

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEETING**

**30 SEPTEMBER 2014**

Report of the Strategic Director – Economy, Transport and Environment

**SUSTAINABLE DRAINAGE SYSTEMS – CAPABILITY AND  
CAPACITY BUILDING: GRANT AWARD (JOBS, ECONOMY AND  
TRANSPORT)**

(1) **Purpose of the Report** To seek Cabinet approval to allocate grant income, received for the purpose of building capability and capacity of the Authority as the Sustainable Drainage Approval Body (SAB) for Derbyshire, to an earmarked reserve and notes the decision of the Chief Executive to use his urgent powers delegated to him in the County Council's Constitution to accept the grant offer.

(2) **Information and Analysis** This "building capability and capacity" grant is provided to Derbyshire County Council by the Department for Environment, Food and Rural Affairs (DEFRA), to support the Authority's preparation, in advance of/and during the early stages, for the implementation of Schedule 3 of the Flood and Water Management Act 2010 (FWMA). Schedule 3 of the FWMA designates Derbyshire County Council as the SAB for Derbyshire. In accordance with the FWMA, all construction work associated with new developments which could have drainage implications must have an approved drainage system approved before the work can begin. In order for a new drainage system to be 'approved' by the SAB, the drainage system will have to meet new 'National Standards' for sustainable drainage. Once the Sustainable Drainage Systems (SuDS) has been approved, Derbyshire County Council will be responsible for adopting and maintaining any SuDS features which serve more than one property.

Due to the tight timescales for accepting the grant, it was necessary to seek approval from the Chief Executive, using his urgent powers delegated under the County Council's Constitution, to accept the offer.

The grant will be utilised by the Flood Risk Team in the Economy, Transport and Environment Department to enable appropriate and suitable resource levels to be provided to ensure implementation and delivery of Schedule 3. At present, no timescales have been confirmed for the implementation of Schedule 3. However, DEFRA has committed to provide local authorities with six months notification prior to implementation. The grant will also help to support any costs incurred in the defence of appeals or legal challenges to the SAB.

## Public

(3) **Financial Considerations** Under the terms of the grant, the payment of the total sum is to be made in two parts, £88,000 and £134,700. The second payment of £134,700 will be not eligible for release until after the enactment of relevant secondary legislation. This is not currently anticipated to be until after 31 March 2015.

The costs to the Authority of dealing with any appeals against refusal of an application cannot yet be estimated. Part of the grant will remain within earmarked reserves as a contingency fund to support the cost of defending any appeals against the Authority's decisions.

(4) **Legal Considerations** When the provisions of Schedule 3 of the Flood and Water Management Act 2010 are implemented, the Authority will have a statutory 12 week period in which to approve or refuse a drainage system application. If for any reason an application is refused, the applicant has the right to appeal. Statutory Regulations relating to the appeals process are yet to be made but it is currently understood that appeals will be dealt with by the Institution of Civil Engineers (ICE). Again, this will be confirmed in advance of Schedule 3 coming into force.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – James Biddlestone, extension 38563.

(8) **OFFICER'S RECOMMENDATIONS** That Cabinet:

8.1 Notes the Chief Executive's decision to accept the grant offer from the Department for Environment, Food and Rural Affairs to support the Authority's preparation for the implementation of Schedule 3 of the Flood and Water Management Act 2010 and the delivery of its duty as the Sustainable Drainage Approval Body for Derbyshire.

8.2 Approves that the grant received will be retained within an earmarked reserve, for the purposes set out in this report.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**