearing and maintaining the channel, and any structures such as trash screens and bridges. Development proposals should also consider opportunities to undertake river restoration and enhancement to make space for water.

Maintenance of existing structures and flood storage areas

- 8.1.5 Existing flood water storage areas should be maintained and safeguarded from development. New development should also be designed not to prohibit the maintenance and functioning of structures required for flood risk management purposes.

8.2 WATER RECYCLING

- 8.2.1 Water recycling is a key component of integrated water cycle management. The safe implementation of water recycling can help to reduce inputs of nutrients and other contaminants to surface waters, conserve drinking water and provide economic and social benefits to communities. It can also reduce demand for water provided by water companies during periods of drought. SuDS need to take into account the possibilities of re-using and recycling surface water in as many ways as feasible.
- 8.2.2 The aim in Tewkesbury Borough is to encourage and support water recycling that is safe, environmentally sustainable and cost-effective by encouraging the use of rainwater harvesting and grey water recycling methods in new development, where practical and feasible. These methods are only effective outside floodplains. Applicants should give consideration to the following measures.
- 8.2.3 **Rainwater Harvesting** is described as being water collected from roofs via traditional guttering, through down pipes to an underground tank. This water is then delivered on demand by an in-tank submersible pump direct to toilets, washing machines and outside tap use. More than 50% of mains water can be substituted by rainwater in this way.

Rainwater harvesting can be incorporated on development sites for uses such as car washing, watering gardens and topping up ponds or wetland habitats.

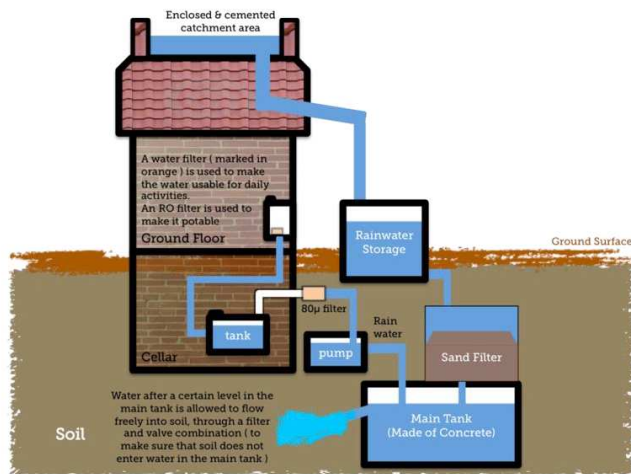


Fig 2: Rainwater Harvesting System

- 8.2.4 **Greywater Recycling** is typically defined as being water from the bath, shower and wash hand basin. The ideal situation for grey water is in living accommodation where sufficient amounts are generated daily for reuse in toilets, the washing machine and any outside tap. Greywater recycling systems can be incorporated on development sites for non-potable uses such as for flushing toilets.

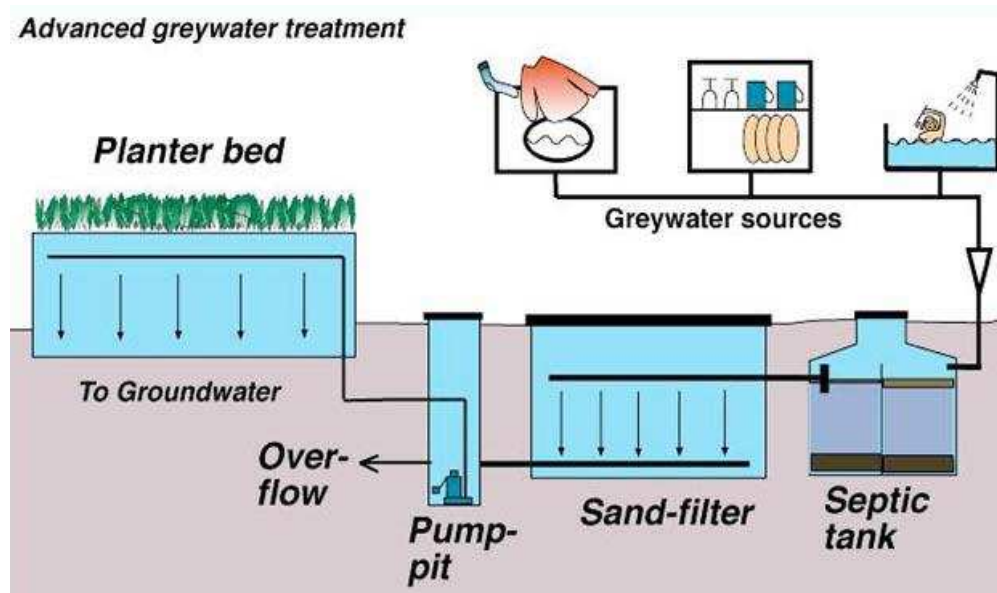


Fig 3: Advanced Greywater Treatment System

Methods and Maintenance of Rainwater Harvesting and Greywater Recycling Systems

- 8.2.5 Consideration should be given to the use of more efficient domestic and non-domestic appliances, such as low flush or compost toilets, waterless urinals, reduced flow rates for showers, low-flow or spray taps and water meters with pulsed output (levels of water use should be consistent with ‘very good’ standards for BREEAM and Eco-Homes on new build wherever possible).
- 8.2.6 In addition, water recycling measures should be considered when designing any landscaping scheme for residential or non-residential development. Such measures could include working with existing natural vegetation, selecting drought-resistant plants or low water use landscaping / gardens and using automatic drip irrigation systems.
- 8.2.7 Applicants should also consider the installation of water meters to link water habits to a charging structure, thus encouraging occupants to consider their individual wastage. Further information and illustrations on water conservation methods and techniques can be found at **APPENDIX III**.
- 8.2.8 The facilities for both rainwater harvesting and grey water re-use require maintenance to ensure their effectiveness and to prevent deterioration of water quality. Future maintenance arrangements should be addressed in the earliest project planning stages.

8.3 WATER QUALITY AND POLLUTION CONTROL

- 8.3.1 Paragraph 109 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. The Council will seek to ensure that new developments achieve this objective.

Causes of water pollution

- 8.3.2 Some traditional methods of building can cause poor water quality as surface water run-off can contain a variety of pollutants. The poor water quality associated with new developments may also have direct negative impacts on biodiversity.
- 8.3.3 Large areas of hard landscaping can result in surplus run-off, exacerbating flooding, causing pollution and erosion problems and reducing natural infiltration. This can directly lead to water quality problems, by accumulating pollutants as water runs over land.

Runoff from roads will also contain heavy metals and hydrocarbons and run-off from farmland is more likely to contain nitrates and sediment. These can have serious implications for water quality and amenity.

Possible solutions for minimising pollution

- 8.3.4 Although some pollution arising from surface water runoff may be unavoidable and water treatment at every outfall may be impractical, moderating flows and filtering runoff through SuDS can deliver significant reductions in the impact on the water resource by means of ground infiltration, sub base storage and filtration.
- 8.3.5 Applicants may be required to use mitigation measures to minimise resultant pollution within new development. Supporting documentation accompany planning applications for major developments should explain how contaminated water arising during the construction process will be addressed.

Pollution reduction methods

- 8.3.6 Methods that can help to reduce pollution include infiltration trenches, basins, ponds, wetlands, filter drains and permeable surfacing.
- 8.3.7 Infiltration trenches comprise stone filled reservoirs to which storm water runoff is diverted, and from which the water gradually infiltrates the ground. Infiltration is unlikely to be successful in the clay soils of Gloucestershire, and a soil analysis will therefore be required for any major development proposal to demonstrate whether this approach would be effective.
- 8.3.8 Ponds and wetlands remove pollution by a range of chemical, physical and biological processes. Pollutant removal is by absorption, filtering and microbial decomposition in the surrounding soil. Systems can be designed which successfully incorporate both infiltration and filter systems.
- 8.3.9 Permeable paving can maximize opportunities for using space in a multi-functional way requiring no additional land take. They are not solely infiltration systems, do not have onerous maintenance requirements and can accommodate heavier traffic (including construction traffic). In addition, there is also evidence to show whole life costs can be significantly lower than a conventional 'pipe' system, as the future maintenance requirement is low and they negate the need for grates, gullies, expensive flow control structures, extensive lengths of pipework, oil separators etc.

CHAPTER 9 - WATER MANAGEMENT STATEMENTS

9.1 National planning policy only requires planning applications of a certain scale and nature to be accompanied by Flood Risk Assessments. However, given the severity of river and surface water flooding in Tewkesbury Borough and the potential impact of cumulative development, it is considered necessary to require all applications except those proposing minor development¹ to be accompanied by detailed information in relation to the flooding. This information shall be submitted in the form of a Water Management Statement (WMS), which will be a validation requirement for such schemes. 9.2 The WMS is as a crucial element in managing flood risk and it is advised that appropriate details should be submitted to and agreed with the Council's Development Management team prior to the submission of a planning application. The WMS should involve several stages:

1. Prior to land acquisition, the developer should undertake an assessment of the site in terms of the requirements set out in this SPD in order to assist appraisal of site development constraints and land acquisition costs.
2. The level of detail required within the WMS will depend on the scale and type of development and individual site conditions. The level of information should be agreed with the Council's Development Management team at an early stage.
3. Evaluation of the submitted WMS will be undertaken by the Council in conjunction with the other regulatory bodies, including the Environment Agency and the LLFA.

¹ The term 'minor development' is the same as that defined within the Planning Practice Guidance and means:

- minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.
- alterations: development that does not increase the size of buildings eg alterations to external appearance.
- householder development: For example; sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats.

Water Management Statement Requirements

All outline and detailed planning applications (including reserved matters) which fall outside of FRA requirements, except those proposing minor development, shall, as a minimum, be accompanied by a Water Management Statement.

The Water Management Statement (WMS) shall comprise a report, being proportionate to the scale and nature of development proposed, outlining the water cycle issues relevant to a development proposal and suitable means of providing for the sustainable drainage of the site in the long term. The WMS shall also explain how both foul and storm water sewage from a development will be addressed. The WMS should include details of existing drainage systems and problems, infiltration, groundwater, surface water flow, foul and storm water disposal and any other drainage related flooding issues that may relate to the development.

A feasibility study evaluating the means of incorporating SuDS as part of the proposed development should also be included, as will a study of local soils and geology supported by site investigation results. This information will assist in developing a proposal for SuDS to be incorporated within the proposed layout of the development. The developer must be able to demonstrate that the technique is suitable for the development and provide supporting evidence to back up their calculations. The WMS should also assess the feasibility of incorporating rainwater harvesting and grey water recycling, and the appropriate measures for collecting and reusing water should be incorporated into a development.

CHAPTER 10 - BIODIVERSITY

- 10.1 The 2006 Natural Environment and Rural Communities Act (NERC) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.
- 10.2 Paragraph 109 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 10.3 Those proposing development should therefore seek opportunities to use multi-purpose open space for amenity; incorporate wildlife habitat and flood storage uses and need to consider how flooding and biodiversity can be jointly managed. Opportunities should always be explored to recreate more natural conditions along watercourses. For example, de-culverting, restoring or re-profiling rivers to promote ecological improvements and integration with wider green/blue infrastructure networks.
- 10.4 Further guidance on biodiversity and green Infrastructure can be found in the natural conservation policies within the **Tewkesbury Borough Local Plan to 2011** and policies SD10 and INF4 of the **emerging Joint Core Strategy**.
- 10.5 In accordance with the NPPF and the 2006 Act, developers will be required to demonstrate that where practicable, SuDS schemes will benefit water habitats and biodiversity. The council therefore expects features such as ponds and wetlands to be planted to enhance biodiversity.
- 10.6 The planting of native species appropriate to the local conditions will be favoured and where appropriate the mix of planted species should aim to create habitats that contribute to the local Biodiversity Action Plan.



- 10.7 Some common landscape and ecological design requirements may have to be adapted slightly to ensure that the SuDS can function effectively. It will also be important that the types of planting proposed are considered in line with the design of the SuDS features. For example, the soil moisture profile may be very different at the top of a swale's bank to the bottom and this will need to be taken into consideration to ensure the success of both the plants and the operation of the drainage feature.
- 10.8 Opportunities should also be explored to recreate more natural conditions along watercourses. Examples of this include: de-culverting; restoring or re-profiling rivers to promote ecological improvements; removal of barriers to fish migration; integration with wider green/blue infrastructure networks; setting back development from watercourses to enable access and enhancement; and protection of sensitive locations.

APPENDIX I - COMMONLY USED TERMS

Attenuation

Reduction of peak flow and increased duration of a flow event.

Balancing pond

A pond designed to attenuate flows by storing runoff during the peak flow and releasing it at a controlled rate during and after the peak flow has passed. The pond always contains water. Also known as wet detention pond.

Basin

Flow control or water treatment structure that is normally dry.

Bio retention area

A depressed landscaping area that is allowed to collect runoff so it percolates through the soil below the area into an under drain, thereby promoting pollutant removal.

BRE Environmental Assessment Method (BREEAM)

The most widely used environmental assessment method for buildings. It sets the standard for best practice in sustainable development and demonstrates a level of achievement.

Catchment

The area contributing surface water flow to a point on a drainage or river system. It can be divided into sub-catchments.

Construction Industry Research and Information Association (CIRIA)

CIRIA is a member-based research and information organisation dedicated to improvement in the construction industry.

Climate Change

Any long-term significant change in the average weather that a given region experiences. Average weather may include average temperature, precipitation and wind patterns.

Code for Sustainable Homes

The Code measures the sustainability of a new home against categories of sustainable design, rating the whole home as a complete package.

Combined sewer

A sewer designed to carry foul sewage and surface runoff in the same pipe.

Detention basin

A vegetated depression, normally dry except after storm events constructed to store water temporarily to attenuate flows. May allow infiltration of water to the ground.

Department for Environment, Food and Rural Affairs (DEFRA)

UK Government Department that champions Sustainable Development, helping Government as a whole to deliver economic, social and environmental sustainability.

Development Plan Document (DPD)

The new system of local planning brought in under the Planning and Compulsory Purchase Act 2004, the term 'development plan document' covers any Local Development Document that is part of the development plan. A development plan document has to be independently tested by a Government inspector and carries full weight in relation to planning applications, which distinguishes it from a supplementary planning document.

Eco-homes

Eco-homes is a version of BREEAM for homes. It provides an authoritative rating for new, converted or renovated homes, and covers houses, flats and apartments.

Environment Agency

Are a UK non-departmental public body of DEFRA with the principle aim of protecting and enhancing the environment to make a contribution towards the objective of achieving sustainable development. The Agency has principle responsibility for river flooding.

Evapotranspiration

The process by which the Earth's surface or soil loses moisture by evaporation of water and by uptake and then transpiration from plants.

Exception Test

If, following application of the Sequential Test (see below), it is not possible for proposed development to be located in zones of lower probability of flooding, the Exception Test should be applied. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Filter drain

A linear drain consisting of a trench filled with a permeable material, often with a perforated pipe in the base of the trench to assist drainage, to store and conduct water, but may also be designed to permit infiltration.

Filter strip

A vegetated area of gently sloping ground designed to drain water evenly off impermeable areas and filter out silt and other particulates.

Flood frequency

The probability of a flow rate being equalled or exceeded in any year.

Floodplain

Land adjacent to a watercourse that is subject to repeated flooding under natural conditions.

Flood Mitigation

Methods of reducing the effects of floods. These methods may be structural solutions (e.g. reservoirs) or non-structural (e.g. land- use planning, early warning systems).

Flood Risk Assessment (FRA)

An assessment of the risk of flooding, particularly in relation to residential, commercial and industrial land use. FRAs are required to be completed according to the NPPF alongside planning applications in areas that are known to be at risk of flooding.

Flood routing

Design and consideration of above-ground areas that act as pathways permitting water to run safely over land to minimise the adverse effect of flooding. This is required when the design capacity of the drainage system has been exceeded.

Flow control device

A device used to manage the movement of surface water into and out of an attenuation facility, e.g. a weir.

Fluvial flooding

Flooding from a main watercourse (brooks, streams, rivers and lakes etc) that occurs when the water features cannot cope with the amount of water draining into them, from the land. When rainfall is heavy and / or prolonged, a large amount of run-off reaches the rivers and eventually causes them to overtop their banks.

Grampian Condition

A "Grampian condition" is a planning condition attached to a planning permission that prevents the start of a development until off-site works have been completed on land not controlled by the applicant. E.g. off-site drainage works to a watercourse.

Greenfield runoff

This is the surface water runoff regime from a site before development, or the existing site conditions for brownfield redevelopment sites.

Green roof

A roof with plants growing on its surface, which contributes to local biodiversity. The vegetated surface provides a degree of retention, attenuation and treatment of rainwater, and promotes Evapotranspiration.

Greywater

Wastewater from sinks, baths, showers and domestic appliances. A Greywater system captures this water before it reaches the sewer (or septic tank system).

Groundwater

Water that is below the surface of ground in the saturation zone.

Highways Agency

The government agency responsible for strategic highways, i.e. motorways/trunk roads.

Hydrological

The occurrence, circulation, distribution, and properties of the waters of the earth and its atmosphere.

Impermeable surface

An artificial non-porous surface that generates a surface water runoff after rainfall.

Infiltration (to the ground)

The passage of surface water through the surface of the ground.

Infiltration (to a sewer)

The entry of groundwater to a sewer.

Infiltration device

A device specifically designed to aid infiltration of surface water into the ground.

Infiltration trench

A trench, usually filled with stone, designed to promote infiltration of surface water to the ground.

Lead Local Flood Authority (LLFA)

Established through the Flood and Water Management Act as the body responsible for managing local flood risk from surface runoff, ordinary watercourses and groundwater.

Local Highway Authority

A local authority (Gloucestershire County Council) with responsibility for the maintenance and drainage of highways maintainable at public expense.

Material Consideration

A legal term describing a matter or subject which is relevant (material) for a local authority to consider when using its powers under planning law in dealing with a planning application.

Microbial decomposition

The breaking down of complex molecules into constituent parts or elements by microorganisms.

Natural Environment and Rural Communities Act (NERC)

Designed to help achieve a rich and diverse natural environment and thriving rural communities through modernised arrangements for delivering Government policy.

Operating Authorities

Any body, including the Environment Agency, Internal Drainage Board, County Council and Local Authority, who have powers to make or maintain works for the drainage of land.

Ordinary Watercourses

Any watercourse that does not form part of a main river.

Permeability

A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium, for example grain size, porosity and pore shape.

Permeable pavement

A paved surface that allows the passage of water through voids between the paving blocks/slabs.

Permeable surface

A surface formed of material that is itself impervious to water but, by virtue of voids formed through the surface, allows infiltration of water to the sub-base through the pattern of voids, e.g. concrete block permeable paving.

Pervious surface

A surface that allows inflow of rainwater into the underlying construction or soil.

Piped system

Conduits generally located below ground to conduct water to a suitable location for treatment and/or disposal.

Pluvial Flooding

Flooding that results from rainfall generated overland flow before the runoff enters any watercourse or sewer. It is usually associated with high intensity rainfall events. Also referred to as surface water flooding.

Pollution

A change in the physical, chemical, radiological or biological quality of a resource (air, water or land) caused by man or man's activities that is injurious to existing, intended or potential uses of the resource.

Pond

Permanently wet basin designed to retain storm water and permit settlement of suspended solids and biological removal of pollutants.

Porous paving

A permeable surface allowing the passage of water through voids within, rather than between, the paving blocks / slabs.

Porous surface

A surface that infiltrates water to the sub-base across the entire surface of the material forming the surface. E.g. grass and gravel surfaces, porous concrete and porous asphalt.

Prevention

Site design and management to stop or reduce the occurrence of pollution and to reduce the volume of runoff by reducing impermeable areas.

Probability Event

The statistical probability of a flooding episode (event) occurring.

Public sewer

A sewer that is vested in and maintained by a sewerage undertaker.

Rainwater harvesting or rainwater use system

A system that collects rainwater from where it falls rather than allowing it to drain away. It includes water that is collected within the boundaries of a property, from roofs and surrounding surfaces.

Residual Risk

The Risk that remains after risk management and mitigation measures have been implemented.

Retention pond

A pond where runoff is detained (e.g. for several days) to allow settlement and biological treatment of some pollutants.

Riparian Ownership

Riparian ownership or riparian rights relates to a legal principle where all landowners whose property adjoins a body of water, have a duty and a right to maintain and make reasonable use of it as it flows through or over their property. These rights cannot be sold or transferred other than with the adjoining land and only in reasonable quantities. Riparian rights/ownership usually relates to land up to the centre of the watercourse where it is located along a land boundary.

Riparian Duties

Duties arising from riparian ownership include the duty to pass on the flow of water without obstruction, pollution or diversion affecting the rights of others. To maintain the bed and banks of the watercourse and to clear any debris, whether natural or man-made, to keep any culverts, rubbish screens, weirs and mill gates clear of debris. To be responsible for protection of your land from flooding, and to not cause any obstructions.

Run-off

Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.

Section 38 Agreement

An agreement entered into pursuant to Section 38 Highways Act 1980 whereby a way that has been constructed or that is to be constructed becomes a highway maintainable at the public expense. A publicly maintainable highway may include provision for drainage of the highway. (Drainage of highways is defined in Section 100 (9) of the Highways Act 1980).

Section 106 (Town and Country Planning Act 1990)

A section within the Town and Country Planning Act 1990 that allows a planning obligation to a local planning authority to be legally binding.

Section 106 (Water Industry Act 1991)

A key section of the Water Industry Act 1991, relating to the right of connection to a public sewer.

Separate Sewer

A sewer for surface water or foul sewage, but not a combination of both.

Sewer

A pipe or channel taking domestic foul and/or surface water from buildings and associated paths and hard standings from two or more curtilages and having a proper outfall.

Sewerage undertaker

This is a collective term relating to the statutory undertaking of water companies that are responsible for sewerage and sewage disposal including surface water from roofs and yards of premises.

Sewers for Adoption

A guide agreed between sewerage undertakers and developers (through the House Builders Federation) specifying the standards to which private sewers need to be constructed to facilitate adoption.

Sequential Test

The NPPF advocates that planners use a sequential test when considering land allocations for development to avoid flood risk where possible. The Sequential Test aims to steer development to Flood Zone 1, which is an area at low risk of flooding. Where it is not possible to locate development in such locations sites in Flood Zone 2 will be considered. Only where it is not possible to locate development within Flood Zones 1 and 2 will development in Flood Zone 3 be considered.

Site and regional controls

Manage runoff drained from several sub-catchments. The controls deal with runoff on a catchment scale rather than at source.

Soakaway

A subsurface structure into which surface water is allowed to infiltrate into the ground.

Stormwater

Rainwater that runs off impervious surfaces and into storm drains rather than being absorbed into the soil.

Sub-catchment

A division of a catchment, allowing runoff management as near to the source possible.

Subsidiarity

The principle that an issue should be managed as close as is reasonable to its source.

SUDS (Sustainable Drainage Systems)

A sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques. Surface water management - The management of runoff in stages as it drains from a site.

Swale

A shallow vegetated channel designed to conduct and retain water, but may also permit infiltration; the vegetation filters particulate matter.

Treatment

Improving the quality of water by physical, chemical and/or biological means.

Water Act 2003

Introduced some changes to the regulation of the water industry in England and Wales under the Water Industry Act 1991, by transferring responsibility for economic regulation from an individual Director General to an Authority (Ofwat).

Water Authority

Public, private or combined entity responsible for the provision of drinking water and sewerage service.

Water Butt

A container designed to capture rainwater for its reuse.

Watercourse

A term including all rivers, streams ditches drains cuts culverts dykes sluices and passages through which water flows.

Water Management Statement

A report outlining the water cycle issues relevant to a development proposal and the suitable means of providing for drainage in the long term.

Wetland

An area that has a high proportion of emergent vegetation in relation to open water.

APPENDIX II - PRINCIPALS OF THE SURFACE WATER MANAGEMENT TRAIN

The surface water management train (sometimes called the treatment train) is fundamental to designing a successful SUDs scheme and provides a hierarchy of drainage techniques for improving quality and quantity. If water cannot be dealt with at one level in the management train, it should be taken; preferably using SUDs techniques, down the hierarchy and techniques closer to source are preferable to those lower down the hierarchy. Therefore prevention and source control should always be considered before site or regional control and discharging runoff to surface water sewers should only be a last resort, when no other option is available.

Prevention

Prevention seeks to prevent or minimise runoff and pollution; effectively to stop water entering the drainage system. It is applied on individual sites and involves good design. Prevention also involves good site housekeeping measures that will prevent pollutants entering the drainage system:

1. Keeping impervious areas to a minimum would maximise the amount of water that soaks into the ground.
2. Collecting rainwater for re-use.
3. A tidy yard with bunds around chemical storage areas will reduce spillage and leakage into the drainage system.
4. Minimising use of fertilisers, herbicides and fungicides on landscaped areas will reduce runoff of chemicals

Any excess surface runoff that can't be prevented from entering the drainage system is dealt with by the next level down so is subject to source control.

Source Control (control of runoff at or near its source)

Source control forms the start of the surface water management train and should be considered at the outset of development proposals. Source control (best management practice) is the preferred choice in any surface water drainage scheme. Controlling water at or near its source will usually be achieved by relatively small-scale techniques with each technique serving a small catchment area. Source control techniques can include the following:

1. Minimising paved areas - allowing surface water run off to drain naturally, through areas such as gardens, and public open space.
2. Use of porous surfaces where possible.
3. Rainwater recycling/harvesting - capturing rainwater from the roofs of buildings. The capture of rainwater can be used for indoor needs such as flushing toilets, filtered and purified for use within the main water system, stored via water butts for use as grey water for activities such as car washing and general irrigation of gardens.

Good housekeeping and education is essential to minimising pollution associated with surface water run off. Simple measures include, keeping paved areas clean and free of litter and waste, and informing and educating occupants about how the site is drained.

Any water not controlled at source should be subject to the next level down, i.e. site control.

Site Control (the management of water from several sources)

Site controls are used where adequate control of quantity or quality cannot be achieved with source controls alone after exhausting potential to manage surface water run off through preventative measures. This next level of the management train should be designed with the objective of minimising the quantity of water discharged directly to a river and can include the following:

1. Rainwater recycling.
2. Permeable surfaces and filter drains - permeable surfaces offer alternatives to conventional hard surfaces. Use of materials such as porous paving, gravel, and grass allows water to permeate through the surface, rather than draining off it.
3. Infiltration devices - work by enhancing the natural capacity of the ground to store and drain water. Devices may be in the form of surface features such as swales and filter strips. Generally these are small-scale systems, which are designed to fit into landscaped areas, consisting of vegetated sections of land and grassed depressions, which mimic natural drainage patterns, controlling discharge to a pond or wetland, or other discharge system. These systems assist in removing excess solids and pollutants before final discharge.
4. Devices may also be in the form of below ground features, such as soakaways and trenches. These features create underground reservoirs, which allow surface water to infiltrate gradually into the subsoil, or discharge to another structure at a controlled rate.
5. Grass swales - grassed areas adjacent to roads and pavements with a very shallow depression, allowing water to infiltrate.

Where adequate control of quantity or quality cannot be achieved at site level, flows should be conveyed to regional controls.

Regional Control (the management of runoff from several sites)

Where surface water cannot be accommodated on site, techniques should be considered which drain water away to a point where it can be returned to the natural water cycle. Regional control of surface water runoff from a site lies at the bottom of the surface water management train and is similar to site control, except the overall catchment area will be greater. It deals with water from several sites and involves the same control techniques although they should not be used on their own without source control provided at the level of individual developments. These systems can contribute to the flow and quality of run off and should be considered as water amenity features that provide habitat and encourage biodiversity. Regional control systems can include:

1. filter drains
2. swales, and
3. infiltration devices

APPENDIX III - CASE STUDIES FROM OTHER AREAS

The following two examples are of development ideas that integrate flood risk management into the development master plan. These measures may not be appropriate in all locations. Further details of each development, including costing can be found in the Life Project - Long-term Initiatives for Flood-risk Environments publication EP98.

Site 1 > The River Wandle at Hackbridge

Hackbridge is located in the London Borough of Sutton on the upper catchment of the River Wandle. Flood risk is predominantly from the river, which is flashy and responsive to intense rainfall. Climate change could result in longer or more intense rainstorms increasing flash floods from overland run off, sewers and the river. Flood Zone 3 is expected to extend from the river's edge further into the site. A central amenity space, termed the village blue/green, could bring multiple benefits to this suburb, such as space for recreation, flood storage and a focal point to the local area. Higher density development is located in Flood Zone 1. Mixed residential blocks would look onto communal 'rain gardens' as part of a sustainable drainage system (SuDS). Each garden would provide multiple uses, high quality planting treating surface run off and providing a buffer to a toddlers' play area at the centre, this would be raised above a communal rain-water harvesting system. A planted gulley would carry water from the river into the 'village blue' at times of flood. This landscaped hollow is designed to regularly accommodate floodwater, which would slow the flow downstream, and replenish a mix of dry and wetland habitats, providing both high amenity and biodiversity value. 'Space for Water' would be provided through regrading of the riverbank, creating a low-lying flood shelf with soft banks for a range of habitats; the 'village green' would provide a flexible informal recreation area with vegetated banks and areas of hard landscaping. The green would also provide future flood storage potential.

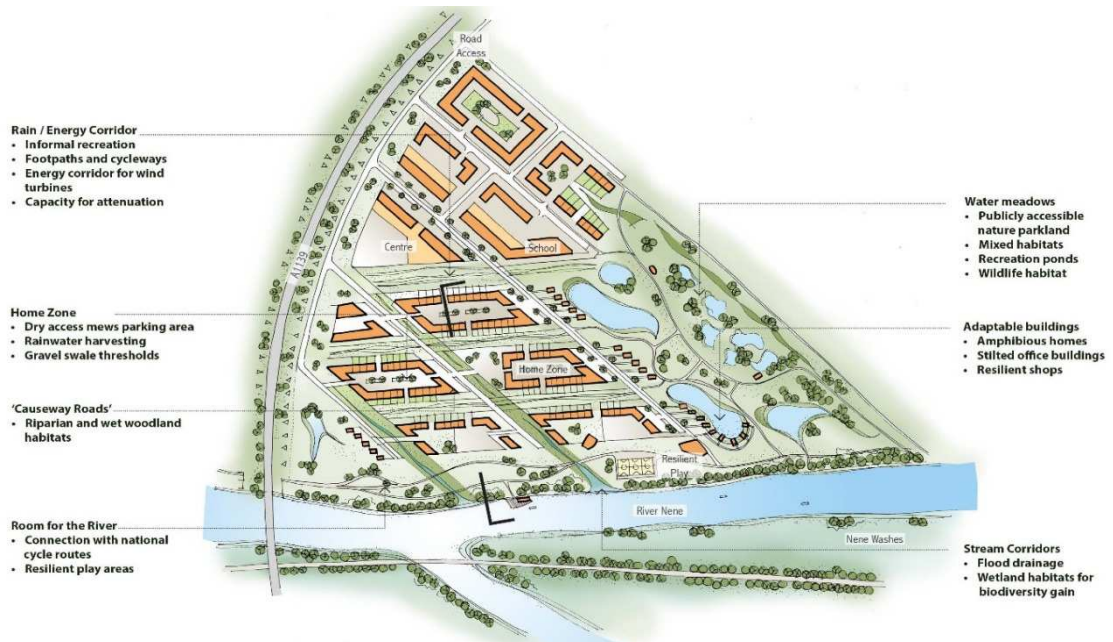


Courtyard rain gardens would slow the passage of rain overland, storing it until the storm has passed



Site 2 > The River Nene at Peterborough

Peterborough is located on the middle catchment of the River Nene. Flood risk is predominantly from the river. Floodwater volumes are large and floodwater could remain on site for several days. Climate change could result in the flood levels and duration of flooding increasing. Development ideas aim to reunite the city with the river. A mixture of brownfield sites and a landfill site were considered for redevelopment as part of a holistic vision. Higher density development was located close to the city centre and within Flood Zone 1 (low risk). Potential development was organised around a combination of views of Peterborough Cathedral, connections to 'Central Park', and 'stream corridor' drainage paths in times of flood. An adaptable development plan was formed for the Fengate site. The majority of the site was found to be above the 1 in 100 year flood level, having been elevated by the landfill. Climate change could result in this changing and the area becoming at risk from more frequent events. Level variations on site would allow drainage and flood paths to be created away from homes. These were envisaged as high quality, wide and attractive green corridors for public gardens and play areas. Deeper excavations could provide permanent water bodies creating various wildlife habitats and recreation opportunities. Car parking was located on higher levels of the site. A SUDS system, above the flood level, would include green roofs, permeable parking spaces and gravel swales to slow rainwater run-off.



APPENDIX IV - EXAMPLES OF WATER CONSERVATION METHODS

Water saving tap devices

Tap Aerators with integrated flow regulators reduce the flow rate by 50 % and more.

Tap Restrictor Valves reduce flow rates and pressure.

Water saving shower devices

Shower timer devices - restrict the amount of time the shower is left running.

Low flow showers - low flow shower-heads help reduce water waste by restricting the flow of water leaving your shower head.

Shower Start converter - connects to existing showerheads and automatically pauses a running shower once it gets warm.

Aerating Showers - to reduce flow rates.

Water saving WC's and Urinals

Urinal Controls - minimise water consumption within the washroom, whilst maintaining desirable levels of hygiene required for everyday public use.

Waterless Toilets - waterless composting toilets treat the waste without needing water and are ideal where water supply is limited or where waste-water disposal is difficult.

Dual Flush Toilets and Water Saving Siphons - the water saving dual flush valve can replace an old fashioned siphon. Water saving siphon are also effective in reducing water wastage.

Reduced Flush tools - displacement devices, e.g. save-a-flush bags, toilet float booster, toilet tank-bank and water _hippo'

Low flush Toilets - use at least 20 per cent less water than a standard WC.

Rain Catchment

Rain Catchment Systems - collects rainwater from a roof, paved area or runoff. The water is then filtered and stored in an above or below ground tank and can be used for either residential, commercial or landscape use.

Greywater Recycling Systems

Greywater recycling - the first step in installing a grey water recycling system is to separate the grey water (shower/bath/basin and laundry) from black water (toilet and kitchen). Various types are available including:

The **standard system** allows Greywater dispersal and reuse from the complete household. This system uses trench systems and subsurface irrigation. A typical trench for this system is about 400 mm deep and 300 mm wide filled with stone and capped with a layer of sand. The Greywater is initially passed into a settling (sedimentation) tank. This enables larger particles to settle at the bottom of the tank, thus preventing blockages.

The **Water save Trench System** is used for partial Greywater reuse situations and permits wastewater from limited sources, such as from the washing machine and / or bathroom to

be re-diverted into a settling tank (or through a filter) and then into a subsurface drain system, to be re-directed onto garden areas. This system also uses trench systems and subsurface irrigation.

The **Water save Dripper system** comprises four parts. Initially, Greywater is diverted from the normal waste stream, then it passes through either a sedimentation tank or filter, into a pump chamber, and finally the wastewater is dispersed throughout an interconnecting subsurface dripper system.

Shropshire, Herefordshire, Worcestershire & Gloucestershire Area – ‘Planning – FRA Guidance note 2’ - For Minor Development (See Sub-section 17 within the Flood Risk and Coastal Change Section of the Government’s National Planning Practice Guidance - NPPG), Domestic & Commercial/Industrial extensions (less than 250m² & curtilage development) within Flood Zone 3 & Flood Zone 2 (which includes historic flooding data).

The following is advice for the benefit of landowner/occupier & the Environment:

Note: We do not recommend individual FRA consultants but the following website may help you to source a suitably qualified person <http://www.endsdirectory.com/>

FRA requirements: The NPPG contains a useful checklist for FRAs at sub-section 26 of the Flood Risk and Coastal Change Section. It is suggested that applications be accompanied by a simple Flood Risk Assessment (FRA) which confirms in writing that as a minimum:

EITHER

- (1) Floor levels within the proposed development will be set no lower than existing levels AND,
- (2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance) tidal and coastal level, including climate change allowance.

OR **preferably** that:

- (3) Floor levels within the extension will be set 600mm above the known or modelled 1% river flood level or 0.5% tidal & coastal flood level (including climate change allowance). This should be demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level.

NOTES:

* The NPPG refers to Environment Agency guidance on considering **climate change** in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (new allowances were published on 19 February 2016).

Please refer to our separate ‘Area Climate Change Guidance’ (March 2016) for more information on how to consider and incorporate allowances in development proposals. This advises that an allowance should be added to ‘peak river flows’ to account for ‘climate change’ which should be specific to river basin district catchment.

The table below is for ‘**peak river flows**’ within the Severn River Basin district, and specifies the range of allowances to reflect individual development’s lifetime and vulnerability. For example residential would be 100 years (so 2070-2115).

FRA Guidance Note

| Severn Peak River Flows: Total potential change anticipated | 2015-39 | 2040-2069 | 2070-2115 |
|---|---------|-----------|-----------|
| Upper end | 25% | 40% | 70% |
| Higher central | 15% | 25% | 35% |
| Central | 10% | 20% | 25% |

For non-major development, in the absence of modelled information it may be reasonable to utilise a nominal climate change allowance i.e. an alternative appropriate figure. To assist applicants and LPA's we have provided some 'nominal' climate change allowances within our area climate change guidance. These nominal allowances should be considered as appropriate within any FRA.

- For '**more vulnerable**' development e.g. housing, the FRA should use the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.

– For '**water compatible**' or '**less vulnerable**' development e.g. commercial, the FRA should use the 'central' climate change allowance (20%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.

Background: For proposed extensions within Flood Zone 3/2, the main aspect of flood risk to consider is that the development itself may be at risk of flooding. The most effective means of addressing this risk is through submission of a simple FRA. This should identify the flood risks and set out the proposed measures to mitigate that risk. For most developments within Flood Zone 3/2, submission of a site plan showing floor levels related to Ordnance Datum/GPS should confirm that the site is above flood level. Where such a plan indicates otherwise or is not provided, mitigation measures would focus on controlling floor levels and incorporating flood proofing into the design of the extension.

Floor levels: From a flood risk view point, the ideal mitigation in terms of floor levels is to ensure that these are set to above the known or modelled 1% river flood level or 0.5% tidal and coastal flood level at that location. However, in the case of an extension it will often not be practical to raise floor levels given the potential effects on other issues such as access (including that for disabled users), usability and visual amenity. It is advisable that any proposal to raise floor levels should be discussed and agreed with the Local Planning Authority at the earliest possible stage.

FRA Guidance Note

‘Flood proofing’: The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of ‘flood proofing’ measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Such measures could also be considered to protect existing property.

Details of flood resilience and resistance techniques can be found in ‘Improving the Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007).

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Residual risks: It should be noted that if the existing building is in a 'low spot' the measures adopted above in terms of maintaining floor levels at existing levels and flood proofing will not necessarily eliminate risks during a flood event. Applicants should be asked to check ground levels if in doubt about this. Even where it is possible to ensure floor levels are set above the known or modelled 1% river and 0.5% tidal and coastal flood level, *flood risks will remain for an event that exceeds this magnitude.*

FURTHER INFORMATION:

Flood level data to assist the FRA and Flood Management Plan (where available) may be obtained from our Area Customers & Engagement team on telephone 03708 506506; shwgenquiries@environment-agency.gov.uk

Flood Risk Permit (Flood Defence Consents until 6 April 2016)

Works (including temporary) in, on or adjacent to a Main River/ Flood structure or Main river Floodplain may need a permit. See <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> For advice please phone 03708 506506 and ask for the Partnerships and Strategic Overview Team that covers your area.

Note: Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for Consenting lies with the Lead Local Flood Authority (LLFA). In an internal drainage district, the consent of the Internal Drainage Board, instead of the LLFA, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information on Ordinary Watercourses contact the LLFA.

As of November 2012 (Flood Map update) in Shropshire, Herefordshire, Worcestershire & Gloucestershire Area, the Flood Zone 2 outline includes historical flooding data.

Last updated: **May 2016**

Contact: Environment Agency, Sustainable Places Team, Shropshire Herefordshire Worcestershire & Gloucestershire Area.
shwgplanning@environment-agency.gov.uk



Shropshire, Herefordshire, Worcestershire & Gloucestershire Area – ‘Planning – FRA Guidance note 3’ - For all development within Flood Zone 2 and 3 (excluding minor development – see definition of minor development at Sub-section 17 within the Flood Risk and Coastal Change Section of the Government’s National Planning Practice Guidance - NPPG)

The following is advice to assist in the production of a Flood Risk Assessment (FRA).

Note: We do not recommend individual FRA consultants but the following website may help you to source a suitably qualified person <http://www.endsdirectory.com/>

FRA requirements: Planning applications must be accompanied by a FRA that is submitted to the Local Planning Authority (LPA). The NPPG contains a useful checklist for FRAs at sub-section 26 of the Flood Risk and Coastal Change Section. To be acceptable as a FRA the applicant should confirm as a minimum:

1. A level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level, including **climate change***, or where relevant 0.5% (1 in 200 chance each year) tidal & coastal flood level relative to proposed site levels. For sites in Flood Zone 3, this should include the 5% (1 in 20 year) flood event, or equivalent.
2. An assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change*), any documented historic flooding and risks associated with surface water runoff from the site (including climate change).
3. Flood Risk to the development and users - Proposed mitigation measures to control those risks for the lifetime of the development, based on a 1% event, including climate change, e.g. setting appropriate floor levels**, providing ‘flood proofing’; safe access & egress*** for occupiers (especially important where ‘more vulnerable’¹ users or overnight accommodation);
4. Impact on flood risk elsewhere – The NPPG indicates that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area (flood risk betterment). Issues to consider include providing ‘level for level, volume for volume’ flood storage compensation, reducing impact on storage and flow routes through the layout, form and design of the building/structure; providing surface water disposal****.
5. Residual risks after mitigation, including risk during an extreme 0.1% (1 in 1000 year) event.

NOTES:

* The NPPG refers to Environment Agency guidance on considering **climate change** in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (new allowances were published on 19 February 2016).

Please refer to our separate 'Area Climate Change Guidance' (March 2016) for more information on how to consider and incorporate allowances in development proposals. This advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to river basin district catchment.

The table below is for '**peak river flows**' within the Severn River Basin district, and specifies the range of allowances to reflect individual development's lifetime and vulnerability. For example residential would be 100 years (so 2070-2115).

| Severn Peak River Flows: Total potential change anticipated | 2015-39 | 2040-2069 | 2070-2115 |
|--|---------|-----------|-----------|
| Upper end | 25% | 40% | 70% |
| Higher central | 15% | 25% | 35% |
| Central | 10% | 20% | 25% |

For 'major development' (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015), we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the relevant climate change ranges.

For non-major development, in the absence of modelled information it may be reasonable to utilise a nominal climate change allowance i.e. an alternative appropriate figure. To assist applicants and LPA's we have provided some 'nominal' climate change allowances within our area climate change guidance. These nominal allowances should be considered as appropriate within any FRA.

The design flood (1% with climate change) should be used to inform the sequential test including appropriate location of built development and ensure 'safe' development.

- For '**more vulnerable**' development e.g. housing, the FRA should use the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.
- Development classed as '**Essential Infrastructure**' (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) should be designed to the 'upper end' climate change allowance (70%).

** It is advised that **Finished Floor Levels** should be set no lower than 600mm above the 1% river flood level plus climate change with flood proofing techniques considered (where

FRA Guidance Note

appropriate). For more information on resistance and resilience techniques see:
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

– For **‘water compatible’** or **‘less vulnerable’** development e.g. commercial, the FRA should use the ‘central’ climate change allowance (20%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the ‘higher central’ allowance (25%) where feasible.

Some ‘water compatible’ and ‘less vulnerable’ development such as agricultural developments/structures, or stables etc, by their nature may be floodable and therefore the raising of floor levels may not be feasible/practicable. In these cases, we would suggest that any storage in these buildings, including any flood susceptible electrics, or items that may be damaged should be sited above possible flood levels, in order to prevent flood risk and associated pollution.

*** For **‘more vulnerable’** and **‘highly vulnerable’** development, where overnight accommodation is proposed, the FRA should demonstrate that the development has **safe, pedestrian access** above the 1% river flood level plus climate change*. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of ‘hazard risk’ including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – ‘Danger to People for Combinations of Depth & Velocity’ (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at:
http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2320_3364_TRP_pdf.sflb.ashx

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG.

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

A Flood Evacuation Management Plan may also be appropriate, see note below.

- Applications involving intensification of use, for example conversion of buildings to provide additional residential units, should consider safe access as a risk. It may be possible to reduce the risk of flooding to an existing access through minor modifications to ground levels or alternative provision.

- For **‘less vulnerable’** development (especially those uses where there are people occupying the building and/or vehicles are present, e.g. office, retail) the FRA should consider **safe access** above the 1% river flood level plus climate change. However, given the nature of this type of proposal we would advise that this is considered as a less critical risk i.e. future occupants may not be able to access the proposed development (building and/or any car park) in design flood events. On this basis, this risk could be managed by

FRA Guidance Note

implementation of a flood evacuation plan (see below) in consultation with your Emergency Planners.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate 'flood warning' would be available to people using the development.

Flood Warning: For your consideration, where no Flood Warning service is in place we would be unable to offer any notification of potential danger from rising levels.

Where the Flood Warning service consists of a Flood Alert, whilst this gives a level of flood awareness, it will not provide a detailed local warning to comprehensively inform evacuation.

Where a comprehensive Flood Warning service operates, a trigger level may be sought to assist in evacuation.

For information on developing a Flood Evacuation Management Plan see sub-section 22 of the Flood Risk and Coastal Change Section of the NPPG and our guidance online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FEMP secures safe and sustainable development.

**** For surface water management advice, please contact your Lead Local Flood Authority (LLFA).

Background: Need for a FRA

There are three main flood risk considerations –

- The flood risk to the site, and any occupiers, resulting from a 1% event and an extreme flood event (i.e. a flood with between a 0.1% and 1% chance each year from rivers or between 0.1% and 0.5% chance each year from the sea) – **including climate change**.
- The flood risk resulting from the change of use of greenfield land to developed land which will reduce the natural drainage permeability of that land leading to increased flood risk elsewhere.
- The risk to occupiers and /or others of surface water flooding due to increased run-off. Even at outline stage the applicant needs to be able to demonstrate that surface water balancing can be achieved to a 1% (plus climate change) standard. All sites should aim to provide flood risk reduction/betterment.

The FRA should use available historic information, surveys and local knowledge to establish what the impact of flooding would have been based on previous events. This can then be used to establish any mitigation measures necessary to protect the development from future events.

It is possible that flooding may occur from a source other than that identified by the Agency's 'indicative' Flood Zones, which may occur due to local sewer or other drainage constraints, groundwater and surface water run off problems in the area. These may be

FRA Guidance Note

identified within Strategic Flood Risk Assessment for the relevant local authority. The FRA will need to investigate the cause and effect of such local flooding as well as identifying appropriate mitigation/flood risk reduction.

INFORMATION:

Other flood risk issues to consider for development in Flood Zones 1 or 2 - Dry Islands

There are some areas within Flood Zones 1 or 2 that are surrounded by areas at a higher risk of flooding i.e. areas falling within Flood Zones 3. In certain cases development upon such 'dry islands' can present particular hazards to public safety and risks such as those associated with maintaining safe access and exit for occupants during flood events. The distribution of dry islands and risks posed by them in terms of access/exit vary considerably across the country. (If there is a concern on this issue, contact the local Environment Agency Sustainable Places Team).

FURTHER INFORMATION:

Flood level data to assist the FRA and Flood Management Plan (where available) may be obtained from our Area Customers & Engagement team on telephone 03708 506506; shwgenquiries@environment-agency.gov.uk

Flood Risk Permit (Flood Defence Consents until 6 April 2016)

Works (including temporary) in, on or adjacent to a Main River/ Flood structure or Main river Floodplain may need a permit. See <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> For advice please phone 03708 506506 and ask for the Partnerships and Strategic Overview Team that covers your area.

(Note: Flood Defence Consents still apply to Ordinary watercourses – Contact your LLFA).

As of November 2012 (Flood Map update) in Shropshire, Herefordshire, Worcestershire & Gloucestershire Area, the Flood Zone 2 outline includes historical flooding data.

¹ Flood risk 'Vulnerability' classification of development - see Table 2 at sub-section 25 of the Flood Risk and Coastal Change section of the NPPG.



Environment Agency Standing Advice to Local Planning Authorities on Development and Flood Risk

Minor Development (Sub-section 17 within the Flood Risk and Coastal Change Section of the NPPG), Domestic & Commercial/Industrial extensions (less than 250m² & curtilage development) within Flood Zone 3 & Flood Zone 2 (and historic)

Process: Formal EA response is 'NO COMMENT'

The following is advice for the benefit of landowner/occupier and the environment:

FRA requirements: The NPPG contains a useful checklist for FRAs at sub-section 26 of the Flood Risk and Coastal Change Section. It is suggested that applications be accompanied by a simple Flood Risk Assessment (FRA) which confirms in writing that as a minimum:

EITHER

- (1) Floor levels within the proposed development will be set no lower than existing levels AND,
- (2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance) tidal and coastal level, including climate change allowance.

OR **preferably** that:

- (3) Floor levels within the extension will be set 600mm above the known or modelled 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal & coastal flood level (including climate change allowance). This should be demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level.

Background: For proposed extensions within Flood Zone 3/2, the main aspect of flood risk to consider is that the development itself may be at risk of flooding. The most effective means of addressing this risk is through submission of a simple FRA. This should identify the flood risks and set out the proposed measures to mitigate that risk. For most developments within Flood Zone 3/2, submission of a site plan showing floor levels related to Ordnance Datum/GPS should confirm that the site is above flood level. Where such a plan indicates otherwise or is not provided, mitigation measures would focus on controlling floor levels and incorporating flood proofing into the design of the extension.

Floor levels: From a flood risk view point, the ideal mitigation in terms of floor levels is to ensure that these are set to above the known or modelled 1%(1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal and coastal flood level at that location. However, in the case of an extension it will often not be practical to raise floor

LPA Process Note

levels given the potential effects on other issues such as access (including that for disabled users), usability and visual amenity.

‘Flood proofing’: The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of ‘flood proofing’ measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Such measures could also be considered to protect existing property.

Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site at <https://www.gov.uk/prepare-for-a-flood>.

Details of flood resilience and resistance techniques can be found in ‘Improving the Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007).
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Residual risks: It should be noted that if the existing building is in a ‘low spot’ the measures adopted above in terms of maintaining floor levels at existing levels and flood proofing will not necessarily eliminate risks during a flood event. Applicants should be asked to check ground levels if in doubt about this. Even where it is possible to ensure floor levels are set above the known or modelled 1% river and 0.5% tidal and coastal flood level, *flood risks will remain for an event that exceeds this magnitude*.

Note: Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for Consenting lies with the Lead Local Flood Authority (LLFA). In an internal drainage district, the consent of the Internal Drainage Board, instead of the LLFA, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information on Ordinary Watercourses contact the LLFA.

Flood level data to assist the FRA and Flood Management Plan (where available) may be obtained from our Area Customers & Engagement team on telephone 03708 506506; shwgenquiries@environment-agency.gov.uk

As of November 2012 (Flood Map update) in Shropshire, Herefordshire, Worcestershire & Gloucestershire Area, the Flood Zone 2 outline includes historical flooding data.

Last updated: **May 2016**

Contact: Environment Agency, Sustainable Places Team, Shropshire Herefordshire Worcestershire & Gloucestershire Area.
shwgplanning@environment-agency.gov.uk

Environment Agency Standing Advice to Local Planning
Authorities on Development and Flood Risk**Development in Flood Zone 2 where the flood zone is generated by an
'ordinary watercourse'¹****Process**

Formal EA response for Green Box on the local matrix = 'LPA to use the advice below'.

This advice applies to applications, in Flood Zone 2, where the proposed development footprint (including change of use) is **less than 1ha**. However, it excludes 'essential' and 'highly vulnerable'² developments. **These and larger scale applications would still be subject to 'Red Box' consultation.**

This advice also applies to larger scale applications (greater than 1ha) excluding 'Essential Infrastructure' and/or 'Highly Vulnerable' development; or landfill, hazardous waste sites and caravans/camping sites. **These applications would still be subject to 'Red Box' consultation.**

ADVICE NOTE: We recommend consultation with your Lead Local Flood Authority (LLFA) or Internal drainage Board (IDB) and/or Local Land Drainage section, to provide information to support the production of and review of the Flood Risk Assessment (FRA).

Fluvial risk - There may be information within your Preliminary FRA, Strategic FRA, including data on ordinary watercourses/historical flooding.

Other sources of flooding including surface water may also be relevant.

Works affecting an Ordinary Watercourse may require consent from the LLFA or your local IDB. This consenting role ceased to be a responsibility of the Environment Agency in April 2012.

Requirement for a Sequential Test: Prior to investing resources in completing a detailed FRA, it is recommended that applicants contact the Local Planning Authority (LPA) and discuss how the flood risk Sequential Test as set out in the National Planning Policy Framework (NPPF) and its accompanying National Planning Practice Guidance (NPPG) will affect the proposed development. It is possible that the development will be inappropriate and be refused planning permission irrespective of any detailed FRA.

The NPPF details the requirement for a risk-based Sequential Test (ST) in determining planning applications. See paragraphs 100–104 of the NPPF and sub-sections 4, 5 and 11 within the Flood Risk and Coastal Change Section of the NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

LPA Process Note

Further detail is provided in the NPPG. This states that “Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test [ET] if required”. (Paragraph: 019 Reference ID: 7-019-20140306). See also paragraph 102 of the NPPF and Table 3 in sub-section 25 within the Flood Risk and Coastal Change Section of the NPPG e.g. ET is required for ‘more vulnerable’ development in Flood Zone 3.

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider.

You should seek evidence that the ST has been properly applied (see notes in EA ST process guide in our National Flood Risk Standing Advice (available online at: <https://www.gov.uk/government/publications/flood-risk-standing-advice-for-local-planning-authorities-frsa>) and paragraph 104 and footnote 22 of the NPPF on change of use developments).

Requirement for a FRA: The NPPF (paragraph 103) requires that a planning application should be accompanied by a FRA. Where a FRA is not submitted with the application or the FRA is not accepted by the LPA the Environment Agency would recommend that the LPA either defers the application or refuses planning permission. We would support your decision at any subsequent appeal.

For ‘less vulnerable’ or ‘more vulnerable’ development, if the FRA confirms that the development is within **Flood Zone 3b** (functional floodplain, as defined in Table 1 in sub-section 25 within the Flood Risk and Coastal Change Section of the PPG) depending on the site specifics, for example the potential impact upon flows, the proposal may be inappropriate. This is in accordance with Table 3 in sub-section 25 within the Flood Risk and Coastal Change Section of the NPPG which states that such development “should not be permitted” in Zone 3b functional floodplain.

We would expect sites in Zone 3b to assess the impact on the 5% (1 in 20 year) event.

FRA Guidance

- Refer to FRA Guidance note 3.

FRA requirements: Planning applications must be accompanied by a FRA that is submitted to the Local Planning Authority (LPA). The NPPG contains a useful checklist for FRAs at sub-section 26 of the Flood Risk and Coastal Change Section. To be acceptable as a FRA the applicant should confirm as a minimum:

1. A level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level, including **climate change***, or where relevant 0.5% (1 in 200 year) tidal & coastal flood level relative to proposed site levels. For sites in Flood Zone 3, this should include the 5% (1 in 20 year) flood event, or equivalent.

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2. An assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change*), any documented historic flooding and risks associated with surface water runoff from the site (including climate change).
3. Flood Risk to the development and users - Proposed mitigation measures to control those risks for the lifetime of the development, based on a 1% event, including climate change, e.g. setting appropriate floor levels**, providing 'flood proofing'; safe access & egress*** for occupiers (**essential where 'more vulnerable'² uses include overnight accommodation and a less critical risk for other 'more vulnerable', 'water compatible' and 'less vulnerable' uses**).
4. Impact on flood risk elsewhere – The NPPG indicates that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area (flood risk betterment). Issues to consider include providing 'level for level, volume for volume' flood storage compensation, reducing impact on storage and flow routes through the layout, form and design of the building/structure; providing surface water disposal****.
5. Residual risks after mitigation, including risk during an extreme 0.1 % (1 in 1000 year) event.

NOTES:

* The NPPG refers to Environment Agency guidance on considering **climate change** in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (new allowances were published on 19 February 2016).

Please refer to our separate 'Area Climate Change Guidance' (March 2016) for more information on how to consider and incorporate allowances in development proposals. This advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to river basin district catchment.

The table below is for '**peak river flows**' within the Severn River Basin district, and specifies the range of allowances to reflect individual development's lifetime and vulnerability. For example residential would be 100 years (so 2070-2115).

| Severn Peak River Flows: Total potential change anticipated | 2015-39 | 2040-2069 | 2070-2115 |
|--|---------|-----------|-----------|
| Upper end | 25% | 40% | 70% |
| Higher central | 15% | 25% | 35% |
| Central | 10% | 20% | 25% |

For 'major development' (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015), we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the relevant climate change ranges.

LPA Process Note

For non-major development, in the absence of modelled information it may be reasonable to utilise a nominal climate change allowance i.e. an alternative appropriate figure. To assist applicants and LPA's we have provided some 'nominal' climate change allowances within our area climate change guidance. These nominal allowances should be considered as appropriate within any FRA.

The design flood (1% with climate change) should be used to inform the sequential test including appropriate location of built development and ensure 'safe' development.

- For '**more vulnerable**' development e.g. housing, the FRA should use the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.

** It is advised that **Finished Floor Levels** should be set no lower than 600mm above the 1% river flood level plus climate change with flood proofing techniques considered (where appropriate). For more information on resistance and resilience techniques see:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

– For '**water compatible**' or '**less vulnerable**' development e.g. commercial, the FRA should use the 'central' climate change allowance (20%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.

Some 'water compatible' and 'less vulnerable' development such as agricultural developments/structures, or stables etc, by their nature may be floodable and therefore the raising of floor levels may not be feasible/practicable. In these cases, we would suggest that any storage in these buildings, including any flood susceptible electrics, or items that may be damaged should be sited above possible flood levels, in order to prevent flood risk and associated pollution.

*** For '**more vulnerable**' development, where overnight accommodation is proposed, the FRA should demonstrate that the development has **safe, pedestrian access** above the 1% river flood level plus climate change*. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at:

http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2320_3364_TRP_pdf.sflb.ashx

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG.

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

A Flood Evacuation Management Plan may also be appropriate, see note below.

- Applications involving intensification of use, for example conversion of buildings to provide additional residential units, should consider safe access as a risk. It may be possible to reduce the risk of flooding to an existing access through minor modifications to ground levels or alternative provision.

- For '**less vulnerable**' development (especially those uses where there are people occupying the building and/or vehicles are present, e.g. office, retail) the FRA should consider **safe access** above the 1% river flood level plus climate change. However, given the nature of this type of proposal we would advise that this is considered as a less critical risk i.e. future occupants may not be able to access the proposed development (building and/or any car park) in design flood events. On this basis, this risk could be managed by implementation of a flood evacuation plan (see below) in consultation with your Emergency Planners.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate 'flood warning' would be available to people using the development.

Flood Warning: For your consideration, where no Flood Warning service is in place we would be unable to offer any notification of potential danger from rising levels.

Where the Flood Warning service consists of a Flood Alert, whilst this gives a level of flood awareness, it will not provide a detailed local warning to comprehensively inform evacuation.

Where a comprehensive Flood Warning service operates, a trigger level may be sought to assist in evacuation.

For information on developing a Flood Evacuation Management Plan see sub-section 22 of the Flood Risk and Coastal Change Section of the NPPG and our guidance online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FEMP secures safe and sustainable development.

**** For surface water management advice, please contact your Lead Local Flood Authority (LLFA).

Background: Need for a FRA

There are three main flood risk considerations –

- The flood risk to the site, and any occupiers, resulting from a 1% event and an extreme flood event (i.e. a flood with between a 0.1% and 1% chance each year from rivers or between 0.1% and 0.5% chance each year from the sea) – **including climate change**.
- The flood risk resulting from the change of use of greenfield land to developed land which will reduce the natural drainage permeability of that land leading to increased flood risk elsewhere.

LPA Process Note

- The risk to occupiers and /or others of surface water flooding due to increased run-off. Even at outline stage the applicant needs to be able to demonstrate that surface water balancing can be achieved to a 1% (plus climate change) standard. All sites should aim to provide flood risk reduction/betterment.

The FRA should use available historic information, surveys and local knowledge to establish what the impact of flooding would have been based on previous events. This can then be used to establish any mitigation measures necessary to protect the development from future events.

It is possible that flooding may occur from a source other than that identified by the Environment Agency's 'indicative' Flood Zones, which may occur due to local sewer or other drainage constraints, groundwater and surface water runoff problems in the area. These may be identified within Strategic Flood Risk Assessment for the relevant local authority. The FRA will need to investigate the cause and effect of such local flooding as well as identifying appropriate mitigation/flood risk reduction.

FURTHER INFORMATION:

Flood level data to assist the FRA and Flood Management Plan (where available) may be obtained from our Area Customers & Engagement team on telephone 03708 506506; shwgenquiries@environment-agency.gov.uk

Flood Risk Permit (Flood Defence Consents until 6 April 2016)

Works (including temporary) in, on or adjacent to a Main River/ Flood structure or Main river Floodplain may need a permit. See <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> For advice please phone 03708 506506 and ask for the Partnerships and Strategic Overview Team that covers your area.

(Note: Flood Defence Consents still apply to Ordinary watercourses – Contact your LLFA).

¹ Main Rivers are indicated on our Flood Zone Maps by red lines. When determining whether to consult the EA, the LPA will need to check the Flood Zone Maps to see whether the site is affected by the floodplain of a main river (including backing up of any adjacent watercourse). You can also check the classification of the watercourse with the LLFA, some of which have produced Drainage and Flooding Interactive Maps.

² Flood risk 'Vulnerability' classification of development - see Table 2 at sub-section 25 of the Flood Risk and Coastal Change section of the NPPG.

Environment Agency Standing Advice to Local Planning Authorities on Development and Flood Risk

Development in Flood Zone 3 where the flood zone is generated by an 'ordinary watercourse'¹**Process**

Formal EA response for Green Box on the local matrix = 'LPA to use the advice below'.

This standing advice applies to applications, in Flood Zone 3, where the provision of '**less vulnerable**' and '**water compatible**'² building(s) **footprint (or change of use) is less than 1000m²** and **proposals for less than 10 dwellings/caravan or camping pitches**.

However, it excludes 'essential' and 'highly vulnerable'² developments; and the following 'more vulnerable'² development types: Hospitals, Residential Institutions (including student halls of residence) and hazardous waste management sites.

These and larger scale applications would still be subject to 'Red Box' consultation.

ADVICE NOTE: We recommend consultation with your Lead Local Flood Authority (LLFA) or Internal drainage Board (IDB) and/or Local Land Drainage section, to provide information to support the production of and review of the Flood Risk Assessment (FRA).

Fluvial risk - There may be information within your Preliminary FRA, Strategic FRA, including data on ordinary watercourses/historical flooding.

Other sources of flooding including surface water may also be relevant.

Works affecting an Ordinary Watercourse may require consent from the LLFA or your local IDB. This consenting role ceased to be a responsibility of the Environment Agency in April 2012.

Requirement for a Sequential Test: Prior to investing resources in completing a detailed FRA, it is recommended that applicants contact the Local Planning Authority (LPA) and discuss how the flood risk Sequential Test as set out in the National Planning Policy Framework (NPPF) and its accompanying Planning Practice Guidance (NPPG) will affect the proposed development. It is possible that the development will be inappropriate and be refused planning permission irrespective of any detailed FRA.

The NPPF details the requirement for a risk-based Sequential Test (ST) in determining planning applications. See paragraphs 100–104 of the NPPF and sub-sections 4, 5 and 11 within the Flood Risk and Coastal Change Section of the NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding".

Further detail is provided in the NPPG. This states that "Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into

account the flood risk vulnerability of land uses and applying the Exception Test [ET] if required". (Paragraph: 019 Reference ID: 7-019-20140306). See also paragraph 102 of the NPPF and Table 3 in sub-section 25 within the Flood Risk and Coastal Change Section of the NPPG e.g. ET is required for 'more vulnerable' development in Flood Zone 3.

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider.

You should seek evidence that the ST has been properly applied (see notes in EA ST process guide in our National Flood Risk Standing Advice (available online at: <https://www.gov.uk/government/publications/flood-risk-standing-advice-for-local-planning-authorities-frsa>) and paragraph 104 and footnote 22 of the NPPF on change of use developments).

Requirement for a FRA: The NPPF (paragraph 103) requires that a planning application should be accompanied by a FRA. Where a FRA is not submitted with the application or the FRA is not accepted by the LPA the Environment Agency would recommend that the LPA either defers the application or refuses planning permission. We would support your decision at any subsequent appeal.

For 'highly vulnerable', 'more vulnerable', or 'less vulnerable' development, if the FRA confirms that the development is within **Flood Zone 3b** (functional floodplain, as defined in Table 1 in sub-section 25 within the Flood Risk and Coastal Change Section of the PPG) depending on the site specifics, for example the potential impact upon flows, the proposal may be inappropriate. This is in accordance with Table 3 in sub-section 25 within the Flood Risk and Coastal Change Section of the NPPG which states that such development "should not be permitted" in Zone 3b functional floodplain.

We would expect sites in Zone 3b to assess the impact on the 5% (1 in 20 year) event.

FRA Guidance

- Refer to FRA Guidance note 3.

FRA requirements: Planning applications must be accompanied by a FRA that is submitted to the Local Planning Authority (LPA). The NPPG contains a useful checklist for FRAs at sub-section 26 of the Flood Risk and Coastal Change Section. To be acceptable as a FRA the applicant should confirm as a minimum:

1. A level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level, including **climate change***, or where relevant 0.5% (1 in 200 year) tidal & coastal flood level relative to proposed site levels. For sites in Flood Zone 3, this should include the 5% (1 in 20 year) flood event, or equivalent.
2. An assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change*), any documented historic flooding and risks associated with surface water runoff from the site (including climate change).

LPA Process Note

3. Flood Risk to the development and users - Proposed mitigation measures to control those risks for the lifetime of the development, based on a 1% event, including climate change, e.g. setting appropriate floor levels**, providing 'flood proofing'; safe access & egress*** for occupiers (**essential where 'more vulnerable'² uses include overnight accommodation and a less critical risk for other 'more vulnerable', 'water compatible' and 'less vulnerable' uses**).
4. Impact on flood risk elsewhere – The NPPG indicates that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area (flood risk betterment). Issues to consider include providing 'level for level, volume for volume' flood storage compensation, reducing impact on storage and flow routes through the layout, form and design of the building/structure; providing surface water disposal****.
5. Residual risks after mitigation, including risk during an extreme 0.1% (1 in 1000 year) event.

NOTES:

* The NPPG refers to Environment Agency guidance on considering **climate change** in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (new allowances were published on 19 February 2016).

Please refer to our separate 'Area Climate Change Guidance' (March 2016) for more information on how to consider and incorporate allowances in development proposals. This advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to river basin district catchment.

The table below is for '**peak river flows**' within the Severn River Basin district, and specifies the range of allowances to reflect individual development's lifetime and vulnerability. For example residential would be 100 years (so 2070-2115).

| Severn Peak River Flows: Total potential change anticipated | 2015-39 | 2040-2069 | 2070-2115 |
|--|---------|-----------|-----------|
| Upper end | 25% | 40% | 70% |
| Higher central | 15% | 25% | 35% |
| Central | 10% | 20% | 25% |

For 'major development' (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015), we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the relevant climate change ranges.

For non-major development, in the absence of modelled information it may be reasonable to utilise a nominal climate change allowance i.e. an alternative appropriate figure. To assist applicants and LPA's we have provided some 'nominal' climate change allowances within our area climate change guidance. These nominal allowances should be considered as appropriate within any FRA.

The design flood (1% with climate change) should be used to inform the sequential test including appropriate location of built development and ensure 'safe' development.

- For '**more vulnerable**' development e.g. housing, the FRA should use the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.

** It is advised that **Finished Floor Levels** should be set no lower than 600mm above the 1% river flood level plus climate change with flood proofing techniques considered (where appropriate). For more information on resistance and resilience techniques see: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

– For '**water compatible**' or '**less vulnerable**' development e.g. commercial, the FRA should use the 'central' climate change allowance (20%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.

Some 'water compatible' and 'less vulnerable' development such as agricultural developments/structures, or stables etc, by their nature may be floodable and therefore the raising of floor levels may not be feasible/practicable. In these cases, we would suggest that any storage in these buildings, including any flood susceptible electrics, or items that may be damaged should be sited above possible flood levels, in order to prevent flood risk and associated pollution.

*** For '**more vulnerable**' development, where overnight accommodation is proposed, the FRA should demonstrate that the development has **safe, pedestrian access** above the 1% river flood level plus climate change*. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at: http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2320_3364_TRP_pdf.sflb.ashx

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG.

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

A Flood Evacuation Management Plan may also be appropriate, see note below.

- Applications involving intensification of use, for example conversion of buildings to provide additional residential units, should consider safe access as a risk. It may be

possible to reduce the risk of flooding to an existing access through minor modifications to ground levels or alternative provision.

- For '**less vulnerable**' development (especially those uses where there are people occupying the building and/or vehicles are present, e.g. office, retail) the FRA should consider **safe access** above the 1% river flood level plus climate change. However, given the nature of this type of proposal we would advise that this is considered as a less critical risk i.e. future occupants may not be able to access the proposed development (building and/or any car park) in design flood events. On this basis, this risk could be managed by implementation of a flood evacuation plan (see below) in consultation with your Emergency Planners.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate 'flood warning' would be available to people using the development.

Flood Warning: For your consideration, where no Flood Warning service is in place we would be unable to offer any notification of potential danger from rising levels.

Where the Flood Warning service consists of a Flood Alert, whilst this gives a level of flood awareness, it will not provide a detailed local warning to comprehensively inform evacuation.

Where a comprehensive Flood Warning service operates, a trigger level may be sought to assist in evacuation.

For information on developing a Flood Evacuation Management Plan see sub-section 22 of the Flood Risk and Coastal Change Section of the NPPG and our guidance online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FEMP secures safe and sustainable development.

**** For surface water management advice, please contact your Lead Local Flood Authority (LLFA).

Background: Need for a FRA

There are three main flood risk considerations –

- The flood risk to the site, and any occupiers, resulting from a 1% event and an extreme flood event (i.e. a flood with between a 0.1% and 1% chance each year from rivers or between 0.1% and 0.5% chance each year from the sea) – **including climate change**.
- The flood risk resulting from the change of use of greenfield land to developed land which will reduce the natural drainage permeability of that land leading to increased flood risk elsewhere.
- The risk to occupiers and /or others of surface water flooding due to increased run-off. Even at outline stage the applicant needs to be able to demonstrate that surface water balancing can be achieved to a 1% (plus climate change) standard. All sites should aim to provide flood risk reduction/betterment.

LPA Process Note

The FRA should use available historic information, surveys and local knowledge to establish what the impact of flooding would have been based on previous events. This can then be used to establish any mitigation measures necessary to protect the development from future events.

It is possible that flooding may occur from a source other than that identified by the Environment Agency's 'indicative' Flood Zones, which may occur due to local sewer or other drainage constraints, groundwater and surface water run off problems in the area. These may be identified within Strategic Flood Risk Assessment for the relevant local authority. The FRA will need to investigate the cause and effect of such local flooding as well as identifying appropriate mitigation/flood risk reduction.

FURTHER INFORMATION:

Flood level data to assist the FRA and Flood Management Plan (where available) may be obtained from our Area Customers & Engagement team on telephone 03708 506506; shwgenquiries@environment-agency.gov.uk

Flood Risk Permit (Flood Defence Consents until 6 April 2016)

Works (including temporary) in, on or adjacent to a Main River/ Flood structure or Main river Floodplain may need a permit. See <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> For advice please phone 03708 506506 and ask for the Partnerships and Strategic Overview Team that covers your area.

(Note: Flood Defence Consents still apply to Ordinary watercourses – Contact your LLFA).

¹ Main Rivers are indicated on our Flood Zone Maps by red lines. When determining whether to consult the EA, the LPA will need to check the Flood Zone Maps to see whether the site is affected by the floodplain of a main river (including backing up of any adjacent watercourse). You can also check the classification of the watercourse with the LLFA, some of which have produced Drainage and Flooding Interactive Maps.

² Flood risk 'Vulnerability' classification of development - see Table 2 at sub-section 25 of the Flood Risk and Coastal Change section of the NPPG.

SHROPSHIRE, HEREFORDSHIRE, WORCESTERSHIRE GLOUCESTERSHIRE AREA LOCAL FLOOD RISK 'MATRIX'

| A1 Development Category | B1 Development (including boundary walls etc.) within 8 METRES of the top of a bank of a Main River, or includes culverting or control of flow | C1 Development (including boundary walls etc.) within byelaw of the top of a bank of an Ordinary Watercourse, or includes culverting or control of flow | D1 ORDINARY WATERCOURSE Within Flood Zone 3 | E1 ORDINARY WATERCOURSE Within Flood Zone 2 | F1 MAIN RIVER Within Flood Zone 3 | G1 MAIN RIVER Within Flood Zone 2 | H1 Within Flood Zone 1 |
|--|---|--|---|---|---|---|------------------------------------|
| A2 Householder development and alterations + Non residential extensions with a footprint of less than 250m2 | B2 Consult EA on Flood Risk Permit (formerly Flood Defence Consent) | C2 No EA consultation required (Contact LLFA) | D2 STANDING ADVICE - see 'minor development process note'. | E2 STANDING ADVICE - see 'minor development process note'. | F2 STANDING ADVICE - see 'minor development process note'. | G2 STANDING ADVICE - see 'minor development process note'. | H2 No EA consultation required |
| A3 Change of use resulting in 'Water Compatible' or 'Less Vulnerable' Development* | B3 No EA consultation required | C3 No EA consultation required (Contact LLFA) | D3 STANDING ADVICE - see 'development in Flood Zone 3 process note' for ordinary watercourses; unless RED BOX | E3 No EA consultation required | F3 STANDING ADVICE - see 'development in Flood Zone 3 process note' for Main Rivers; unless RED BOX | G3 No EA consultation required | H3 No EA consultation required |
| A4 Change of use resulting in 'Essential Infrastructure', 'Highly Vulnerable' or Ltd 'More Vulnerable' Development* | B4 No EA consultation required | C4 No EA consultation required (Contact LLFA) | D4 STANDING ADVICE - see 'development in Flood Zone 3 process note' for ordinary watercourses; unless RED BOX | E4 STANDING ADVICE - see 'development in Flood Zone 2 process note' for ordinary watercourses; unless RED BOX | F4 Consult EA with FRA (see 'development in Flood Zone 3 process note') | G4 STANDING ADVICE - see 'development in Flood Zone 2 process note' for Main Rivers; unless RED BOX | H4 No EA consultation required |
| A5 Operational Development with a footprint up to 1000m2 (where not included in A2) | B5 Consult EA on Flood Risk Permit (formerly Flood Defence Consent) | C5 No EA consultation required | D5 STANDING ADVICE - see 'development in Flood Zone 3 process note' for ordinary watercourses; unless RED BOX | E5 STANDING ADVICE - see 'development in Flood Zone 2 process note' for ordinary watercourses; unless RED BOX | F5 STANDING ADVICE - see 'development in Flood Zone 3 process note' for Main Rivers; unless RED BOX | G5 STANDING ADVICE - see 'development in Flood Zone 2 process note' for Main Rivers; unless RED BOX | H5 No EA consultation required. |
| A6 Operational Development with a footprint greater than 1000m2 and up to 1 hectare | B6 Consult EA on Flood Risk Permit (formerly Flood Defence Consent) | C6 No EA consultation required (Contact LLFA) | D6 Consult EA with FRA and Sequential Test evidence (see 'development in Flood Zone 3 process note' for Ordinary Watercourses) | E6 STANDING ADVICE - see 'development in Flood Zone 2 process note' for ordinary watercourses; unless RED BOX | F6 Consult EA with FRA and Sequential Test evidence (see 'development in Flood Zone 3 process note' for Main Rivers) | G6 STANDING ADVICE - see 'development in Flood Zone 2 process note' for Main Rivers; unless RED BOX | H6 No EA consultation required. |
| A7 Operational Development greater than 1ha | B7 Consult EA on Flood Risk Permit (formerly Flood Defence Consent) | C7 No EA consultation required (Contact LLFA) | D7 Consult EA with FRA and Sequential Test evidence (see 'development in Flood Zone 3 process note' for Ordinary Watercourses) | E7 STANDING ADVICE - see 'development in Flood Zone 2 process note' for ordinary watercourses; unless RED BOX | F7 Consult EA with FRA and Sequential Test evidence (see 'development in Flood Zone 3 process note' for Main Rivers) | G7 STANDING ADVICE - see 'development in Flood Zone 2 process note' for Main Rivers; unless RED BOX | H7 No EA consultation required. |

| | |
|---|---|
| | Consult EA with information as detailed. Note: Highly vulnerable development is NOT appropriate in Flood Zone 3 and only water compatible development is appropriate in functional floodplain (Flood Zone 3b) |
| | Essential Infrastructure in Flood Zone 3 would need to pass Exception Test (See Table 3 in sub-section 25 within the Flood Risk and Coastal Change Section of the Planning Practice Guidance) |
| | Do NOT consult the Environment Agency - Substantive response = no comment |
| | Standing advice / standard comments (some cells may be red box depending on the scale and type of development proposed). |
| * | EA has no comment to make regarding change of use applications not included within this matrix. The advice in this matrix also applies to Prior Approval enquiries for Permitted Development. |

RED BOX INFORMATION (in 'hover' boxes in the electronic version of this matrix):

| | |
|-----------------------|--|
| D3 and F3 | Development is RED BOX (consult EA for bespoke response) when: change of use of building(s) with a footprint over 1000m2 |
| D4 and D5 | Development is RED BOX (consult EA for bespoke response) when: 'Essential Infrastructure' and/or 'Highly Vulnerable' development; the following type of 'More Vulnerable' development: Hospitals, Residential Institutions (including student halls of residence) and hazardous waste management sites; 10 or more dwellings; 10 or more caravan or camping pitches |
| E4, 5, 6 and G4, 5, 6 | Development is RED BOX (consult EA for bespoke response) when: 'Essential Infrastructure' and/or 'Highly Vulnerable' |
| E7 and G7 | Development is RED BOX (consult EA for bespoke response) when: 'Essential Infrastructure' and/or 'Highly Vulnerable', 'More Vulnerable' where landfill, hazardous waste site or camping/caravan site |
| F5 | Development is RED BOX (consult EA for bespoke response) when: 'Essential Infrastructure', 'Highly Vulnerable' and/or 'More Vulnerable' development |

Information on Flood Zones, Flood Risk Vulnerability Classifications, and Flood Risk Vulnerability & Flood Zone 'Compatibility' are all detailed in Tables 1, 2 and 3 respectively in sub-section 25 within the Flood Risk and Coastal Change Section of the PPG available at: <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/>

The advice in this matrix applies to Planning Applications, Formal Prior Approval submissions (including for Permitted Development) and other Pre-Application consultations.

Flood Risk and Coastal Change

Climate Change allowances for planning (SHWG area)

March 2016
(updated May 2017)

The National Planning Practice Guidance refers to Environment Agency guidance on considering climate change in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

This has been updated and replaces the September 2013 guidance.

It should be used to help planners, developers and advisors implement the National Planning Policy Framework (NPPF)'s policies and practice guidance on flood risk. It will help inform Flood Risk Assessments (FRA's) for planning applications, local plans, neighbourhood plans and other projects.

Fluvial flooding – peak river flows

Table 1 of the guidance advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to a river basin district catchment.

In Shropshire, Herefordshire, Worcestershire and Gloucestershire area, we would refer you to the relevant extract from Table 1 below. This outlines the '**peak river flows**' within the 'Severn River Basin District', and specifies the range of percentage allowances to reflect individual development's lifetime and vulnerability. For example, residential would be 100 years (so 2070-2115).

Table 1 Extract

| Severn Peak River Flows: Total potential change anticipated | 2015-39 | 2040-2069 (less vulnerable) | 2070-2115 (more vulnerable) |
|---|---------|--------------------------------|--------------------------------|
| Upper end | 25% | 40% | 70% |
| Higher central | 15% | 25% | 35% |
| Central | 10% | 20% | 25% |

Sea Level rise allowances

Table 3 of the guidance (extract below) indicates that net sea level risk remains unchanged from the 2013 version.

| Area of England | 1990 - 2025 | 2026 - 2050 | 2051 - 2080 | 2081 - 2115 | Cumulative (1990 - 2115) |
|-----------------|-------------|-------------|-------------|-------------|-----------------------------|
| South West | 3.5mm p/a | 8mm p/a | 11.5mm p/a | 14.5mm p/a | 1.18m |

Flood Risk Assessment considerations:

The design flood (1% flood level fluvial, or 0.5% tidal, plus climate change allowance) should be used to inform the sequential test, including appropriate location of built development; consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development.

Vulnerability classification

- Development classed as 'Essential Infrastructure' (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) should be designed to the 'upper end' climate change allowance (70%).
- For highly vulnerable or more vulnerable development e.g. housing, the FRA should use the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.
- For water compatible or less vulnerable development e.g. commercial, the FRA should use the 'central' climate change allowance (20%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.

Modelling approach

- Major Development:

For 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015)*, see definition note below, we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the 1% with relevant climate change ranges.

There are two options:

Scenario 1 - Produce a model and incorporate relevant climate change allowances in Table 1.

Scenario 2 - Re-run an existing model and incorporate relevant climate change allowances in Table 1.

- Non Major Development:

For 'non major' development, we would advise that a model is produced or existing model is re-run, similar to the above approach (Scenario 1 and 2). This would give a greater degree of certainty on the design flood extent to inform a safe development.

However, for 'non major' development only, in the absence of modelled climate change information it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances' below. These should be considered as appropriate within any FRA. There are three additional options:

Scenario 3 - Where previous modelled data (for a variety of return periods) is available, you could interpolate your own climate change figure (see note iv below).

Scenario 4 - Where the 1% level is available from an existing model add on the relevant 'nominal climate change allowance' provided in the 'Table of nominal allowances' below.

Scenario 5 - Establish the 1% level, for example using topographical levels (including LiDAR) and assessment of watercourse flow and nature and then add on the relevant 'nominal climate change allowances' provided in the 'Table of nominal allowances' below.

*Note: For definitions of 'major' development see 'Interpretation 2.—(1)', on page 5, at www.legislation.gov.uk/uksi/2015/595/pdfs/uksi_20150595_en.pdf

Table of Nominal Allowances

| Watercourse | 20% - 25% | 35% - 40% | 70% |
|---|-----------|-----------|--------|
| Upper Severn | 600mm | 850mm | 1500mm |
| River Wye | | | |
| River Teme | | | |
| | | | |
| River Avon | 400mm | 600mm | 1000mm |
| | | | |
| Lower Severn | 400mm | 600mm | 1000mm |
| | | | |
| Tributaries and 'ordinary watercourses' | 200mm | 300mm | 500mm |

Notes to above:-

(i) Watercourse definition:

The "Upper Severn"/"Lower Severn" boundary is taken as Lincomb Weir, Worcestershire (national grid reference SO8196869458).

An 'Ordinary Watercourse' is a watercourse that does not form part of a main river. Main Rivers are indicated on our Flood Map. You can also check the classification of the watercourse with the LLFA, some of which have produced Drainage and Flooding Interactive Maps.

(ii) Where a site is near the confluence of two, or more, watercourses, the FRA should use the larger river climate change allowances.

(iii) We may hold more precise information for some of the "tributaries". We would recommend that you seek this information from us via a 'pre-planning enquiry/data request', to the email address below.

(iv) We would also recommend that you contact us for our modelled '20%' allowances and associated flow data. This is available for some rivers. This data may help inform a more detailed climate change analysis (where necessary), including any interpolation of levels or flow to create a 'stage discharge rating' in order to estimate the required percentage; or be of assistance to inform 'less vulnerable' or 'water compatible' development proposals.

IMPORTANT NOTE

Please note the nominal climate change allowances are provided as a pragmatic approach, for consideration, in the absence of a modelled flood level and the applicant undertaking a detailed model of the watercourse. Use of nominal climate change allowances are not provided/ recommended as a preference to detailed modelling and historical data.

The Local Planning Authority may hold data within their Strategic Flood Risk Assessment (SFRA), or any future updates, which may help inform the above.

FREEBOARD NOTE

It is advised that Finished Floor Levels should be set no lower than '600mm' above the 1% river flood level plus climate change. Flood proofing techniques might be considered where floor levels cannot be raised (where appropriate). This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects).

Surface Water

Table 2 of the guidance also indicates the relevant increases that surface water FRA should consider for an increase in peak rainfall intensity.

The following table is for ‘**peak rainfall intensity**’ allowance in small and urban catchments. Please note that **surface water (peak rainfall intensity) climate change allowances should be discussed with the Lead Local Flood Authority (LLFA)**.

| Peak Rainfall Intensity - Applies across all of England | Total potential change anticipated for 2010-2039 | Total potential change anticipated for 2040-2059 | Total potential change anticipated for 2060-2115 |
|--|--|--|--|
| Upper end | 10% | 20% | 40% |
| Central | 5% | 10% | 20% |

Note to above:-

For river catchments around or over 5 square kilometres, the peak river flow allowances are appropriate.

Produced by: shwgplanning@environment-agency.gov.uk

West Midlands Area -

Shropshire, Herefordshire, Worcestershire and Gloucestershire Sustainable Places Team.

B. Detailed maintenance costs for each feature

Maintenance requirements and costs of ponds and wetlands

Most of the maintenance will be required as part of the overall open space maintenance. The costs are based on the assumption that a specific visit to site is made to carry out the maintenance in the SUDS pond or wetland. If they are incorporated into the general maintenance there will only be some additional costs where extra work relating to the SUDS feature needs to be undertaken above and beyond the cost for the general landscape. Items that are specific to a SUDS pond or wetland that will be carried out in addition to general landscape maintenance are highlighted in blue. The costs assume that access to the site is easy. Minimum costs are based on the cost to visit a site and the rates for larger areas are based on information in the SPON's External Works and Landscape Price Book 2008 and will be updated as necessary. There is no allowance for profit in the costs.

| Item | Frequency | Comments | Cost | |
|--|--------------------------|--|---|--|
| | | | Minimum cost for small areas of POS (based on fixed cost of a site visit) | £/100m ² per visit for larger POS areas |
| Litter removal | 1 per month | Litter quantity and characteristics will be dependant on the site Litter may collect in ponds and wetland features Litter collection may be part of the general landscape maintenance Litter collection should be undertaken at each site visit and the beginning of any maintenance task, particularly grass cutting All litter must be removed from site | 1 site visit with 3 men, 1 light van, mower and ancillary equipment. Half day visit comprises 3 hours on site and 1 hour travelling. Half day maximum POS area including SUDS is about 4000 m ² (including pond or wetland vegetation). Cost per visit = £249 | 0.67 |
| Inspect control structures to/from pond or wetland | 1 per month | Surface control structures can be slot weirs, V-notch or gabion baskets with control in the stone fill. They can be inspected without removing covers or special keys | | £5/ structure |
| Grass cutting on slopes around pond above temporary water level – amenity grass | 1 per month | All grass cuttings managed on site in wildlife or compost piles | Full day visit comprises 7 hours on site and 1 hour travelling. | 1.14 |
| Scrub clearance from bankside | 1 per year | Overhanging branches and encroaching growth will normally be undertaken as part of landscape maintenance | One day maximum POS area including SUDS is about 10000m ² (including pond or wetland vegetation) | 5.83 |
| Cut 25% to 30% wetland vegetation and remove to site wildlife piles | 1 per year | | Cost per visit = £498 | 3.38 |
| Remove planting and silt from 25% to 30% of base and place in site piles | 1 per 5 years | Silt accumulation is slow if 'source control' features are located upstream in the 'management train' Only required once every 5 years | Assume 1 site visit with 3 men, 1 light van, small excavator and ancillary equipment. Total pond area up to 1200m ² Cost per visit = £689 Disposal of silt by truck with mechanical grab (assuming it is not special waste) £51.18/m ³ | |
| Extra cost if silt, grass cuttings, etc are removed from site during routine maintenance | To suit other operations | Ideally all cuttings should be used on site to construct and maintain wildlife piles but this may not be the best option in public open space and removal from the site may be needed. | £2.65/100m ² cleared. Assumes the waste is not classified as special waste and proportion of silt is minor (which should be the case if source control is in place upstream). Disposal of silt by truck with mechanical grab (assuming it is not hazardous or special waste) £55/m ³ | |

 = SUDS Specific Items

Maintenance schedules and costs for SUDS

Ponds and Wetlands

| No per year | General rates - cost per visit to site | | 10000 m2 site | | Total per visit for site inc all SUDS 10000 m2 site | Page reference in SPON'S |
|---|--|----------------|---------------|---------------------------------------|---|---|
| | Item | No | Unit | Rate | | |
| | 12 Litter removal | 10000 | 100m2 | 0.67 | 67 | Pg 216 collection and disposal of litter from isolated grassed area |
| | Inspect control structures to pond or wetland (assumes surface features and no special tools required) | 4 | No | 5 | 20 | Allow £5 per structure |
| | Grass cutting on slopes around pond 12 above temporary water level - amenity grass | 10000 | 100m2 | 1.14 | 114 | Page 214 self propelled rotary mower, 91cm cut width, removing arisings not exceeding 30 deg from horizontal (0.36 + 0.78 = 1.14) |
| | 1 Scrub clearance from bankside | 10000 | 100m2 | 5.83 | 583 | Page 216 use rate for clearing leaf and other debris from verges by hand |
| | 1 Cut 25% to 30% wetland vegetation and remove to site wildlife piles | 2500 | 100m2 | 3.38 | 84.5 | Page 214 cutting grass or light woody undergrowth using trimmer not exceeding 30 deg |
| | 1 Removal of all arisings (scrub clearance and wetland vegetation) | 2500 | 100m2 | 2.65 | 66.25 | Page 216 use rate for removal of arisings from areas containing shrub beds. |
| Total per visit if all items completed | | | | | 934.75 | |
| Total per visit for litter removal, inspection and gress cutting | | | | | 201 | |
| Total annual cost | | | | | 3145.75 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow 15% | | | | | 471.86 | |
| Cost per visit based on labour rates | | | | | | |
| Item | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small ride on mower | 8 | hour | 8.75 | 35.00 | 70.00 | Assumes rate for mower is same as for a mini excavator, self drive and no delivery charge or minimum hire |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools such as strimmers, etc |
| Disposal of cuttings off site | 1 | Item | 150 | 150.00 | 150.00 | Cost based on small skip specific for disposal from a particular site - 6m ³ (The more sites that are maintained the less this cost may become) |
| Total per visit | | | | 249.00 | 498.00 | |
| Total for 12 visits per year | | | | 2988.00 | 5976.00 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow one extra visit per year | | | | 249.00 | 498.00 | |
| Pond silt removal every 5 years | | | | | | |
| Assume a specific visit is made for this work | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small mini excavator, rubber tracks (self drive) | 8 | hour | 8.75 | 35.00 | 70.00 | Page 15, self drive and no delivery charge. Minimum hire 8 hours |
| Delivery charge in Cambridge from local hire company | 1 | Item | 30 | 30.00 | 30.00 | Assume £30 for both ways |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools such as strimmers, etc |
| Disposal of silt for SUDS serving 1 Ha site (volume depends on catchment area) | 0.63 | m ³ | 51.18 | 161.00 | 161.00 | Allow 0.63m ³ per year per ha of catchment area (impermeable), based on 755kg/ha/yr and density of 1200kg/m ³ from Darcy et al (2000). Cost from Page 106, wet clay |
| Total | | | | 440.00 | 689.00 | |
| Notes | | | | | | |
| All rates and base costs taken from SPON'S External Works and Landscape Price Book 2008 | | | | | | |
| Silt loading | | | | | | |
| Parameter | Units | | Value | | | |
| Silt load (TSS) | kg/ha/yr | | 755 | Maximum load for high density housing | | |
| Silt density in pond | kg/m ³ | | 1200 | | | |
| Silt accumulation pond | m ³ /yr/ha impermeable catchment area | | 0.63 | | | |

Maintenance requirements and costs of basins

Most of the maintenance will be required as part of the overall open space maintenance. The costs are based on the assumption that a specific visit to site is made to carry out the maintenance in the SUDS basin. If they are incorporated into the general maintenance there will only be some additional costs where extra work relating to the SUDS feature needs to be undertaken above and beyond the cost for the general landscape. Items that are specific to a basin that will be carried out in addition to general landscape maintenance are highlighted in blue. The costs assume that access to the site is easy. Minimum costs are based on the cost to visit a site and the rates for larger areas are based on information in the SPON's external works and landscape price book 2008 and will be updated as necessary. There is no allowance for profit in the costs.

| Item | Frequency | Comments | Cost | |
|--|--------------------------|--|--|---|
| | | | Minimum cost for small areas of POS (based on fixed cost of a site visit) | £/100m ² per visit for larger areas of POS |
| Litter removal | 1 per month | Litter quantity and characteristics will be dependant on the site Litter may collect in ponds and wetland features Litter collection may be part of the general landscape maintenance Litter collection should be undertaken at each site visit and the beginning of any maintenance task, particularly grass cutting All litter must be removed from site | 1 site visit with 3 men, 1 light van, mower and ancillary equipment. Half day visit comprises 3 hours on site and 1 hour travelling. Half day maximum area = 4000 m ² (including pond or wetland vegetation) Cost per visit = £249 | 0.67 |
| Inspect control structures to/from basin | 1 per month | Surface control structures can be slot weirs, V-notch or gabion baskets with control in the stone fill. They can be inspected without removing covers or special keys. Maintenance of control structures in manhole chambers will be more expensive. | | £5/ structure |
| Grass cutting on slopes and in bottom of basin – amenity grass | 1 per month | All grass cuttings managed on site in wildlife or compost piles | Full day visit comprises 7 hours on site and 1 hour travelling. One day maximum area = 10000m ² (including pond or wetland vegetation) Cost per visit = £498 | 1.14 |
| Scrub clearance from bankside | 1 per year | Overhanging branches and encroaching growth will normally be undertaken as part of landscape maintenance | | 5.83 |
| Habitat mosaic 30% cut and remove to site wildlife piles (see Section on ponds and wetlands) | 1 per year | Carry out September to November if possible to minimise disruption to wildlife | | 3.38 |
| Scarify and spike base of infiltration basin if necessary at same time | 1 per 5 years | This would typically be undertaken at the same time and as part of the visit to remove silt. | Inc in silt removal costs with nominal extra allowance for scarifying plant | 1.29 |
| Remove silt from base and place in site piles (see Section on ponds and wetlands) | 1 per 5 years | Silt accumulation is slow if 'source control' features are located upstream in the 'management train' Only required once every 5 years | Assume 1 site visit with 3 men, 1 light van, small excavator and ancillary equipment. Basin area up to 1200m ² Cost per visit = £689 Disposal of silt by truck with mechanical grab (assuming it is not special waste) £51.18/m ³ | |
| Extra cost if silt, grass cuttings, etc are removed from site during routine maintenance | To suit other operations | Ideally all cuttings should be used on site to construct and maintain wildlife piles but this may not be the best option in public open space and removal from the site may be needed. | £2.65/m ² cleared. Assumes the waste is not classified as special waste and proportion of silt is minor (which should be the case if source control is in place upstream). Disposal of silt by truck with mechanical grab (assuming it is not hazardous or special waste) £55/m ³ | |

 = SUDS Specific Items

Maintenance schedules and costs for SUDS

Basins

| No per year | General rates - cost per visit to site | | | 10000 m ² site | | Page reference in SPON'S |
|---|--|-------|-------------------|---------------------------|---|---|
| | Item | No | Unit | Rate | Total per visit for site inc all SUDS 10000 m2 site | |
| 12 | Litter removal | 10000 | 100m ² | 0.67 | 67 | Pg 216 collection and disposal of litter from isolated grassed area |
| 12 | Inspect control structures to basin (assumes surface features and no special tools required) | 4 | No | 5 | 20 | Allow £5 per structure |
| 12 | Grass cutting on slopes and in bottom of basin - amenity grass | 10000 | 100m ² | 1.14 | 114 | Page 214 self propelled rotary mower, 91cm cut width, removing arisings not exceeding 30 deg from horizontal (0.36 + 0.78 = 1.14) |
| 1 | Scrub clearance from bankside | 10000 | 100m ² | 5.83 | 583 | Page 216 use rate for clearing leaf and other debris from verges by hand |
| 1 | Habitat mosaic 30% cut and remove to site wildlife piles | 3300 | 100m ² | 3.38 | 111.54 | Page 214 cutting grass or light woody undergrowth using strimmer not exceeding 30 deg |
| 1 | Removal of all arisings (scrub clearance and vegetation) | 3300 | 100m ² | 2.65 | 87.45 | Page 216 use rate for removal of arisings from areas containing shrub beds. |
| Total per visit if all items completed | | | | | 982.99 | |
| Total per visit for litter removal, inspection and grass cutting | | | | | 201 | |
| Total annual cost | | | | | 3193.99 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow 15% | | | | | 479.10 | |

| Cost per visit based on labour rates | | | | | | |
|--|----|------|------|--------------------|--------------------|--|
| Item | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small ride on mower | 8 | hour | 8.75 | 35.00 | 70.00 | Assumes rate for mower is same as for a mini excavator, self drive and no delivery charge or minimum hire |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools such as strimmers, etc |
| Disposal of cuttings off site | 1 | Item | 150 | 150.00 | 150.00 | Cost based on small skip specific for disposal from a particular site - 6m ³ (The more sites that are maintained the less this cost may become) |
| Total per visit | | | | 249.00 | 498.00 | |
| Total for 12 visits per year | | | | 2988.00 | 5976.00 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow one extra visit per year | | | | 249.00 | 498.00 | |

| Basin silt removal, scarifying and spiking every 5 years | | | | | | |
|--|------|----------------|-------|--------------------|--------------------|---|
| Assume a specific visit is made for this work | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small mini excavator, rubber tracks (self drive) | 8 | hour | 8.75 | 70.00 | 70.00 | Page 15, self drive and no delivery charge. Minimum hire 8 hours |
| Delivery charge in Cambridge from local hire company | 1 | Item | 30 | 30.00 | 30.00 | Assume £30 for both ways |
| Ancillary tools and equipment to scarify and spike | 1 | day | 40 | 20.00 | 40.00 | Allowance for tools such as strimmers, pedestrian operated scarifying equipment, etc |
| Disposal of silt from SUDS serving 1 Ha catchment (volume depends on catchment area) | 0.63 | m ³ | 51.18 | 161.00 | 161.00 | Allow 0.63m ³ per year per ha of catchment area (impermeable), based on 755kg/ha/yr and density of 1200kg/m ³ from Darcy et al (2000). Cost from Page 106, wet clay |
| Total | | | | 485.00 | 709.00 | |

Notes

All rates and base costs taken from SPON'S External Works and Landscape Price Book 2008

| Scarifying and spiking every five years | | | | | | |
|--|-------|-------------------|-------|--|------------------------------|--|
| General rates - cost per visit to site, 10000m ² site | | | | | | |
| Item | No | Unit | Rate | Total per visit for 4000m ² site inc all SUDS | Page reference in SPON'S | |
| Scarifying using pedestrian operated plant | 10000 | 100m ² | 1.29 | 129 | Pg 215 Scarifying mechanical | |
| Removal and disposal of arisings | 10000 | 100m ² | 11.41 | 1141 | Pg 215 | |

| Silt loading | | | |
|-------------------------|---|-------|---------------------------------------|
| Parameter | Units | Value | |
| Silt load (TSS) | kg/ha/yr | 755 | Maximum load for high density housing |
| Silt density in basin | kg/m ³ | 1200 | |
| Silt accumulation basin | m ³ /y/ha impermeable catchment area | 0.63 | |

250

Maintenance requirements and costs of swales and filter strips

Most of the maintenance will be required as part of the overall open space maintenance. The costs are based on the assumption that a specific visit to site is made to carry out the maintenance in the SUDS swale or filter strip. If they are incorporated into the general maintenance there will only be some additional costs where extra work relating to the SUDS feature needs to be undertaken above and beyond the cost for the general landscape. Items that are specific to a SUDS swale or filter strip that will be carried out in addition to general landscape maintenance are highlighted in blue. The costs assume that access to the site is easy. Minimum costs are based on the cost to visit a site and the rates for larger areas are based on information in the SPON's External Works and Landscape Price Book 2008 and will be updated as necessary. There is no allowance for profit in the costs.

| Item | Frequency | Comments | Cost | |
|--|--------------------------|--|---|---|
| | | | Minimum cost for small areas of POS (based on fixed cost of a site visit) | £/100m ² per visit for larger areas of POS |
| Litter removal | 1 per month | Litter quantity and characteristics will be dependant on the site Litter may collect in swales Litter collection may be part of the general landscape maintenance Litter collection should be undertaken at each site visit and the beginning of any maintenance task, particularly grass cutting All litter must be removed from site | 1 site visit with 3 men, 1 light van, mower and ancillary equipment. Half day visit comprises 3 hours on site and 1 hour travelling. Half day maximum area = 4000 m ² (including pond or wetland vegetation) Cost per visit = £249 | 0.67 |
| Inspect control structures to/from swale | 1 per month | Surface control structures can be slot weirs, V-notch or gabion baskets with control in the stone fill. They can be inspected without removing covers or special keys. Maintenance of control structures in manhole chambers will be more expensive. | Full day visit comprises 7 hours on site and 1 hour travelling. One day maximum area = 10000m ² (including pond or wetland vegetation) Cost per visit = £498 | £5/ structure |
| Grass cutting in swale – amenity grass | 1 per month | All grass cuttings managed on site in wildlife or compost piles | | 1.14 |
| Scrub clearance from bankside | 1 per year | Overhanging branches and encroaching growth will normally be undertaken as part of landscape maintenance | | 5.83 |
| Remove planting and silt from 25% to 30% of base and place in site piles | 1 per 5 years | Silt accumulation is slow if swale is designed as a source control feature. Carry out September to November if possible to minimise disruption to wildlife. Only required once every 5 years | Assume 1 site visit with 3 men, 1 light van, small excavator and ancillary equipment. Pond area up to 1200m ² Cost per visit = £689 Disposal of silt by truck with mechanical grab (assuming it is not special waste) £51.18/m ³ | |
| Extra cost if silt, grass cuttings, etc are removed from site during routine maintenance | To suit other operations | Ideally all cuttings should be used on site to construct and maintain wildlife piles but this may not be the best option in public open space and removal from the site may be needed. | £2.65/100m ² cleared. Assumes the waste is not classified as special waste and proportion of silt is minor (which should be the case if swale is designed as a source control feature). Disposal of silt by truck with mechanical grab (assuming it is not hazardous or special waste) £55/m ³ | |

 = SUDS Specific Items

Maintenance schedules and costs for SUDS

Swales and filter strips

| No per year | General rates - cost per visit to site | | 10000 m ² site | | Total per visit for site inc all SUDS 10000 m ² site | Page reference in SPON'S |
|---|--|-------|---------------------------|------|---|---|
| | Item | No | Unit | Rate | | |
| 12 | Litter removal | 10000 | 100m ² | 0.67 | 67 | Pg 216 collection and disposal of litter from isolated grassed area |
| 12 | Inspect control structures to swale (assumes surface features and no special tools required) | 4 | No | 5 | 20 | Allow £5 per structure |
| 12 | Grass cutting on slopes and in bottom of swale - amenity grass | 10000 | 100m ² | 1.14 | 114 | Page 214 self propelled rotary mower, 91cm cut width, removing arisings not exceeding 30 deg from horizontal (0.36 + 0.78 = 1.14) |
| 1 | Scrub clearance from bankside | 10000 | 100m ² | 5.83 | 583 | Page 216 use rate for clearing leaf and other debris from verges by hand |
| 1 | Removal of all arisings (scrub clearance and vegetation) | 3300 | 100m ² | 2.65 | 87.45 | Page 216 use rate for removal of arisings from areas containing shrub beds. |
| Total per visit if all items completed | | | | | 871.45 | |
| Total per visit for litter removal, inspection and grass cutting | | | | | 201 | |
| Total annual cost | | | | | 3082.45 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow 15% | | | | | 462.37 | |

| Cost per visit based on labour rates | | | | | | |
|--|----|------|------|--------------------|--------------------|--|
| Item | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small ride on mower | 8 | hour | 8.75 | 35.00 | 70.00 | Assumes rate for mower is same as for a mini excavator, self drive and no delivery charge or minimum hire |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools such as strimmers, etc |
| Disposal of cuttings off site | 1 | Item | 150 | 150.00 | 150.00 | Cost based on small skip specific for disposal from a particular site - 6m ³ (The more sites that are maintained the less this cost may become) |
| Total per visit | | | | 249.00 | 498.00 | |
| Total for 12 visits per year | | | | 2988.00 | 5976.00 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow one extra visit per year | | | | 249.00 | 498.00 | |

| Swale silt removal every 5 years | | | | | | |
|---|------|----------------|-------|--------------------|--------------------|---|
| Assume a specific visit is made for this work | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 3 | 8 | hour | 15.5 | 186.00 | 372.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small mini excavator, rubber tracks (self drive) | 8 | hour | 8.75 | 70.00 | 70.00 | Page 15, self drive and no delivery charge. Minimum hire 8 hours |
| Delivery charge in Cambridge from local hire company | 1 | Item | 30 | 30.00 | 30.00 | Assume £30 for both ways |
| Ancillary tools and equipment | 1 | day | 40 | 20.00 | 40.00 | Allowance for tools such as strimmers, pedestrian operated scarifying equipment, etc |
| Disposal of silt assuming SUDS serves 1 Ha catchment (volume depends on catchment area) | 0.63 | m ³ | 51.18 | 161.00 | 161.00 | Allow 0.63m ³ per year per ha of catchment area (impermeable), based on 755kg/ha/yr and density of 1200kg/m ³ from Darcy et al (2000). Cost from Page 106, wet clay |
| Total | | | | 485.00 | 709.00 | |

Notes
All rates and base costs taken from SPON'S External Works and Landscape Price Book 2008

| Alternative rate per metre of swale | | | | Page reference in SPON'S |
|---|-----|------|---------|---|
| Item | No | Unit | Rate | |
| Clear vegetation from swale with strimmer | 100 | m | 149.12 | Pg 256 Ditching clear only vegetation from ditch not exceeding 1.5m deep. Dispose to spoil heaps width at top 2.5m to 4m |
| Disposal of vegetation off site | 100 | m | 1193 | Allow extra for disposal off site by truck. Use rate from page 216 for disposal of arisings from leaf clearance based on plan area of 1m length of swale - 4.5m ² and a rate of £2.65/m ² typically if shallow as required in this guide. Deeper swales will be more expensive. |
| Total cost per 100 metre of swale | | | 1342.12 | |

| Silt loading | | | |
|-------------------------|--|-------|---------------------------------------|
| Parameter | Units | Value | |
| Silt load (TSS) | kg/ha/yr | 755 | Maximum load for high density housing |
| Silt density in swale | kg/m ³ | 1200 | |
| Silt accumulation swale | m ³ /yr/ha impermeable catchment area | 0.63 | |

Maintenance requirements and costs of filter drains

Most of the maintenance will be required as part of the overall open space maintenance. The costs are based on the assumption that a specific visit to site is made to carry out the maintenance in the SUDS filter drain. If they are incorporated into the general maintenance there will only be some additional costs where extra work relating to the SUDS feature needs to be undertaken above and beyond the cost for the general landscape. Items that are specific to a SUDS filter drain that will be carried out in addition to general landscape maintenance are highlighted in blue. The costs assume that access to the site is easy. Minimum costs are based on the cost to visit a site and the rates for larger areas are based on information in the SPON's External Works and Landscape Price Book 2008 and will be updated as necessary. There is no allowance for profit in the costs.

| Item | Frequency | Comments | Cost | |
|---|---------------|--|--|----------------------------------|
| | | | Minimum cost for small areas of POS (based on fixed cost of a site visit) | £/m per visit for longer lengths |
| Litter removal | 1 per month | Litter quantity and characteristics will be dependant on the site Litter may collect on top of filter drains Litter collection may be part of the general landscape maintenance Litter collection should be undertaken at each site visit and the beginning of any maintenance task, particularly grass cutting All litter must be removed from site | 1 site visit with 2 men, 1 light van and ancillary equipment. Half day visit comprises 3 hours on site and 1 hour travelling. Half day (including any other open areas or SUDS in site) Cost per visit = £152 | 0.67 |
| Inspect control structures to/from filter drains | 1 per month | Surface control structures can be slot weirs, V-notch or gabion baskets with control in the stone fill. They can be inspected without removing covers or special keys Filter drains may well have control structures located in manholes or inspection chambers. Maintenance of control structures in manhole chambers will be more expensive. | Full day visit comprises 7 hours on site and 1 hour travelling. Full day (including any other open areas or SUDS in site) Cost per visit = £304 | £20/structure |
| Remove top 300mm of gravel, clean and replace. Remove silt from site | 1 per 5 years | Silt accumulation is slow if filter drain is protected by a filter strip or other source control feature | Assume 1 site visit with 3 men, 1 light van, small excavator and ancillary equipment. Filter drain up to 100m length Cost per visit = £866 Disposal of silt by truck with mechanical grab (assuming it is not hazardous or special waste) £55/m ³ | |

 = SUDS Specific Items

Maintenance schedules and costs for SUDS

Filter drains

| General rates - cost per visit to site | | 10000 m ² site | | | | |
|---|---|---------------------------|-------------------|------|--|---|
| No per year | Item | No | Unit | Rate | Total per visit for site inc all SUDS 10000 m ² site | Page reference in SPON'S |
| 12 | Litter removal | 10000 | 100m ² | 0.67 | 67 | Pg 216 collection and disposal of litter from isolated grassed area assume filter drain is maintained as part of wider management of area |
| 12 | Inspect control structures to filter drain (assumes surface features and no special tools required) | 4 | No | 20 | 20 | Allow £20 per structure as they are more likley to be in manholes for filter drains |
| Total per visit if all items completed | | | | | 87 | |
| Total per visit for litter removal, inspection and gress cutting | | | | | 87 | |
| Total annual cost | | | | | 1044 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow 15% | | | | | 156.6 | |

| Cost per visit based on labour rates | | | | | | |
|--|----|------|------|--------------------|--------------------|--|
| Item | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 2 | 8 | hour | 15.5 | 124.00 | 248.00 | Page 8 includes overheads, tools, site kit, etc but not profit. Assume that if visit is specifically to maintain filter drain then a gang of 2 men will be used. |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools |
| Total per visit | | | | 152.00 | 304.00 | |
| Total for 12 visits per year | | | | 1824.00 | 3648.00 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow one extra visit per year | | | | 152.00 | 304.00 | |

| Gravel removal by machine every 5 years | | | | | | |
|---|-------|----------------|-------|--------------------|--------------------|--|
| Assume a specific visit is made for this work | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 2 | 8 | hour | 15.5 | 124.00 | 248.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Small mini excavator, rubber tracks (self drive) | 8 | hour | 8.75 | 35.00 | 70.00 | Page 15, self drive and no delivery charge. Minimum hire 8 hours |
| Delivery charge in Cambridge from local hire company | 1 | Item | 30 | 30.00 | 30.00 | Assume £30 for both ways |
| Disposal of gravel (top 300mm). This is worst case costs. Ideally the gravel would be cleaned and replaced. Only the geotextile would require replacement. Assume 100m length | 18.00 | m ³ | 26.77 | 240.93 | 481.86 | Assume can excavate and replace 100m per day. Excavation = 0.3 x 0.6 x 100 = 18m ³ . 0.6m wide drain and disposal rate is for slightly contaminated material (majority will be the clean gravel pieces) Pg 105 disposal mechanical Recycled Materials Ltd |
| Install new geotextile assume 100m length | 60.00 | m ² | 0.95 | 28.50 | 57.00 | Pg 261 extra over for filter wrapping pipes with Terram or similar filter fabric. Replace top geotextile 0.6m by 100mm per metre length of drain |
| Replace gravel assume 100m length | 18.00 | m ³ | 40.7 | 366.30 | 732.60 | Gravel = 0.3 x 0.6 x 100 = 18m ³ . 0.6m wide drain Page 137 Type 1 granular fill (rate /m ³ compacted material and compaction only) |
| Total | | | | 447.93 | 865.86 | |
| Notes All rates and base costs taken from SPON'S External Works and Landscape Price Book 2008 | | | | | | |
| Alternative rate per metre of filter drain | | | | | | |
| Excavate gravel and replace | 1 | m | 10.89 | | | Pg 367 Excavate trench includes for excavation and filling with Type 2 (cost will be similar for filter drain material) and disposal of surplus soil. Not exceeding 0.5m depth. |
| Disposal off site | 0.18 | m ³ | 26.77 | | | Allow extra for disposal as the gravel could be slightly contaminated. |
| Total cost per metre of filter drain | | | 37.66 | | | |

Maintenance of canals, rills and treatment channels

Most of the maintenance will be required as part of the overall open space maintenance. The costs are based on the assumption that a specific visit to site is made to carry out the maintenance in the SUDS channels. If they are incorporated into the general maintenance there will only be some additional costs where extra work relating to the SUDS feature needs to be undertaken above and beyond the cost for the general landscape. Items that are specific to a SUDS channels that will be carried out in addition to general landscape maintenance are highlighted in blue. The costs assume that access to the site is easy. Minimum costs are based on the cost to visit a site and the rates for larger areas are based on information in the SPON's External Works and Landscape Price Book 2008 and will be updated as necessary. There is no allowance for profit in the costs.

| Item | Frequency | Comments | Cost | |
|---|---------------|--|---|--|
| | | | Minimum cost for small areas less (based on fixed cost of a site visit) | £ per visit for lengths greater than ??m |
| Litter removal | 1 per month | Litter quantity and characteristics will be dependant on the site Litter may collect on top of filter drains Litter collection may be part of the general landscape maintenance Litter collection should be undertaken at each site visit and the beginning of any maintenance task, particularly grass cutting All litter must be removed from site | 1 site visit with 2 men, 1 light van and ancillary equipment. Half day visit comprises 3 hours on site and 1 hour travelling. Half day Cost per visit = £152 | 0.67 (general rate for litter removal on whole site) |
| Inspect control structures to/from filter canals, rills or treatment channels | 1 per month | Surface control structures can be slot weirs, V-notch or gabion baskets with control in the stone fill. They can be inspected without removing covers or special keys Maintenance of control structures in manhole chambers will be more expensive. | Full day visit comprises 7 hours on site and 1 hour travelling. Full day Cost per visit = £304 | £5/ structure |
| Remove silt. Remove silt from site | 1 per 5 years | Silt accumulation is slow if canal is protected by source control feature Only required once every 5 years | Assume 1 site visit with 3 men, 1 light van and ancillary equipment. canal up to 100m length Cost per visit = £485 Disposal of silt by truck with mechanical grab (assuming it is not hazardous or special waste) £55/m ³ | |

 = SUDS Specific Items

Maintenance schedules and costs for SUDS

Canals and Rills

| General rates - cost per visit to site | | 10000 m2 site | | | | Page reference in SPON'S |
|---|--|---------------|-------|------|--|---|
| No per year | Item | No | Unit | Rate | Total per visit for site inc all SUDS 10000 m2 site | |
| 12 | Litter removal | 10000 | 100m2 | 0.67 | 67 | Pg 216 collection and disposal of litter from isolated grassed area assume rill is maintained as part of wider management of area |
| 12 | Inspect control structures to swale (assumes surface features and no special tools required) | 4 | No | 5 | 20 | Allow £5 per structure |
| 1 | Scrub clearance and vegetation management in canals and rills | 10000 | 100m2 | 5.83 | 583 | Page 216 use rate for clearing leaf and other debris from verges by hand |
| 1 | Removal of all arisings (scrub clearance and vegetation) | 3300 | 100m2 | 2.65 | 87.45 | Page 216 use rate for removal of arisings from areas containing shrub beds. |
| Total per visit if all items completed | | | | | 757.45 | |
| Total per visit for litter removal, inspection and gress cutting | | | | | 87 | |
| Total annual cost | | | | | 1714.45 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow 15% | | | | | 257.1675 | |

| Cost per visit based on labour rates | | | | | | |
|--|----|------|------|--------------------|--------------------|---|
| Item | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 2 | 8 | hour | 15.5 | 124.00 | 248.00 | Page 8 includes overheads, tools, site kit, etc but not profit. Assume that if visit is specifically to maintain canals or rills then a gang of 2 men will be used. |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Ancillary tools and equipment | 1 | day | 20 | 10.00 | 20.00 | Allowance for tools such as strimmers, etc |
| Disposal of cuttings off site | 1 | Item | 150 | 150.00 | 150.00 | Cost based on small skip specific for disposal from a particular site - 6m ³ (The more sites that are maintained the less this cost may become) |
| Total per visit | | | | 152.00 | 304.00 | |
| Total for 12 visits per year | | | | 1824.00 | 3648.00 | |
| Contingency to allow for ad hoc work such as repairing erosion, vandalism, etc. Allow one extra visit per year | | | | 152.00 | 304.00 | |

| Silt removal by hand every 5 years | | | | | | |
|---|------|----------------|-------|--------------------|--------------------|---|
| Assume a specific visit is made for this work | No | Unit | Rate | Half day (4 hours) | Full day (8 hours) | Page reference in SPON'S |
| Labourers x 2 | 8 | hour | 15.5 | 124.00 | 248.00 | Page 8 includes overheads, tools, site kit, etc but not profit |
| Light van (eg transit) | 1 | day | 36 | 18.00 | 36.00 | Page 8 includes fuel, insurance, etc |
| Ancillary tools and equipment to scarify and spike | 1 | day | 40 | 20.00 | 40.00 | Allowance for tools such as strimmers, pedestrian operated scarifying equipment, etc |
| Disposal of silt from SUDS serving 1Ha catchment (volume depends on catchment area) | 0.63 | m ³ | 51.18 | 161.00 | 161.00 | Allow 0.63m ³ per year per ha of catchment area (impermeable), based on 755kg/ha/yr and density of 1200kg/m ³ from Darcy et al (2000). Cost from Page 106, wet clay |
| Total | | | | 323.00 | 485.00 | |

Notes
All rates and base costs taken from SPON'S External Works and Landscape Price Book 2008

| Silt loading | | | |
|------------------------|---|-------|---------------------------------------|
| Parameter | Units | Value | |
| Silt load (TSS) | kg/ha/yr | 755 | Maximum load for high density housing |
| Silt density in pond | kg/m ³ | 1200 | |
| Silt accumulation pond | m ³ /y/ha impermeable catchment area | 0.63 | |

APPENDIX VII - PRE APPLICATION CHECK LIST

| Requirements | Details (or ref documentation) | Agreed? |
|--|---------------------------------|---------|
| (a) Any planning and environmental objectives for the site that should influence the surface water drainage strategy. These objectives can be put forward by the developer, LPA or relevant flood risk management authorities and should be agreed by all parties. | | |
| (b) The likely environmental or technical constraints to SuDS design for the site. These should be agreed by all parties." | | |
| (c)The requirements of the local adoption or ongoing maintenance arrangements. The LPA have the overriding decision on the appropriateness of the adoption arrangements." | | |
| (d) The suite of design criteria to be applied to the SuDS scheme (taking account of (a) to (c))." | | |
| (e) Evidence that the initial development design proposals have considered the integration and linkage of the surface water management with street layouts, architectural and landscape proposals." | | |
| (f) An assessment of strategic opportunities for the surface water management system to deliver multiple benefits for the site (see Table 5, British Standard 8582). This should be provided by the developer and should include the strategic use of public open space for SuDS." | | |
| (g) The statutory and recommended non-statutory consultees for the site. This should be provided by the LPA." | | |
| (h) The likely land and infrastructure ownership for drainage routes and points of discharge (including sewerage assets)." | | |
| (i) An assessment of statutory consultee responsibilities and requirements, including timescales for any likely required approvals/consents." | | |
| (j) Any potential local community impacts, health and safety issues or specific local community concerns/requirements that should be addressed by the detailed design." | | |
| (k) An assessment of cost implications of stakeholder obligations." | | |
| (l) An agreed approach to the design and maintenance of the surface water management for the proposed site. | | |

APPENDIX VIII – SURFACE WATER DRAINAGE PRO-FORMA

Surface water drainage pro-forma for new developments

We advise that developers should complete this form and submit it to the Local Planning Authority, referencing from where in their submission documents this information is taken. The pro-forma should be considered alongside other supporting SuDS guidance,

but focuses on ensuring flood risk is not made worse elsewhere.

The table on the right indicates the level of information which would need to be submitted for each type of application or stage within the planning process will vary depending on the size of the development, flood risk, constraints, proposed sustainable drainage system etc.

Additional information may be required under specific site conditions or development proposals.

| Pre-app | Outline | Full | Reserved | Discharge | Document submitted |
|---------|---------|------|----------|-----------|--|
| ✓ | ✓ | ✓ | | | Flood Risk Assessment/Statement (checklist) |
| ✓ | ✓ | ✓ | | | Drainage Strategy/Statement & sketch layout plan (checklist) |
| | ✓ | | | | Preliminary layout drawings |
| | ✓ | | | | Preliminary "Outline" hydraulic calculations |
| | ✓ | | | | Preliminary landscape proposals |
| | ✓ | | | | Ground investigation report (for infiltration) |
| | ✓ | ✓ | | | Evidence of third party agreement for discharge to their system (in principle/ consent to discharge) |
| | | ✓ | | ✓ | Maintenance program and on-going maintenance responsibilities |
| | | ✓ | ✓ | | Detailed development layout |
| | | ✓ | ✓ | ✓ | Detailed flood & drainage design drawings |
| | | ✓ | ✓ | ✓ | Full Structural, hydraulic & ground investigations |
| | | ✓ | ✓ | ✓ | Geotechnical factual and interpretive reports, including infiltration results |
| | | ✓ | ✓ | ✓ | Detailed landscaping details |
| | | ✓ | ✓ | ✓ | Discharge agreements (temporary and permanent) |
| | | ✓ | ✓ | ✓ | Development Management & Construction Phasing Plan |

1. Site Details

| | |
|--|--|
| Site | |
| Address & post code or LPA reference | |
| Grid reference | |
| Is the existing site developed or Greenfield? | |
| Total Site Area served by drainage system (excluding open space) (Ha)* | |

* The Greenfield runoff off rate from the development which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage from a site should be calculated for the area that forms the drainage network for the site whatever size of site and type of drainage technique. Please refer to the Rainfall Runoff Management document or CIRIA manual for detail on this.

259 2. Impermeable Area

| | Existing | Proposed | Difference (Proposed-Existing) | Notes for developers & Local Authorities |
|---|----------|----------|-----------------------------------|--|
| Impermeable area (ha) | | | | |
| Drainage Method (infiltration/sewer/watercourse) | | | N/A | If different from the existing, please fill in section 3. If existing drainage is by infiltration and the proposed is not, discharge volumes may increase. Section 6 must be filled in |

3. Proposing to Discharge Surface Water via

| | Yes | No | Evidence that this is possible | Notes for developers & Local Authorities |
|------------------------|-----|----|--------------------------------|---|
| Infiltration | | | | e.g. soakage tests. Section 6 (infiltration) must be filled in if infiltration is proposed. |
| To watercourse | | | | e.g. Is there a watercourse nearby? |
| To surface water sewer | | | | Confirmation from sewer provider that sufficient capacity exists for this connection. |
| Combination of above | | | | e.g. part infiltration part discharge to sewer or watercourse. Provide evidence above. |

4. Peak Discharge Rates – This is the maximum flow rate at which storm water runoff leaves the site during a particular storm event.

| | Existing Rates (l/s) | Post development Rates (l/s) | Difference (l/s) (Post-Existing) | Notes for developers & Local Authorities |
|-------------------------------------|----------------------|------------------------------|----------------------------------|--|
| Greenfield QBAR | | N/A | N/A | QBAR is approx. 1 in 2 storm event. Provide this if Section 6 (QBAR) is proposed. |
| 1 in 1 | | | | Proposed discharge rates (with mitigation) should be no greater than 1 in 1 annual probability for all corresponding storm events. e.g. discharging all flow from site at the existing 1 in 100 event increases flood risk during smaller events. |
| 1 in 30 | | | | |
| 1 in 100 | | | | |
| 1 in 100 plus climate change | N/A | | | To mitigate for climate change the proposed 1 in 100 +CC must be no greater than the existing 1 in 1 runoff rate. If not, flood risk increases for small scale return periods and under climate change. 70% should be added to the peak rainfall intensity. |

5. Calculate additional volumes for storage – The total volume of water leaving the development site. New hard surfaces potentially restrict the amount of stormwater that can go to the ground, so this needs to be controlled so not to make flood risk worse to properties downstream.

| | Existing Volume (m ³) | Post development Volume (m ³) | Difference (m ³) (Proposed-Existing) | Notes for developers & Local Authorities |
|-------------------------------------|-----------------------------------|---|--|---|
| 1 in 1 | | | | Proposed discharge volumes (without mitigation) should be no greater than existing volumes for the existing 1 in 1 annual probability storm event. Any increase in volume increases flood risk elsewhere. Where volumes are increased section 6 must be filled in. |
| 1 in 30 | | | | |
| 1 in 100 | | | | |
| 1 in 100 plus climate change | | | | To mitigate for climate change the volume discharge from site must be no greater than the existing 1 in 1 storm event. If not, flood risk increases under climate change. |

6. Calculate attenuation storage – Attenuation storage is provided to enable the rate of runoff from the site into the receiving watercourse to be limited to the acceptable rate to protect against erosion and flooding downstream. The attenuation storage volume is a function of the degree of development relative to the greenfield discharge rate.

| | | Notes for developers & Local Authorities |
|---|--|--|
| Storage Attenuation volume (Flow rate control) required to retain rates as existing (m ³) | | Volume of water to attenuate on site if discharging at existing 1 in 1 annual probability rates. |
| | | |

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7. How is Storm Water stored on site?

Storage is required for the additional volume from site but also for holding back water to slow down the rate from the site. This is known as attenuation storage and long term storage. The idea is that the additional volume does not get into the watercourses, or if it does it is at an exceptionally low rate. You can either infiltrate the stored water back to ground, or if this isn't possible hold it back with on-site storage. Firstly, can infiltration work on site?

| | | | Notes for developers & Local Authorities |
|--------------|--|--|--|
| Infiltration | State the Site's Geology and known Source Protection Zones (SPZ) | | Avoid infiltrating in made ground. Infiltration rates are highly variable and refer to Environment Agency website to identify and source protection zones (SPZ) |
| | Are infiltration rates suitable? | | Permeability tests (BRE 365) must be taken at the depth and location of significant infiltration features. Infiltration rates should be no lower than 1x10 ⁻⁶ m/s. |
| | State the distance between a proposed infiltration device base and the ground water (GW) level | | Need 1m (min) between the base of the infiltration device & the water table to protect Groundwater quality & ensure GW doesn't enter infiltration devices. Avoid infiltration where this isn't possible. |

| | | | |
|---|---|--|--|
| | Is the site contaminated? If yes, consider advice from others on whether infiltration can happen. | | Water should not be infiltrated through land that is contaminated. The Environment Agency may provide bespoke advice in planning consultations for contaminated sites that should be considered. |
| | Yes/No? If the answer is No, please identify how the storm water will be stored prior to release | | If infiltration is not feasible how will the additional volume be stored?. The applicant should then consider the following options in the next section. |
| In light of the above , is infiltration feasible? | | | |

Storage requirements

The developer must confirm that either of the two methods for dealing with the amount of water that needs to be stored on site.

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Option 1 Simple – Store both the additional volume and attenuation volume in order to make a final discharge from site at a **1 in 1** annual probability rate. This is preferred if no infiltration can be made on site. This very simply satisfies the runoff rates and volume criteria.

Option 2 Complex – If some of the additional volume of water can be infiltrated back into the ground, the remainder can be discharged at a **1 in 1** annual probability rate. A combined storage calculation using the partial infiltration values and the allowed runoff rate needs to be supplied.

| | | |
|--|--|---|
| Please confirm what option has been chosen and how much storage is required on site. | | Notes for developers & Local Authorities |
| | | The developer at this stage should have an idea of the site characteristics and be able to explain what the storage requirements are on site and how it will be achieved. |

8. Please confirm

| | | Notes for developers & Local Authorities |
|---|--|---|
| Which Drainage Systems measures have been used? | | SuDS can be adapted for most situations even where infiltration isn't feasible e.g. impermeable liners beneath some SuDS devices allows treatment but not infiltration. See CIRIA SuDS Manual C753. |
| Drainage system can contain in the 1 in 30 storm event without flooding | | This is a requirement for sewers for adoption & is good practice even where drainage system is not adopted. |
| Any flooding between the 1 in 30 & 1 in 100 plus climate change storm events will be safely contained on site. | | Safely: not causing property flooding or posing a hazard to site users i.e. no deeper than 100mm on roads/footpaths. Flood waters must drain away at section 6 rates. |
| How are rates being restricted (hydrobrake etc.) | | Hydrobrakes can be used where rates are > 2l/s. Orifices can be used below 5l/s - sufficient anti-siltation measures must be applied. |
| Please confirm the owners/adopters of the entire drainage systems throughout the development. Please list all the owners. | | If there are multiple owners then a drawing illustrating exactly what features will be within each owner's remit must be submitted with this Pro-forma. |
| How is the entire drainage system to be maintained? | | If the features are to be maintained directly by the owners as stated in answer to the above question please answer yes to this question and submit the relevant maintenance schedule for each owner. If it is to be maintained by others than above please give details of each feature and the maintenance schedule. Clear details of the maintenance proposals of all element of the proposed drainage system must be provided. Poorly maintained drainage can lead to increased flooding problems in the future. |

10. Evidence Please identify where the details quoted in the sections above were taken from. i.e. Plans, reports etc. Please also provide relevant drawings that need to accompany your pro-forma, in particular exceedance routes and ownership and location of SuDS maintenance access strips etc.

| Pro-forma Section | Document reference where details quoted above are taken from | Page Number |
|-------------------|--|-------------|
| Section 2 | | |
| Section 3 | | |
| Section 4 | | |
| Section 5 | | |
| Section 6 | | |

| | | |
|-----------|--|--|
| Section 7 | | |
| | | |

The above form should be completed using evidence from the Flood Risk Assessment and site plans. It should serve as a summary sheet of the drainage proposals and should clearly show that the proposed rate and volume as a result of development will not be increasing and are restricted to the allowed values. If there is an increase in rate or volume due to development, the rate or volume section should be completed to set out how the additional rate/volume is being dealt with.

This form is completed using factual information from the Flood Risk Assessment and Site Plans and can be used as a summary of the surface water drainage strategy on this site.

Form Completed By.....

Qualification of person responsible for signing off this pro-forma.....

Company.....,

On behalf of (Client's details).....

Date.....

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|--|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Perrybrook Development, Brockworth |
| Report of: | Andy Sanders, Community and Economic Development Manager |
| Corporate Lead: | Annette Roberts, Head of Development Services |
| Lead Member: | Lead Member for Health and Wellbeing |
| Number of Appendices: | One |

Executive Summary:

The Perrybrook development for up to 1,500 houses was permitted by the Secretary of State in March 2016 following a public inquiry. The development is subject to a Section 106 Agreement and this report recommends proposals to discharge the provisions in respect of an outdoor sports area and proposed changing facility.

Recommendation:

To RESOLVE:

1. (a) That the transfer of the outdoor sports area and (subject to b) below) the changing facilities referred to in the s106 Agreement goes direct from the Developer to Brockworth Community Sports and Recreation Limited, subject to
 - i) the Company's establishing charitable trust status (within the period set out in the s106 Agreement) with the Objects of the charitable trust restricted to the promotion of community participation in sporting and recreational activities for the benefit of the inhabitants of Brockworth and the surrounding areas; and
 - ii) the Council being satisfied in all other regards.
- (b) Notwithstanding the provisions in resolution (a) above, the Head of Development Services in consultation with local Ward Members, the Lead Members for Health and Wellbeing, Finance and Asset Management and Built Environment, the Head of Finance and Asset Management and the Borough Solicitor, may at any time exercise the election under the s106 to receive the changing facilities contribution in lieu of the changing facilities being constructed.
2. In the event of charitable status not being obtained within the period required set out in the S106 agreement that the Council takes the transfer of the outdoor sports area shown on the plan appended to this report and elects to receive the changing facilities contribution.
3. That, subsequent to the transfer of the outdoor sports area to the Council and receipt by the Council of the changing facilities contribution, the Head of Development Services:

- **takes steps to identify an appropriate recipient of the outdoor sports area and the changing facilities contribution.**
- **reports back to Executive Committee on the legal status of the proposed recipient, any undervalue implications and any representations received as a result of any statutory notices of the proposed disposal considered necessary.**
- **reports back to Executive Committee on the proposed measures for ensuring that the changing facilities contribution is properly applied.**

Reasons for Recommendation:

To enable the applicant to proceed with reserved matters and commence development on site.

To provide a clear way forward for Brockworth Sports Foundation.

To provide a sustainable option for sport within the Brockworth community.

Resource Implications:

Should the Foundation not meet the conditions in accordance with the Section 106 Agreement, the Council would need to establish alternative management arrangements to take responsibility for the community benefit.

Legal Implications:

Accepting land ownership has implications for the Council in terms of land maintenance and liability to third parties. There is no guarantee at this stage that a third party will accept a transfer at a later date. It would be usual in a transfer to the Council under a s106 Agreement for the Developer to impose strict restrictions on use, which would limit the “pool” of third parties willing to accept a transfer from the Council.

In the event that an onwards transfer is proposed, there are statutory procedures that have to be undertaken and the results considered by the Council when coming to a decision whether or not to proceed with such transfer (e.g. valuation and public notice).

Risk Management Implications:

It is essential to ensure that an appropriate body is in place to manage the facilities to ensure future sustainable local use for the community. Should the Foundation obtain charitable status, this should be achieved; if not, alternative arrangements will need to be put in place by the Council. Officers will offer help and support to the Foundation in order to achieve its aim.

Performance Management Follow-up:

Progress will be reported through the Health and Wellbeing Portfolio and Executive Committee as appropriate.

Environmental Implications:

The report seeks to secure the most effective and secure method of achieving the stated aim of securing the open space, landscape and sports provision within the development.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Perrybrook development for up to 1,500 houses was permitted by the Secretary of State on 31 March 2016 following a public inquiry.

- 1.2** The development is subject to a Section 106 Agreement which contains a number of clauses relating to the provision of on-site and off-site sports and recreational facilities as well as community infrastructure. Within the Section 106 Agreement there are two sets of assets, specifically a changing facility and an outdoor sports area which could potentially be transferred to the Brockworth Sports Foundation.

2.0 BROCKWORTH SPORTS FOUNDATION

- 2.1** Brockworth Community Sports and Recreation Ltd (commonly known as The Brockworth Sports Foundation) is a company limited by guarantee. The Council has been informed that membership is comprised of Brockworth Rugby Football Club (BRFC) and Brockworth Albion Football Club (BAFC). The Foundation exists to promote community participation in healthy recreation for the benefit of the inhabitants of Brockworth and surrounding areas by promoting and encouraging all sections of the community to participate in sporting and recreational activities. In doing so they provide, manage and develop facilities for sporting and recreational facilities. BRFC own an existing clubhouse which includes changing rooms, function room, bar and car parking, which is located within the Perrybrook site although not within the boundary of the development (see plan at Appendix 1). The Club has access to one main pitch on a lease basis, which is part of the development site, and has access to another adjacent pitch owned by Gloucestershire County Council and leased to Millbrook Academy but this is not within the development site. The clubhouse where BAFC is also based is in average to poor condition with significant works needed to improve the standard of the changing facilities.
- 2.2** Brockworth Community Sports and Recreation Ltd has indicated an intention to become a charity. Charitable status would provide benefits to the Foundation in terms of accessing external funding, as well as having charitable objectives which would focus on the development of sport in the local community. Charitable status would also protect the value of club assets in the continued provision of sporting and leisure facilities for the community.

3.0 CURRENT POSITION

3.1 Changing Facility

- 3.1.1** The Section 106 Agreement provides for either a fitted-out changing facility (suitable for eight rugby and/or football teams) to be constructed by the developer, or a payment of a changing facilities contribution of £685,000 (index linked) to be used by the Council towards the provision of a new eight team sports changing facility on the development site, rebuilding of the clubhouse or other existing sports changing facilities within Brockworth.
- 3.1.2** Under the terms of the Section 106 Agreement, before the 135th dwelling on the site is occupied, the Council has to notify the developer if it wishes to take the contribution for the changing facilities instead of the developer constructing it themselves. If the Council had served this notice, the changing facilities contribution is to be paid prior to the occupation of the 255th dwelling. If the notice has not been served, once the changing facilities have been constructed by the developer, the developer is to offer to transfer the changing facilities to the Brockworth Sports Foundation.

3.2 Outdoor Sports Area

- 3.2.1** The outdoor sports area on the development site comprises 5.14 hectares in size to be used for outdoor sports and formal sports. This includes new sports pitches and the existing BRFC pitch.

- 3.2.2** The laying out of the new sports pitch is to commence prior to the occupation of the 135th dwelling and completed so that the outdoor sports area is ready for its intended use prior to the occupation of the 255th dwelling. Subject to prior written approval of the Council, the developer is then to offer to transfer the outdoor sports area to the Brockworth Sports Foundation within six months of the completion of the laying out of the new sports pitches. This offer is to include the payment to the Brockworth Sports Foundation of a playing pitches commuted sum (calculated in accordance with rates set out in the Section 106 Agreement).

3.3 Local Representatives

- 3.3.1** Discussions with local Members suggest the need to retain an element of control and security for the future of the facilities.

3.4 Progression of the Development

- 3.4.1** In order to facilitate the sale of the site for development, the applicant needs to know whether the changing facility is to be constructed or whether the changing facility contribution is to be paid instead. This will also impact on the reserved matters approvals.
- 3.4.2** Whilst Brockworth Sports Foundation is not currently ideally placed to take a transfer of the outdoor sports area nor the commuted sum, as the application for charitable status is not concluded it is anticipated that this will conclude in the near future.
- 3.4.3** On 17 May 2017, the applicant formally offered the outdoor sports area and changing facility to the Council (not currently built) but also indicated that there would be no problem with the Council electing to accept the changing facility contribution of £685,000 (index linked) in place of the changing facility.

4.0 THE WAY FORWARD

- 4.1** In view of the above, the proposal enables the Council to exercise greater control over the situation for the short term in order to achieve a sustainable option for sport within the Brockworth community.
- 4.2** Following the grant of charitable status to the Brockworth Sports Foundation (and subject to following statutory procedures and considering the results when coming to a decision whether or not to proceed with such transfer) the Council could then transfer the outdoor sports area to the Foundation and provide the changing facilities contribution in the form of a grant agreement. A charge would also be put on the outdoor sports area/facilities/existing clubhouse to secure compliance with the grant.

5.0 OTHER OPTIONS CONSIDERED

- 5.1** There are no further options that will satisfy the concerns expressed in Paragraph 3.3.1.

6.0 CONSULTATION

- 6.1** Consultation has been undertaken with local Members and the Foundation.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 7.1** Health and Wellbeing Framework.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 Localism Act 2011.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 No additional resources required.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 The outdoor sports area and changing facilities will provide sustainable facilities that will ensure that local sports clubs will have a home and also have the ability to attract new members and participation in sport. The clubhouse will also be a focal point for the new community at Perrybrook, as well as help integrate the existing and new communities.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 Not applicable.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 Planning Committee – 19 August 2014.

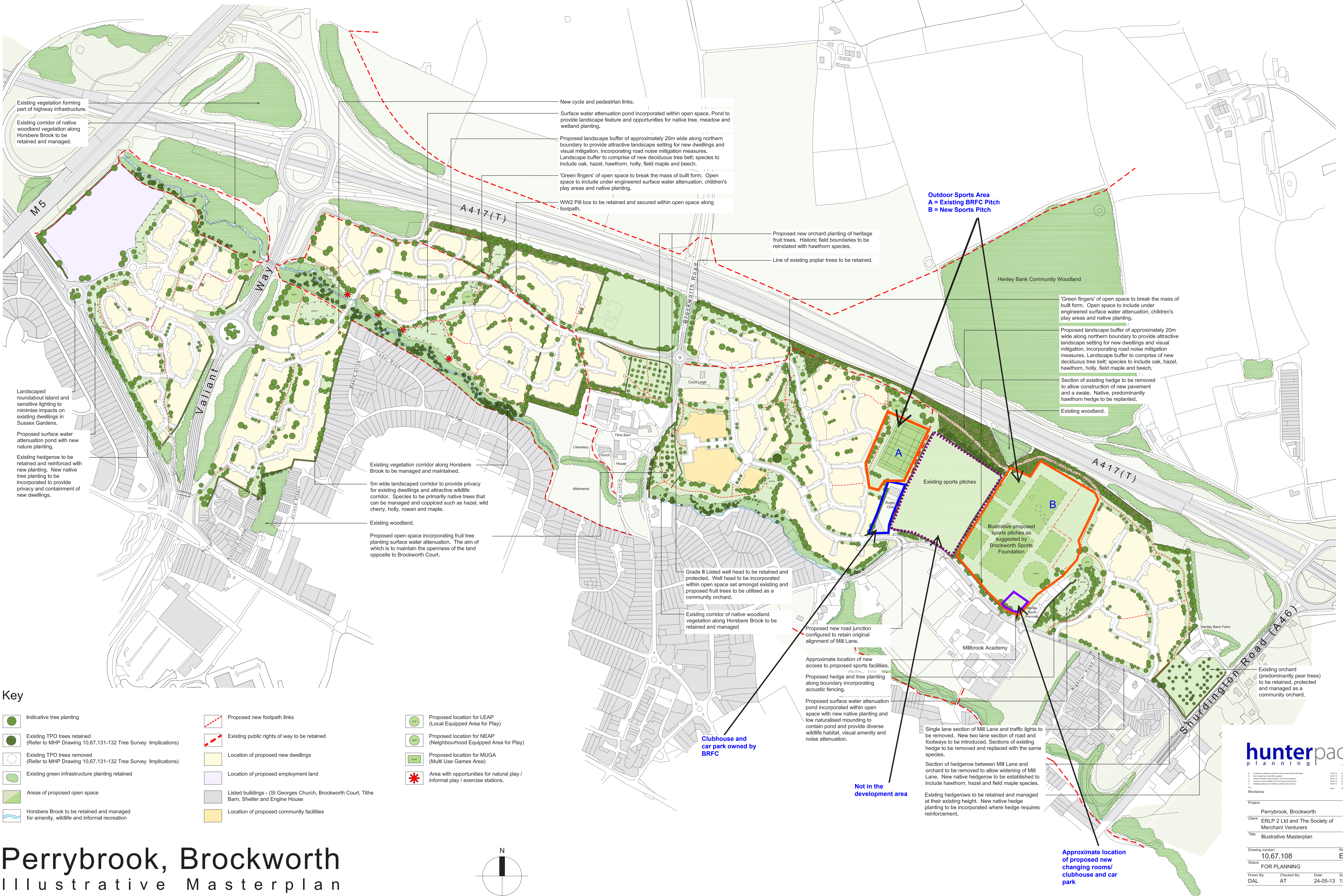
Decision Letter of the Secretary of State dated 31 March 2016.

Background Papers: Planning Committee 19 August 2014 – Reports and Minutes relating to planning application 12/01256/OUT.

District Obligations Section 106 Agreement dated 15 September 2015.

Contact Officer: Andy Sanders, Community and Economic Development Manager
Tel: 01684 272094 Email: andy.sanders@teWKesbury.gov.uk

Appendices: 1 - Plan showing development site and existing community facilities.



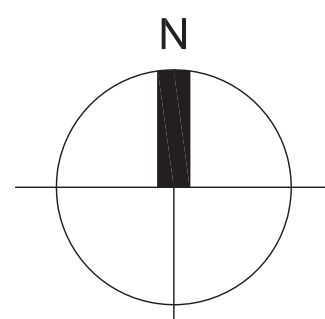
Key

- Indicative tree planting
- Existing TPO trees retained (Refer to MHP Drawing 10.67.131-132 Tree Survey Implications)
- Existing TPO trees removed (Refer to MHP Drawing 10.67.131-132 Tree Survey Implications)
- Existing green infrastructure planting retained
- Areas of proposed open space
- Horsbere Brook to be retained and managed for amenity, wildlife and informal recreation
- Proposed new footpath links
- Existing public rights of way to be retained
- Location of proposed new dwellings
- Location of proposed employment land
- Listed buildings - (St Georges Church, Brockworth Court, Tithe Barn, Shelter and Engine House)
- Location of proposed community facilities
- Proposed location for LEAP (Local Equipped Area for Play)
- Proposed location for NEAP (Neighbourhood Equipped Area for Play)
- Proposed location for MUGA (Multi Use Games Area)
- Area with opportunities for natural play / informal play / exercise stations.

Perrybrook, Brockworth

Illustrative Masterplan

To be read in conjunction with Conceptual Masterplan and Design and Access Statement



hunterpage
planning

| | | | |
|-----------------|-------------|--|-------------|
| Project: | | Perrybrook, Brockworth | |
| Client: | | ERLP 2 Ltd and The Society of Merchant Venturers | |
| Title: | | Illustrative Masterplan | |
| Drawing number: | | 10.67.108 | Rev: E |
| Status: | | FOR PLANNING | |
| Drawn By: | Checked By: | Date: | Scale @ A3: |
| DAL | AT | 24-05-13 | 1:2500 |

CHARTERED LANDSCAPE ARCHITECTS
mhp
MHP DESIGN LTD, CORINTH HOUSE, 111 BATH ROAD, CHELTENHAM, GLOS, GL53 7BL
T: 01452 310 102 E: info@hunterpage.com W: www.hunterpage.com

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|--|
| Report to: | Executive Committee |
| Date of Meeting: | 30 August 2017 |
| Subject: | Growth Hub |
| Report of: | Katie Power, Economic Development Officer |
| Corporate Lead: | Annette Roberts, Head of Development Services |
| Lead Member: | Lead Member for Economic Development and Promotion |
| Number of Appendices: | None |

Executive Summary:

In Autumn 2016 a successful funding bid was made to GFirst Local Enterprise Partnership (LEP) to establish a Business Growth Hub in the Tewkesbury Borough Public Service Centre (PSC).

This report provides further information on the Growth Hub and asks the Executive Committee to provide delegated powers to the Deputy Chief Executive to approve and sign any agreements relevant to the expedient delivery of the hub.

Recommendation:

1. That the information and updates within the report be **NOTED**.
2. That it be **RECOMMENDED TO COUNCIL** that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Economic Development/Promotion, the Head of Finance and Asset Management and the Borough Solicitor, to implement the Growth Hub, including entering into appropriate agreements.

Reasons for Recommendation:

The Growth Hub will form part of the Council's Economic Development Service delivery, supporting business growth across the Borough. It is also a key aim within the Borough Council's Economic Development and Tourism Strategy 2017 – 2021.

The reasons for this recommendation are:

1. To provide Executive Committee with an update on the Growth Hub and its delivery.
2. To seek delegated authority for the Deputy Chief Executive to take the necessary steps to implement a Growth Hub and enter into any appropriate agreements.

Resource Implications:

It is not anticipated that extra resources will be required for this project.

Due to technological changes and external factors, we are able to absorb the navigator business support role within the current establishment. We have opted to use existing internal resources, which will be equivalent to one full-time equivalent (FTE) and provide flexibility for service delivery. This may need to be reviewed at a later date.

A marketing budget of £5,000pa has been allocated to promote the project. This will come from existing economic development budgets.

Legal Implications:

In respect of the agreements in Paragraph 5.3, the Council will need to comply with the Council's Contract Procedure Rules and its obligations under the Data Protection Act 1998.

Risk Management Implications:

A full risk register will be in place and is to be carefully monitored throughout the project. This risk register will interlink with that of the wider Public Service Centre refurbishment project. Risks will also be mitigated via consultation with appropriate bodies and partners.

Performance Management Follow-up:

The Growth Hub will have a clear delivery plan and outputs, linked to the capital funding. A full monitoring and evaluation programme will also be in place. This will be reported to GFirst LEP and internally through the quarterly Performance Tracker.

Environmental Implications:

None directly associated with this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1** In Autumn 2016 applications were invited from GFirst LEP to create a network of Business Growth Hubs across the County. These will be linked to the main Growth Hub, based at the University of Gloucestershire's Oxstalls Campus in Gloucester.
- 1.2** The Council made a successful bid for funding to create a Business Growth Hub within the Tewkesbury Borough Public Services Centre, which will offer business support services to enterprises across the area. The Council will be one of the first partners to provide location specific support to businesses as part of the Gloucestershire Growth Hub rollout across the County. The main hub at Oxstalls, is currently the only hub in Gloucestershire.
- 1.3** The project forms part of the wider Council office refurbishment which will create a new integrated reception area and transform the offices into a full Public Service Centre.
- 1.4** The hub is a dedicated space for business support and will be located on the ground floor, forming part of the refurbished reception area. The project will also upgrade the technology available within the Committee Room suite and enable these areas to be more business friendly.

2.0 GROWTH HUB SERVICE

- 2.1** The hub will be a place where businesses can meet, network, get access to important resources and secure grant funding. Promoting entrepreneurship and innovation in the area, it is hoped the hub will drive economic success right in the heart of Tewkesbury borough - the fastest growing part of Gloucestershire.
- 2.2** The service within the hub will provide:
- A full business navigator service, offering: impartial advice, signposting and brokerage support to enterprises. This will be available via telephone, face to face and online.
 - A meeting and training space for businesses.
 - A focus for more integrated delivery from other Council services and agencies within the building for the business community e.g. Planning, Business Rates, Licencing, Environmental Health, DWP Jobcentre, Police, GCC and Citizens Advice Bureau.
 - Added value to the Council's existing Economic Development Service and Business Support Programme, including training/grant schemes.
- 2.3** This space will include:
- Three business incubator units – providing office space for start-up enterprises.
 - A dedicated meeting room within hub.
- An open resource centre with pods/'touch down' areas for businesses.
- 2.4** Capita funding from Growth Funds is required to develop the project in this area. The addition of the hub in Tewkesbury Borough will also ensure consistency of offer across the Growth Hub Network and help maximise the impact of the M5 Growth Zone, as highlighted in Gloucestershire's Strategic Economic Plan.
- 2.5** A business hub located within the Public Services Centre will provide the perfect place to reach and support growing businesses in the area, acting as a conduit for the relevant council service areas. The Economic Development Team already has established relationships within the business community which will support hub development. There is also natural footfall from businesses to other services, within the building, such as business rates and planning.

3.0 FUNDING BID

- 3.1** The original funding bid was approved by both the LEP and Growth Hub Boards for £385,000. Since approval the Borough Council has developed a brief and commissioned architects to look at the whole refurbishment project, including the Growth Hub
- 3.2** The concept plans developed by the architects indicate an area of 84.5m² is required within Tewkesbury Borough Council's PSC for the development of a Growth Hub. The original bid proposed an area of 46.45m².
- 3.3** It is felt that the larger area will allow flexibility of space and incorporation of all elements proposed in the original brief (a meeting room, 3 incubators and wider touch down/resource centre area). This increased space will provide improved flexibility for the delivery of Growth Hub Services, achievement of proposed outputs in the original bid and encourage business engagement.

- 3.4** To facilitate the refurbishment of this extra space, and ensure consistency of look and feel, an increased funding request has been proposed to GFirst LEP for consideration. This results in an additional investment request of £80,068.50. This takes the new total overall funding request to £465,068.50. This revised amount has received approval in principle from the LEP Sub Group Board but will need to be confirmed by the Board in due course.
- 4.0 PUBLIC SERVICES CENTRE REFURBISHMENT PROJECT**
- 4.1** The hub is a linked workstream within the wider Public Service Centre (PSC) refurbishment project and the refurbishment and construction side of the hub development will be carried out using the SCAPE framework.
- This project has a clear timetable and the hub will need to meet the timeframes, so extra costs are not incurred.
- 5.0 PROJECT DELIVERY TIMETABLE**
- 5.1** The Council is working closely with GFirst LEP on delivery and implementation of the Network Business Growth Hub within Tewkesbury Borough PSC. This includes a due diligence process and agreement of relevant documentation and is following this timeline:
- Growth Hub Network Centre Proposal submitted - September 2016.
 - Proposal approved by LEP Board – October 2016.
 - Full business case submitted and due diligence - June 2017.
 - All hub agreements signed/approved by Tewkesbury Borough Council for signature - September/October 2017.
 - Growth Hub Board agreement/approval Mid-September 2017.
 - LEP Board agreement/approval– 10 October 2017.
 - Draw down first allocation of funding - December 2017.
 - Growth Hub opens spring 2018.
- 5.2** A final review regarding the operation and delivery of the Growth Hub is currently being undertaken with GFirst LEP to finalise the funding agreement and this is crucial to achieving the project timetable. It will also allow for the funds to be awarded and drawn down on the proposed claim dates. Completion of this process will enable the Council to finalise and approve all relevant documents appropriate to hub delivery.
- 5.3** This will include the approval and signature (where relevant) of the following documentation:
- Network Growth Hub Funding Agreement. (Capital funding contract and delivery)
 - Growth Hub Data Sharing Agreement. (Data protection responsibilities)
 - Growth Hub Brand and Marketing Guide.(Guidance on use of the growth hub brand and marketing, to ensure consistency across the network)
 - Growth Hub Partner Code of Conduct. (Code of Conduct for all growth hub network partners)
 - Growth Hub IT Delivery Guide and Digital Infrastructure Manual. (Guidance on IT infrastructure and operation)
 - Growth Hub Navigator Form. (The form which the Navigator will complete with businesses when visiting the hub)

- University of Gloucestershire Service Level Agreement (SLA). (The Growth Hub delivery is a collaboration between GFirst LEP and University of Gloucestershire). The funding agreement with GFirst LEP covers the capital funding and an SLA will be required with the University of Gloucestershire regarding some elements of service delivery, such as marketing.

5.4 This report provides an update of Tewkesbury Borough growth hub progress and delivery to date. The hub is a great opportunity to support development of the local economy and enterprise. Having a hub located within the Public Services Centre will also provide the perfect place to reach growing businesses in the area.

6.0 OTHER OPTIONS CONSIDERED

6.1 Not applicable.

7.0 CONSULTATION

7.1 Consultation has taken place with the local business community and relevant partner organisations through a business survey.

This demonstrated clear support for the hub and also helped shape the bid.

7.2 The hub is supported by key local partners and organisations.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Council Plan.

Tourism and Economic Development Strategy 2017 – 2021.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 Government's National Growth Policy.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 None directly associated with this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None directly associated with this report.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None directly associated with this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None.

Background Papers: None.

Contact Officer: Katie Power, Economic Development Officer Tel: 01684 272249

Email: katie.power@tewkesbury.gov.uk

Appendices: None.

Agenda Item 16

Document is Restricted