



Department  
for Environment  
Food & Rural Affairs

# Recommendations to Update Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS) Final Report Annex H: Review of the Planning White Paper

February 2021



© Crown copyright 2021

This information is licensed under the Open Government Licence v3.0. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

This publication is available at [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

Any enquiries regarding this publication should be sent to us at:

Department for Environment, Food and Rural Affairs

Water Services Division,

Seacole Building

2 Marsham Street

London SW1P 4DF

PB [WT15122]

[www.gov.uk/defra](http://www.gov.uk/defra)

## Contents

Acronyms.....	6
1 Introduction.....	8
2 Pillar 1 Planning for Development.....	9
2.1 Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected..	10
2.2 Proposal 2: Development management policies established at national scale and an altered role for Local Plans.....	13
2.3 Proposal 3: Local Plans should be subject to a single statutory ‘sustainable development’ test, replacing the existing tests of soundness.....	15
2.4 Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst...[to] factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.....	16
2.5 Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building .....	17
2.6 Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.....	19
2.7 Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template .....	21
2.8 Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so. ....	22
2.9 Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools ..	23
2.10 Proposal 10: A stronger emphasis on build out through planning .....	23
3 Pillar Two – Planning for beautiful and sustainable places .....	24
3.2 Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.....	25

3.3	Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.....	27
3.4	Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places. ....	28
3.5	Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences. ....	28
3.6	Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits. ....	29
3.7	Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England. ....	30
3.8	Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.....	32
3.9	Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050. ....	32
4	Pillar Three – Planning for infrastructure and connected places.....	33
4.1	Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.....	33
4.2	Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.....	34
4.3	Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision.....	34
4.4	Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy.....	34

4.5	Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.....	35
4.6	Proposal 24: We will seek to strengthen enforcement powers and sanctions .....	36
5	Conclusions and recommendations.....	37
6	References .....	39

# Acronyms

ADEPT	Association of Directors of Environment, Planning and Transport
BBBCC	Building Better, Building Beautiful Commission
BNG	Biodiversity Net Gain
CIL	Community Infrastructure Levy
CIRIA	Construction Industry Research and Information Association
CIWEM	Chartered Institute of Water and Environmental Management
DCO	Development Consent Order
LDO	Local Development Order
LGA	Local Government Association
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
MfS	Manual for Streets
MHCLG	Ministry of Housing, Communities and Local Government
NDG	National Design Guide
NDO	Neighbourhood Development Order
NMDC	National Model Design Code
NPPF	National Planning Policy Framework
NSTS	Non-Statutory Technical Standards
POS	Planning Officers Society
PPG	Planning Practice Guidance
PWP	Planning White Paper 2020
RTPI	Royal Town Planning Institute
SFRA	Strategic Flood Risk Assessment

SuDS Sustainable Drainage System  
TCPA Town and Country Planning Association

# 1 Introduction

This Annex forms part of the Final Report for the research project *Recommendations to Update Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS)*. Reference should be made to the main body of the report for details of the project aims and objectives and the overall approach taken.

This paper reviews the Government's 'Planning White Paper' (PWP) *Planning for the Future* (Ministry of Housing, Communities and Local Government, 2020), specifically in relation to its implications for the development and implementation of updated non-statutory technical standards (NSTS) for multiple benefit SuDS. This includes a description and analysis of foreseeable direct and indirect implications of each of the PWP's 'pillars' and proposals for the development and implementation of the updated NSTS, including the alternative proposals included in the PWP.

A series of considerations are suggested by the Contractor regarding additional research and development that would support the successful implementation of the proposed updated NSTS should the approaches advocated in the PWP be implemented at some point in the future. The review partly draws on published reviews of the PWP carried out by selected and relevant stakeholders, including (where available) professional organisations whose members work in the sector, representatives from the 'third sector', developers, consultants and lawyers.

The review also draws on the expertise and experience of members of the Contractor team in providing a short, high-level overview of:

- a) The potential implications of the proposed PWP principles on determining compliance with a suite of multiple benefit SuDS Standards; and
- b) The potential impact of the updated NSTS on the policy frameworks, rules, codes and templates that may be required in support of the proposed PWP principles.

The following is out of scope:

- Consideration of the overall approach described in the PWP or its specific proposals on issues unlikely to have an impact on delivery of multiple benefit SuDS
- Review of all available consultations responses to the PWP prepared by third parties
- Redrafting of the proposed updated NSTS to account for or reflect the ideas presented in the PWP
- Preparation of tools (templates, checklists, etc.) that would be required to support the approach described in the PWP
- Consideration of other proposed planning reforms



- Consideration of how the proposed planning reforms could affect, or be implemented with, forthcoming laws such as the Environment Bill that is expected to introduce a mandatory requirement for development in England subject to the Town and Country Planning Act to achieve biodiversity net gain.

It is worth noting that the PWP does not refer to sustainable drainage, and the general emphasis is on the faster building of more new homes. However, the PWP states (p18) that the Government wishes to “*be more ambitious for the places we create, expecting new development to be beautiful and to create a ‘net gain’ not just ‘no net harm’*”. The PWP also states (p21) that as part of bringing a new focus on design and sustainability, the Government will “*ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.*”

This review, therefore, attempts to interpret the proposals in the PWP and how they may affect the implementation of multiple benefit SuDS. This paper also reviews whether the proposed updates to the NTS for multiple benefit SuDS hinder or enable implementation of the PWP proposals.

## 2 Pillar 1 Planning for Development

Pillar 1 is concerned with Local Plans that set out policies for development in local planning authorities’ (LPAs) areas and allocate land for new development. The PWP proposes a new system of Local Plans that are simpler, allocate sufficient land for new development and are based on standardised data. They would also “*benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage*”. This pillar also includes a radical reform of development management (deciding planning applications) with automatic planning permission for schemes in line with plans. This would be coupled with a digital transformation of local plans and development management processes. These changes would require new primary and secondary legislation, as well as new national policy and guidance.

## **2.1 Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.**

This proposal would link a new way of categorising or zoning land in Local Plans to new or adapted routes to grant planning permission. Growth areas would be “*suitable for substantial [to be defined] development*” and given examples are new settlements, urban extensions and former industrial sites. Outline approval would be automatically granted in these areas. The PWP excludes “*Areas of flood risk...unless risk can be fully mitigated*”. Renewal areas, such as existing built up areas where ‘gentle densification’ and infill developments, would have a statutory presumption in favour of development for specified uses. Protected areas would be those particularly important for environmental or cultural reasons including Green Belt, Conservation Areas, Local Wildlife Sites and ‘areas at significant flood risk’ [undefined]. Local Plans would be annotated with links to policies in the National Planning Policy Framework (NPPF). In Protected areas the route to obtaining planning permission would essentially be the same as at present. The PWP also includes two alternative approaches:

- a) A more binary approach amalgamating Growth and Renewal areas with automatic permission in principle for them
- b) Only granting automatic planning permission in Growth areas, with the ‘status quo’ remaining for other parts of LPAs.

As well as proposing changes to the content of Local Plans, their form would be radically changed. They would become an annotated web-based map with links to relevant (revised) NPPF policies and, in Growth and Renewal areas, sub-areas and suitable uses and limits on height and/or density, determined locally but having regard to the NPPF, guidance and the National Model Design Code (NMDC).

### **2.1.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The PWP includes flood risk as a reason for excluding land from a Growth area (unless fully mitigated) and including it in a Protected area, if ‘significant’. However, these terms are undefined, and it is unclear if this includes surface water flooding. As the Chartered Institute of Water and Environmental Management (CIWEM) note (CIWEM, 2020, p4) “*Surface water flood risk in particular can vary across units of land, so clarity on how flood risk areas are defined and how surface water flood risk mitigation can be*

*considered is crucial.*” The definition of ‘significant’ flood risk will therefore have direct implications for which category of land a site falls into and the how planning permission will be granted for development on the site and indirect implications for how surface water will be assessed in the development management process (as Lead Local Flood Authorities (LLFAs) are currently only statutory consultees for applications for outline or full planning permission for ‘major’ development). SuDS provide multiple benefits across all flood zones although there will be specific design conditions required for SuDS in flood risk areas.

**Consideration should be given to how flood risk will be defined in a revised NPPF and how this may be used to define the three proposed categories of land.**

Achieving the positive outcomes of multiple benefit SuDS is equally desirable in all 3 proposed categories of land and can help deliver better water management (CIWEM, 2020), so standards would not need to be diluted or changed in the categories.

**Consideration should be given to requiring multiple benefits of SuDS in all three categories.**

2. SuDS will tend to have different characteristics in different rural, suburban and urban locations. The requirements for SuDS in Growth, Renewal and Protected areas will need to be detailed yet flexible for the proposed method of gaining planning permission. This need will be more critical if the Government adopts the more binary option of amalgamating Growth and Renewal categories.

**Consideration should be given to further developing the evidence base and design templates to comply with the NTS suitable for permission in principle / outline planning permission in a variety of location types, and for these to be included in the NMDC.**

3. Establishing likely infiltration rates across proposed areas allocated for development will be crucial in influencing the types of solutions appropriate for implementation, and the scale of storage that may be required.

**Consideration should be given to establishing a process by which consistent and robust infiltration and supporting geotechnical testing is undertaken at, or prior to, the land allocation stage, in order to provide key early input into the assessment of options for establishing the principle of drainage using multiple benefit SuDS.**

4. The varied form of many urban areas means that it will be complex to define Growth, Renewal and Protected areas and sub areas (referred to in the Royal Town Planning Institute (RTPI, 2020) response (p4)) and Planning Officers Society (POS, 2020). While there are opportunities to develop integrated and multiple benefit SuDS across

substantial areas, achieving multiple benefit SuDS across areas that are allocated in more than one of the categories of land may be more difficult, because of the associated routes for gaining planning permission unless there is a national or adopted local design code that encompasses multiple benefit SuDS. SuDS should be included from the start, so that multiple benefit SuDS are embedded into the development and not retro-fitted later - when the design of multiple benefit SuDS are often compromised because major design decisions have already been taken. A key to this could be to adopt 'masterplanning' and design codes across areas. As a last resort, SuDS could be 'reserved' from permission in principle. This direct implication also applies to any other strategic hard or soft infrastructure requirements.

**Consideration should be given to how multiple benefit SuDS can be achieved across areas in different categories, potentially using masterplanning, templates and design codes in conjunction with the NSTS to ensure that land allocation has sufficient provision for multiple benefit SuDS.**

6. A number of bodies ((RTPI, 2020), the Association of Directors of Environment, Planning and Transport (ADEPT, 2020), the Local Government Association (LGA, 2020) , Planning Officers Society (POS, 2020) and Town and Country Planning Association (TCPA, 2020)) note that preparing new types of Local Plan in 30 months will require a significant increase in resources for LPAs and a step change in the speed of preparation of Local Plans. A direct implication is that there is unlikely to be adequate existing inhouse expertise in LPAs and LLFAs to develop SuDS policies, guidance and design codes on a parallel timescale. Design codes including multiple benefit SuDS should be 'piloted' in a range of areas.

**Consideration should be given to what additional resources (including research, piloting and training) may be required to develop the tools needed to deliver multiple benefit SuDS in a consistent and integrated way for different development types, areas and functions (e.g. private and public open space, highways) through new Local Plans, design codes, standards and associated planning permissions. Consideration should be given to assessing the ongoing resources needed to implement multiple benefit SuDS in a reformed planning system.**

7. Proposal 1 has specific implications for SuDS that generate benefits for biodiversity. Development in each of the three proposed areas (Growth; Renewal; Protection) would have to achieve the mandatory BNG requirement (as proposed by the draft Environment Bill) that aligns with the PWP. However, it is unclear what evidence a developer needs on BNG delivery in order to obtain planning permission, especially in Growth and Renewal areas when automatic planning permission could be given. Having this clarity is critical. SuDS have an important role in delivering BNG when this

meets industry good practice. But there could be situations when SuDS are counted towards BNG, yet this leads to poorer environmental outcomes. Safeguarding against this requires transparency on losses and gains in each habitat type (including SuDS) and how an overall BNG is achieved. Yet if this transparency is not required for planning permission, especially information regarding how a SuDS approach to surface water management will generate biodiversity benefits, there are risks:

- For the PWP of delivering poor biodiversity outcomes and
- For compliance with the proposed NSTS Standard 6 Biodiversity that requires evidence that a SuDS approach to surface water management has been developed from the earliest possible stages of planning.

Development needs space to achieve BNG: the Biodiversity Metric (Natural England, 2019) measures losses and gains in habitats, and so development needs space to create or enhance habitats in order to achieve the minimum 10% increase in units. Pressure for space within Growth areas could incentivise well-designed SuDS that generate locally-meaningful biodiversity benefits and thereby the greatest increases in units as measured by the Biodiversity Metric. But it could also lead to SuDS being counted towards BNG when in reality this leads to poorer environmental outcomes.

**Consideration should be given to the level of detail and evidence needed on how a development will achieve the mandatory BNG requirement to obtain planning permission, especially automatic planning permission in Growth and Renewal Areas. When these details are known, this information should feed into the development of specific guidance and templates that support compliance with the NSTS.**

## **2.2 Proposal 2: Development management policies established at national scale and an altered role for Local Plans**

The PWP proposes that Local Plans do not include detailed policies that reiterate NPPF policies but that LPA-wide (or smaller areas – such as Neighbourhood Planning Bodies) produce design codes to reflect local character or preferences for the form and appearance of development. Local Plans and design codes should be ‘machine-readable’ to screen developments and assess compliance with policies and code. Alternative proposals to allow locally specific policies in Local Plans or maintain the status quo (except for not allowing repetition of the NPPF).

## 2.2.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The Government's preferred option could deliver strong policies requiring multiple benefit SuDS and compliance with the proposed updated NSTS in the NPPF that would help to ensure their implementation across the country (both within and outside of flood zones), reducing the possibility that LPAs would dilute the strength or application of multiple benefit SuDS. The NPPF could minimise variation from the preferred national approach.

**Consideration should be given to revising the NPPF on SuDS, drawing from the 25 Year Environment Plan and the Flood and Coastal Risk Management Strategy, specifically referring to the updated NSTS.**

2. Digital machine-readable evidence bases and local plans are uncommon at present (RTPI / GLA, 2020) and producing them will require a step-change in current practice, including additional training and resources (RTPI, 2020). It is unclear if it will be possible to develop machine readable evidence and plans for complex multiple benefit SuDS. In Scotland, where Scottish Water are trialling machine readable applications and review processes for adoptable drainage systems<sup>1</sup>, they currently exclude multiple benefit design aspects from the assessment. Assessing amenity may need to be determined by extent (in a similar manner to urban greening factors). However, this would not encompass all the varied aspects of amenity. It may be possible to require or document a number of varied characteristics/features that could indicate a level of amenity, but this would need further research.

**Consideration should be given to whether additional resources (including research, piloting and training) should be available to develop the tools needed to deliver multiple benefit SuDS through new Local Plans, design codes, standards and associated planning permissions.**

3. Design codes that reflect the local environment and strategic targets for improving water quality, amenity and biodiversity could provide a powerful mechanism for development to create locally-meaningful multiple benefits. However, it is unclear whether (and to what extent) the design codes would explicitly refer to these objectives, and in particular the link between design codes and Nature Recovery Networks (Defra, 2020). In addition, while local preferences are key, they should be balanced with

---

<sup>1</sup> <https://www.scottishwaterhorizons.co.uk/services/developers/fasttrack-drainage/>

scientific evidence and expert judgement on the needs for an area (e.g. ecological complexities).

**Consideration should be given to how water quality, amenity and biodiversity and BNG will be incorporated within the design codes, and whether guidance and templates are needed to support compliance with the NSTS.**

## **2.3 Proposal 3: Local Plans should be subject to a single statutory ‘sustainable development’ test, replacing the existing tests of soundness**

Sustainability assessment will be simplified, environmental assessment for projects reviewed, the Duty to Co-operate removed and tests for ‘deliverability’ i.e. financial viability, simplified. A less prescriptive test of soundness is proposed, but a requirement for LPAs to have reserve sites for development if insufficient land is secured for housing under these reforms.

### **2.3.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The Duty to Co-operate requires LLFAs (in two-tier areas) to engage with LPAs and provides an opportunity to include catchment-specific SuDS requirements in Local Plans. Its removal, without any proposed alternative, threatens this opportunity (CIWEM, 2020). There are likely to be a range of issues that will need to be captured in Local Plans in the absence of formal cooperation, e.g. Critical Drainage Areas (where new or additional discharges of surface water runoff may pose a specific, heightened risk and therefore require more onerous controls), environmentally sensitive receptors (where specific water quality requirements may need to be imposed), or sites with specific green infrastructure or ecological objectives that SuDS could and should support. This risk is made more acute by the new and enhanced role of Local Plans.

**Statutory co-operation between LPAs and LLFAs at plan-making should be maintained. Consideration should be given to whether other stakeholders important to the implementation of multiple benefit SuDS should also be included, e.g. Water and Sewerage Companies.**

2. The simplification of Sustainability Appraisal and Defra-led review of project-level environmental assessment is potentially a threat to the identification of multiple benefit SuDS as solutions to flooding and contributors to improving water quality, biodiversity and amenity.

**Consideration should be given to whether any replacement sustainable development test should include recognition of surface water management and the potential role of multiple benefit SuDS to deliver broad ranging environmental protection and mitigation. Consideration should be given to requiring multiple benefit SuDS in mitigation options as part of a review of project-level environmental assessment.**

3. The simplification of Sustainability Appraisals could streamline existing processes and place a fresh emphasis on the sustainable outcomes of a development, including net gains in water quality, amenity and biodiversity and how these will be safeguarded and maintained for the long-term. This could be highly beneficial, as often well-designed schemes including SuDS are not fully implemented on the ground. However, a simple process could undermine the level of detail required when designing SuDS that deliver the SuDS function and count towards the mandatory BNG, leading to 'BNG on paper' but poor environmental outcomes in reality.

**Consideration should be given to setting out requirements for water quality, amenity and biodiversity improvements (including through BNG) within the simpler Sustainability Appraisals and, with this information, produce guidance and templates to support compliance with the proposed NSTS Standard 6 Biodiversity.**

## **2.4 Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst...[to] factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

A standard method of assessing housing requirements carried out by Government would take account of constraints such as flood risk and be legally binding. Local Plans would need to identify sufficient land for housing for at least 10 years. This has been the subject of a separate consultation. An alternative option of maintaining the current system of locally set, 5-year housing land assessments is included.



## 2.4.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. An indirect implication is that the standard method would need to take account of the landtake requirements of implementing multiple benefit SuDS (ADEPT, 2020), particularly in areas categorised for Growth in Local Plans, as it is likely that these would be providing a large proportion of new homes. This is likely to require development 'templates' where SuDS are interpreted within street, private and public space to deliver on the required NSTS 'effectiveness' criteria and compliance with revised Manual for Streets (MfS).

**Consideration should be given to quantifying likely land-take requirements of multiple benefit SuDS in a variety of rural/suburban and urban settings, to enable them to be incorporated into the standard method of assessing housing requirements. This exercise would also benefit the delivery of the NSTS and the implementation of machine-readable Local Plans and planning applications. Any standard housing requirement methodology should include the need to implement multiple benefit SuDS.**

## 2.5 Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building

In Growth areas identified in adopted Local Plans, the details of proposals would be considered either:

- Through a reformed 'reserved matters' process,
- A Local Development Order (LDO), or
- For large scale developments (e.g. a New Town) possibly through a Development Consent Order (DCO) application.

In Renewal areas, there would be a general presumption in favour of development established in legislation and consent for development would be granted in one of three ways:

- For pre-specified forms of development, such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as discussed further under Pillar 2);
- For other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the NPPF; or
- A LDO or Neighbourhood Development Order (NDO).

In Growth and Renewal areas planning applications can also come forward as at present. This is also the default position for development in Protected areas.

### 2.5.1 Implications for SuDS for Growth areas

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. This form of granting planning permission would make establishing the landtake and other functional requirements of SuDS and the capacity for their integration within the development landscape an essential part of the identification of Growth areas in a Local Plan. It is also essential that LLFAs are consulted on preparation of the Local Plan, as well as on relevant reserved matter applications, and on preparation of LDO or DCO applications (ADEPT, 2020). Climate change and various 'background' factors will change over time (RTPI, 2020) and this may affect SuDS design. It is, therefore, important that there is flexibility to consider the need to refine the details of schemes between allocation in a Local Plan and granting 'final' planning permission, but also that these refinements are checked and scrutinised so that they deliver requirements of the Local Plan. Key factors to pre-establish 'drainage in principle', in addition to landtake requirements for on the surface, integrated multiple benefit SuDS, would be (i) a viable discharge point (either to ground via infiltration or to an acceptable receiving waterbody or sewer – both of which may need third party access and/or point of discharge agreement); and (ii) agreed adoption protocols in order to guarantee future long term maintenance agreements for all elements of an integrated SuDS scheme.

**Consideration should be given to quantifying likely land-take requirements of multiple benefit SuDS in a variety of rural/suburban and urban settings, to enable them to be incorporated into the standard method of assessing housing requirements. This should make specific reference to the role of SuDS in adapting to climate change and delivering the mandatory BNG requirement, especially given the possible increased pressure on space (see comment for Proposal 1). This exercise would also benefit the delivery of the NSTS and the implementation of machine-readable Local Plans and planning applications. New planning laws and policy should refer to the inclusion of multiple benefit SuDS in**

**Growth areas and the continued involvement of LLFAs in the different routes to planning permission.**

## **2.5.2 Implications for SuDS for Renewal areas**

1. As with Growth areas, the main implications for SuDS are that there needs to be greater certainty over the amount, distribution and design of SuDS at the stage of designation as a Renewal area and this should also be set out in design guidelines or a code which will be used by LPAs and developers at the planning permission stage. With regards to designing SuDS that generate biodiversity benefits, the comments made for Proposal 1 (and the associated considerations) also apply here.

**Consideration should be given to quantifying likely land-take requirements of multiple benefit SuDS in a variety of rural/suburban and urban settings, to enable them to be incorporated into design codes. The new NMDC, planning laws and policy should refer to the inclusion of multiple benefit SuDS in Renewal areas and the continued involvement of LLFAs in the different routes to planning permission.**

## **2.6 Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology**

It is notable that proposals in this section are more detailed than in other parts of the Planning White Paper. They include:

- Greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, and especially at validation stage
- A new, more modular software to simplify information requirements
- Shorter applications containing standardised information. A new data standard for planning
- Shorter smaller applications and a maximum 50-page statement for major applications
- Greater standardisation of technical supporting information, e.g. about local highway impacts, flood risk matters. Design codes will help to reduce the need for significant supplementary information, but it is recognised there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees
- Clearer and more consistent planning conditions, with standard national conditions to cover common issues

- The delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.

## 2.6.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. While most of the experience at the moment is in greater digitisation of 'back office' functions of LPAs (MHCLG / Southwark Council, 2020) concentrating on issues such as validation of planning applications, there is a clear ambition to make larger parts of the system digitally-enabled (RTPI, 2020) (RTPI / GLA, 2020). Currently there is uncertainty over how much of SuDS design is currently or has the potential to be digitally designed. While it may be feasible that multiple benefit SuDS can be identified on 'machine readable' plans, it is likely that they will still require the input of drainage engineers and other professionals (e.g. landscape architects, ecologists) to establish whether they will deliver their intended objectives. This especially applies to the selection of appropriate landscaping for ecologically-valuable habitats that provide (and do not comprise) the intended SuDS function. There are significant advantages to digitising the multiple benefits of SuDS, for example to embed a multiple benefit SuDS approach within engineering designs (and 3D or Building Information Management models) for designers to quickly and easily see impacts from changes in the SuDS design. But the NSTS will need to be supported by guidance or tools such as checklists, flow diagrams or questionnaires, to enable designers to demonstrate compliance with planning, highways and adopters' requirements. 'Templates' demonstrating the integration of standard SuDS through developments could be used to support this process.

**Consideration should be given to developing data standards and templates for multiple benefit SuDS for a range of development types and SuDS types to test the extent to which these could be made 'machine-readable'. This should include an assessment of potential costs for small developments, as well as a call for case studies of existing sites where the SuDS design is digitised. Consideration should be given to securing data standards for planning applications that include SuDS and other forms of green/blue infrastructure (and their associated environmental and social benefits) and align with those of potential adoption organisations.**

2. Other aspects of the proposals pose potential threats to the implementation of multiple benefit SuDS. National standardised conditions need to include multiple benefit SuDS

and the role of LLFAs is unclear in the Planning White Paper proposals in a system with greater delegation to officers (ADEPT, 2020).

**Consideration should be given to requiring standard national conditions for the implementation, adoption, maintenance and monitoring of multiple benefit SuDS. LLFAs should continue to be involved in commenting on major planning applications.**

## **2.7 Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template**

The new Local Plans will be shorter and built on open access digital standards that allow standardised template-based approaches across the country. The Government will produce a guide to digital standards for Local Plans.

### **2.7.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The evidence base for SuDS for Local Plans is currently found in the Strategic Flood Risk Assessment (SFRA), prepared by the LPAs. LLFAs also prepare local flood risk management strategies and asset registers of flood risk management infrastructure. Developing a more standardised approach to preparing SFRAs for Local Plans would require co-ordination of multiple bodies and additional resources.

**Consideration should be given to whether the digital standardisation of SFRAs and other outputs from LLFAs (including asset registers that include multiple benefit SuDS) and the Environment Agency could be adapted for digital Local Plan templates. Templates and guidance could be developed for the updated NSTS to conform with the standardised Local Plan digital standards.**

## **2.8 Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

The PWP proposes a condensed 30-month period for preparation and adoption of Local Plans including 6 months 'call for sites' to go into Growth areas and Renewal areas and 12 months drafting of policies. All LPAs would be required to have a new Local Plan in force after 30 months or 42 months if there is a recent (<3 years) Local Plan in force. There is a statutory requirement for review after 5 years. There will be Government intervention if a Local Plan is not in place in time.

### **2.8.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Assessing and formulating the SuDS requirements for Growth and Renewal areas and the preparation of local design codes would be concentrated at the start of a much shorter plan-making process than at present. Many respondents to the PWP ((ADEPT, 2020), (RTPI, 2020), (LGA, 2020), (POS, 2020)) have highlighted this as problematic because of the lack of resources within LPAs. This would also place considerable strain on LLFAs offering advice on draft plans and allocations for development, particularly as almost all LPAs will be preparing Local Plans in parallel.

**Consideration should be given to the resource requirements for LPAs and LLFAs.**

2. It is unclear how the preparation and adoption of Local Plans will include local biodiversity priorities and how these link with the mandatory BNG requirement and with Nature Recovery Networks. Without this strategic approach to biodiversity formally embedded within Local Plans, the role of SuDS in delivering biodiversity benefits (including BNG) will likely be *ad hoc*, reactive and not to its full potential.

**Consideration should be given to the data underpinning the inclusion of biodiversity within Local Plans especially to vet the 'call for sites' and have clarity on the contribution that SuDS can make in delivering biodiversity benefits (which relates to the Design Codes and allocation of planning decisions).**

## 2.9 Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

The PWP proposes to retain Neighbourhood Plans (perhaps extending them to an individual street-level) and encourage use of digital tools and platforms.

### 2.9.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Neighbourhood Plans have the potential to require multiple benefit SuDS (CIWEM, 2020) and if local design codes and the NSTS can be adopted or adapted to use in Neighbourhood Plans, they could be effective in helping to implement them. With regards to biodiversity, they should be balanced with scientific evidence and expert judgement on the ecological complexities and value of the areas, such as for a balance between recreational green spaces together with more naturalised green spaces that have higher wildlife value. This is especially important to maximise the potential of SuDS to generate biodiversity benefits within the provision of a Neighbourhood Plan.

**Consideration should be given to developing data standards and templates for multiple benefit SuDS for a range of development types to make them 'machine-readable'. Digital tools for Neighbourhood Plans could include multiple benefit SuDS, including locally meaningful and long-term biodiversity benefits, with reference to local and strategic biodiversity priorities.**

## 2.10 Proposal 10: A stronger emphasis on build out through planning

Masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together.

### 2.10.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Co-ordination and phasing of multiple benefit SuDS may be complex on sites with multiple builders, and so should be underpinned by an overarching masterplan for the whole site. This is especially to enable the design of SuDS that generate biodiversity benefits at the masterplan level in order to maximise these benefits, such as by creating natural connectivity within and through the site, and avoid the risk of isolated and fragmented SuDS.

**Consideration should be given to whether masterplanning could include outline SuDS design and/or a full site drainage strategy for the development as a whole with clarity on the overarching outcomes to be achieved from SuDS with regards to surface water management, people and biodiversity (quantified where possible). Groupings of different development types could be determined by water management sub-catchments, that would allow multiple benefit SuDS to be fully coordinated throughout the development as a whole from the outset. As individual developments refine the SuDS design, there should be checks in place to ensure that the overarching outcomes are on track (or indeed exceeded).**

2. There will need to be greater levels of compliance checking and enforcement, including rectification after development has been implemented (CIWEM, 2020) in order to ensure that the performance of each phase of development supports and does not compromise downstream and overall system performance and functionality.

**Consideration should be given to compliance and enforcement (across design, construction, post construction performance and defect rectification).**

## 3 Pillar Two – Planning for beautiful and sustainable places

This pillar translates the results of the Building Beautiful Building Better Commission (BBBBC) (BBBBC, 2020) into proposals for planning reform including for net environmental gain and for green spaces around buildings. Building on the National Design Guide (MHCLG, 2019), the Government is producing a detailed National Model Design Code (NMDC) setting out more detailed parameters for new development, alongside an update of the Manual for Streets (MfS).

### 3.1.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The NMDC will influence local design codes and – in the absence of local design codes – will be the ‘default’ design code used by LPAs and developers. It is imperative that



the NMDC and revised MfS include multiple benefit SuDS as a holistic approach integrated within streets and highways, private curtilage and public open space, and reflect the objectives and required delivery mechanisms of each of the proposed six standards in the updated NSTS. The National Design Guide includes multiple benefit SuDS as part of several of its 'ten characteristics' and the NSTS can potentially help to implement these national codes/manuals by aligning with and referring to them.

**Consideration should be given to including multiple benefit SuDS in NMDC and MfS, embedding the objectives of each of the proposed standards in the updated NSTS, and providing explicit links to them so that policy and guidance is consistent and coherent. *The SuDS Manual* (Woods Ballard et al., 2015) could form the basis of the input into the NMDC.**

### **3.2 Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.**

At a local level the PWP proposes that local design codes “*prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area*” will be given weight in decision making. Where they do not exist, the National Design Guide, NMDC and MfS will apply. Local design codes can be prepared to supplement or add a visual element to Local Plans (by LPAs), by neighbourhood planning groups and by applicants for significant new areas for development.

Planning practice guidance (MHCLG, 2019) describes design codes as “*a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should be proportionate and build upon a design vision, such as a masterplan or other design and development framework for a site or area. Their content should also be informed by the 10 characteristics of good places set out in the National Design Guide.*”

#### **3.2.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Including SuDS in local design codes will help to deliver multiple benefits (CIWEM, 2020). Depending on the level of technical detail in local codes, there is likely to still be

a need for detailed technical advice using *The SuDS Manual* (Woods Ballard *et al.*, 2015) or as part of the updated NSTS or local SuDS guides.

**Consideration should be given to including multiple benefit SuDS in the draft NMDC, informed by the National Design Guide and *The SuDS Manual* (Woods Ballard *et al.*, 2015), and to ensuring the NMDC recommends that local design codes also include multiple benefit SuDS. Consideration should be given to how local design codes can support the delivery of the multiple benefit NSTS – considering the use of model templates that reflect local characteristics and needs.**

2. The requirement for *new* local design codes to be demonstrably supported by the public could undermine the use of *existing* local SuDS guides that have been adopted as Supplementary Planning Guidance, often after public consultation. This could result in uncertainty for developers and LPAs about the requirements for SuDS design and potentially result in a reduction in the implementation of multiple benefit SuDS.

**Consideration should be given to the transitional arrangements from the existing development plan documents and associated guidance, to ensure that existing local SuDS guidance that is consistent with NPPF objectives to deliver multiple benefits can continue to be used until new local design codes are in place.**

3. Many respondents to the PWP, including RTPI (2020) and CIWEM (2020), have highlighted the lack of resources in LPAs to develop local design codes, especially at the same time as revising Local Plans. This is also likely to affect LLFAs whose expertise will be needed to provide inputs into draft local design codes, while continuing their statutory advisory functions (ADEPT, 2020).

**Consideration should be given to the resourcing needed to support LLFAs and other partners in delivering locally relevant multiple benefit SuDS through local design codes.**

4. Local preferences should be balanced with scientific evidence and expert judgement on the ecological complexities of the local area, to achieve a balance of development, as well as green and blue spaces for wildlife and for people. The design vision should be underpinned by both (i.e. local preferences and scientific evidence) especially for a multiple benefit SuDS approach to achieve the maximum benefits possible.

**Consideration should be given to setting out a recommended approach for the development of Design Visions. Based on this, guidance should be produced on how a multiple benefit SuDS approach should feature within the Design Vision.**

### **3.3 Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

The Government has appointed Nicholas Boys Smith to set up a design body to drive up design standards and help LPAs draw up design codes (MHCLG, 2020) and URBED have been appointed to draft a NMDC template (URBED, 2020). The PWP proposes that each LPA appoints a 'chief officer for design and place-making', and the Government will set out proposals for resources and skills needed to implement the changes in the PWP.

#### **3.3.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Implementing multiple benefit SuDS will be made easier if the new design body recognises their value, understands the objectives of the revised NSTS and necessary linkages between drainage, landscape and BNG obligations and is comprised of individuals with a range of design skills (BPF, 2020). As the National Design Guide (MHCLG, 2019) includes multiple benefit SuDS, it is expected that the NMDC should do the same. But there is little in the public domain about the likely content of the new code or, specifically, any integration of the objectives of the revised NSTS with this code.

**Consideration should be given to whether the national design body should contain or request SuDS expertise and that the NMDC will include integrated, multiple benefit SuDS in accordance with the National Design Guide, with support tools developed for the national design body.**

2. The proposal to establish chief officers for design and place-making has been welcomed in principle by many respondents to the PWP, subject to extra skills and resources being provided to support it (ADEPT, 2020) (BPF, 2020) (RTPI, 2020). However, the commitments in the November 2020 Spending Review are likely to be inadequate to provide additional skills to implement the changes (RTPI, 2020).

**Consideration should be given to the skills and resources available to new chief officers of design and placemaking to embed multiple benefit SuDS in local**

plans, design codes and implemented through the planning system, and that multiple benefit SuDS are clearly linked and complementary to other legal and policy obligations for the environment such as BNG.

### **3.4 Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.**

The PWP proposes that the design quality and environmental quality can be more deeply embedded in the work of Homes England.

#### **3.4.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. As the Government's 'housing accelerator', Homes England is well placed to incorporate and promote multiple benefit SuDS into its schemes.

**Consideration should be given to engaging with Homes England to establish the extent to which multiple benefit SuDS are already being promoted, to explore opportunities to identify and promote good practice and to determine the needs for training and skills development.**

### **3.5 Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

The PWP proposes 3 ways of 'fast-tracking' beautiful proposals for development through the planning system.

1. Updating the NPPF to make it clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.
2. where plans identify areas for significant development (Growth areas), require through a change in the law that a masterplan and site-specific code (prepared

by the LPA) are agreed as a condition of the permission in principle which is granted through the plan.

3. Grant planning permission through new and wider permitted development rights linked to pre-approved 'pattern books' for replicable forms of development. These would apply in 'Renewal' areas.

### 3.5.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. All of the fast-track proposals potentially offer advantages for implementing multiple benefit SuDS, providing there are clear and strong policies in the NPPF (that link to and require compliance with the revised NSTS) and that masterplans, local design codes and 'pattern books' include them, and that LPAs can ensure compliance with them (CIWEM, 2020).

**Consideration should be given to embedding requirements for multiple benefit SuDS throughout national planning policy and all types and levels of guidance and permitted development rights. Consideration should be given to the resources available to assist LPAs and LLFAs in implementing them in developments on the ground through, for example, compliance assessment frameworks and checklists.**

2. The updated NSTS have the potential to support the implementation of fast-tracked developments by helping to deliver multiple benefits aligned to the NMDC.

**Consideration should be given to whether the proposed updates to the NSTS align with the draft NMDC. Equally, the draft NMDC should be reviewed with reference to the updated NSTS.**

### **3.6 Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

The PWP refers to ensuring that the reformed planning system and a revised NPPF reflect commitments such as:

- The 25 Year Environment Plan
- Deliver environmental net gain and Local Nature Recovery Strategies
- Requiring all new streets to be tree-lined
- Developing green infrastructure standards
- a review of national planning policy and guidance on flood risk
- The need for locally specific policies in Local Plans.

The PWP also refers to LPAs identifying areas (e.g. Growth areas) and sub-areas which can most effectively contribute to climate change mitigation and adaptation.

### 3.6.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. SuDS can contribute to and align with all of the Government's existing legal and policy obligations to deliver climate change mitigation and adaptation and environmental benefits including BNG and the forthcoming agenda on environmental net gain. However, in order to secure this contribution, surface water management has to be a fundamental part of the design of green infrastructure and new tree-lined streets, with drainage components such as swales, sub-pavement storage, or green bioengineered verges and engineered soils potentially delivering the required outcomes of all six of the proposed standards in the updated NSTS. Multiple benefit SuDS can and should be implemented in *all* areas.

**Consideration should be given to recognising the role of multiple benefit SuDS in adapting to climate change and providing other multiple benefits throughout national planning policy and guidance The ability of LPAs to identify areas where multiple benefit SuDS are not required should be limited.**

### **3.7 Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

The PWP proposes to revise Sustainability Appraisal, Strategic Environmental Assessment and project-level Environmental Impact Assessment (EIA), to make it simpler and deliver environmental improvements.

### 3.7.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The review of environmental assessments provides an opportunity to promote the implementation of multiple benefit SuDS throughout developments as mitigation for the impacts of development and to contribute to environmental gain, nature recovery, BNG and other Government objectives. However, a focus on 'speeding up' planning runs the risk of reducing the requirements for data – data that is essential in order to understand the environmental complexities of a site, the impacts of a development and what is required to create net gain. This could lead to misuse of SuDS to deliver multiple benefits when this is inappropriate and not aligned with industry good practice, for example, when SuDS count towards the mandatory BNG requirement but on-the-ground do not compensate or add wildlife value for the habitats and ecological functions lost to the development. Furthermore, there are aspects of the ecological assessment process that require site surveys at certain times of the year, such as the habitat condition assessments published by Defra for use of the Biodiversity Metric.

**Consideration should be given to setting out explicitly how multiple benefit SuDS will be considered in any forthcoming review of the environmental assessment process.**

## 3.8 Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

The PWP proposes to revise the NPPF to protect built heritage but also *“allowing, where appropriate, sympathetic changes to support their continued use and address climate change”*.

### 3.8.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Design codes will need to incorporate multiple benefit SuDS into historic environments.

**Consideration should be given to further engagement in the production of the NMDC, design templates and local design codes to ensure that multiple benefit SuDS are incorporated.**

## 3.9 Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

The PWP refers to responding to the Future Homes Standard and increasing energy efficiency of new homes and other buildings. The PWP envisages more resources being available for monitoring and enforcement of standards in the proposed reformed planning system.

### 3.9.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. The PWP does not specifically refer to water efficiency or other standards (such as the NSTS) relevant to climate change adaptation that multiple benefit SuDS can help deliver. In addition to the multiple benefits required by the proposed updated NSTS, green roofs have thermal performance that can support building energy efficiency whilst also delivering surface water management functionality. Similarly, rainwater harvesting systems deliver water resource efficiencies, with bespoke and/or actively managed systems also delivering surface water management functionality.



**Consideration should be given to promoting the concept of other building standards that could help deliver climate change mitigation, adaptation and net environmental gain.**

## **4 Pillar Three – Planning for infrastructure and connected places**

The PWP proposes reforms to the current system for securing developer contributions towards infrastructure of

- Planning obligations negotiated on a site-by-site basis and
- The tariff-based Community Infrastructure Levy.

### **4.1 Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

While a number of options are proposed, which makes it difficult to predict with much certainty the potential impact on provision of multiple benefit SuDS, the main intention is to replace planning obligations with a centrally-set tariff on land value uplift payable at point of occupation.

#### **4.1.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Planning obligations are more commonly used to fund SuDS than the Community Infrastructure Levy (CIL) (CIWEM, 2020). Planning obligations also offer the ability to transfer funds, land and responsibility for adoption and maintenance to other bodies. SuDS, like other infrastructure, are delivered through several funding streams (ADEPT, 2020). Replacing planning obligations could risk resources for SuDS being lost or reduced and introduce more uncertainty into the long-term maintenance of SuDS (CIWEM, 2020). Estimating the cost of SuDS provision and possibly maintenance through a nationally-set Infrastructure Levy would make it difficult to reflect local needs, and guidance on setting a tariff for SuDS would be required.

**Consideration should be given to whether proposals to revise developer contributions could jeopardise SuDS provision and adoption.**

## **4.2 Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights**

The PWP proposes to extend the proposed Infrastructure Levy to developments granted planning permission under permitted development rights, that are currently exempt from developer contributions.

### **4.2.1 Implications for SuDS**

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. This proposal has limited implications for multiple benefit SuDS. Effective enforcement of limits to existing permitted development rights to create hardstandings and ensuring that new permitted development rights incorporate creation of multiple benefit SuDS would be more valuable.

**Consideration should be given to compliance with existing permitted development rights for hardstandings, and whether new permitted development rights may include associated operational developments that prevent the provision of multiple benefit SuDS.**

## **4.3 Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision**

Most affordable housing is provided through developer contributions. The PWP proposes alternative approaches. It is not considered that this has significant direct implications for multiple benefit SuDS as all new housing should incorporate them.

## **4.4 Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy**

Neighbourhood planning bodies currently have flexibility over how CIL is spent. The PWP proposes to extend this to LPAs.

#### 4.4.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. At present there has to be a link between monies collected through CIL and the infrastructure needs of the LPA. The proposal would potentially allow that link to be severed and LPAs could spend the monies raised from Infrastructure Levy on other priorities (including reducing Council Tax). While this could potentially benefit multiple benefit SuDS, particularly in areas with existing localised flooding, it is perhaps more likely that LPAs would have higher priorities.

**Consideration should be given to whether the impacts on multiple benefit SuDS (e.g. for enforcement, inspection and maintenance) should be explained and considered if greater flexibilities are introduced.**

### **4.5 Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.**

The PWP proposes the following key elements:

- The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain (i.e. landowners and developers) rather than the national or local taxpayer
- Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application
- A deep dive regulatory review to identify and eliminate outdated regulations
- LPAs should be subject to a new performance framework which ensures continuous improvement across all planning functions
- The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets
- Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities
- Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector.

### 4.5.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. This package of reforms amounts to a radical rethink of the way the planning system is funded and operates. It could have a significant indirect impact on the implementation of multiple benefit SuDS.

**Consideration should be given to whether sufficient resources are available to help embed multiple benefit SuDS into the operation of the reformed planning system.**

## 4.6 Proposal 24: We will seek to strengthen enforcement powers and sanctions

The PWP seeks more emphasis from local planning authorities on the enforcement of planning standards and decisions and believes that LPAs will have more resources to do this once the planning reforms release resources from other requirements.

### 4.6.1 Implications for SuDS

The main implications and associated considerations for multiple benefit SuDS (including the NSTS) are the following:

1. Compliance with planning permissions and enforcement of SuDS could be significantly stronger (CIWEM, 2020), (ADEPT, 2020). Enforcement of design codes will be necessary (RTPI, 2020). Currently proposals are often amended during the final design stages, following approval or during construction – with multiple benefit elements often removed or reduced. SuDS are not currently subject to sufficient verification and inspection.

**Consideration should be given to compliance, monitoring and enforcement requirements of the planning reforms (including design codes) during their development and implementation. Consideration should be given to the resources required by LPAs to carry out these functions, including inspection and compliance monitoring of multiple benefit SuDS.**

## 5 Conclusions and recommendations

The PWP's proposed reforms have the potential to benefit the implementation of multiple benefit SuDS if the following is carried out:

- The NMDC and MfS reflect the National Design Guide, *The SuDS Manual* (Woods Ballard *et al.*, 2015) and a (strengthened) NPPF and Planning Practice Guidance. It is fundamental that they reflect and re-state the objectives, approach and delivery mechanisms for each of the proposed standards in the updated NSTS (including 'the SuDS approach') if multiple benefit SuDS requirements are to be integrated consistently through all government policy.
- The likely landtake requirements of multiple benefit SuDS in a variety of rural/suburban and urban settings can be quantified (and converted into templates) to enable them to be incorporated into the standard method of assessing housing requirements, the creation of design codes and the implementation of machine-readable Local Plans and planning applications.
- Local Plans and Local Design Codes similarly reflect national policy, guidance and design codes, such as the forthcoming mandatory approach to BNG.
- The various forms of and routes to planning permission have built-in checks to ensure that the design principles established at national level are embedded, implemented and complied with.
- Multiple benefit SuDS designs are demonstrated to be fully expressible in machine-readable digital format for local plans, design codes and planning applications. There will need to be continuing human input into designing and checking all and/or part of each scheme.
- The resources in LPAs and LLFAs (including training, monitoring and compliance) are in place and maintained.

The considerations presented in the previous sections would enable achievement of the above requirements. The most important influence in the near future is ensuring that the NMDC and MfS reflect the National Design Guide, *The SuDS Manual* (Woods Ballard *et al.*, 2015) and objectives, approach and delivery mechanisms of each of the proposed standards in the updated NSTS. This would embed solid principles and should lead to a 'golden thread' that runs through local policies, codes and guidance.

Multiple benefit SuDS and the proposed updated NSTS potentially have a significant role at various points in the proposed reformed planning system. For example, the revised NPPF should have the NSTS embedded within it or, as a minimum, include strong

reference to them, and planning practice guidance should ensure the objectives and delivery processes required by the updated standards are embedded in design coding and planning applications. The NSTS should reflect the National Design Guide which will form the basis of the NMDC. There is uncertainty over the level of detail that will be contained in the NMDC and MfS, but these documents could potentially include more detail from the NSTS, as well as describing how other relevant national metrics (such as the Biodiversity Metric by Natural England and green infrastructure standards) relate to each other.

There is uncertainty about links between the PWP proposals and the forthcoming Environment Bill, especially with regards to the mandatory BNG requirement. Standard 6 Biodiversity of the updated NSTS has a significant role in enabling SuDS that deliver genuine biodiversity benefits and, where appropriate, count towards the mandatory BNG requirement. However, its implementation is potentially at risk through the automatic granting of planning permission. The recommendations in the main body of this report that accompany the proposed new Standard 6 Biodiversity (e.g. guidance for LPAs and clarity on how BNG good practice principles by industry apply to SuDS) equally apply to the context of the PWP, and guidance should be provided on the implementation of this standard through the planning process.

Local design codes offer the opportunity to provide locally specific multiple benefit SuDS solutions, linked to locally set metrics such as amenity open space standards, such as the Urban Greening Factor (policy G5 in the draft London Plan) in London (Mayor of London, 2020). In some places there are already local SuDS guides, and these can be used as one of the inputs to new design codes that will need to obtain public endorsement. The NSTS can potentially be included in local design codes. It would be advantageous to 'pilot' local design codes including multiple benefit SuDS, as well as other aspects of the planning reform proposals.

It may be feasible for multiple benefit SuDS to be expressed in a machine-readable digital format. NSTS could be supplemented by templates, checklists, flowcharts and/or questionnaires that guide designers down a certain route to multiple benefits. Templates will be key to consistency in securing multiple benefit SuDS through all development, and changing current 'standardised' approaches to development (that lead to predominantly piped drainage systems).

While the additional resources required to achieve this will be considerable, the PWP presents an opportunity to overcome long-standing barriers for a multiple benefits SuDS approach to become embedded within development and planning.

## 6 References

ADEPT, 2020. [Online]

Available at:

[https://www.adeptnet.org.uk/system/files/documents/ADEPT%20response\\_Planning%20White%20Paper%20consultation\\_Oct%202020%20%28final%29.pdf](https://www.adeptnet.org.uk/system/files/documents/ADEPT%20response_Planning%20White%20Paper%20consultation_Oct%202020%20%28final%29.pdf)

[Accessed 4th December 2020].

BBBCC, 2020. *Building Better Building Beautiful Commission*. [Online]

Available at: <https://www.gov.uk/government/groups/building-better-building-beautiful-commission>

[Accessed 4 12 2020].

BPF, 2020. *BPF response to the Planning White Paper*. [Online]

Available at: <https://bpf.org.uk/media/3358/bpf-response-to-the-planning-white-paper-designed.pdf#:~:text=BPF%20response%20to%20The%20Planning%20White%20Paper%20British,We%20promote%20the%20interests%20of%20those%20with%20a>

[Accessed 6 12 2020].

Woods Ballard *et al.*, 2019. *The SuDS Manual (C753F)*. [Online]

Available at:

<https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

[Accessed 5 12 2020].

MHCLG/Southwark Council, 2020. [Online]

Available at: <https://bops.digital/>

[Accessed 4 12 2020].

MHCLG, 2019. *Design: process and tools*. [Online]

Available at: <https://www.gov.uk/guidance/design#para008>

[Accessed 5 12 2020].

MHCLG, 2019. *National design guide*. [Online]

Available at: <https://www.gov.uk/government/publications/national-design-guide>

[Accessed 4 12 2020].

MHCLG, 2020. *Jenrick announces next steps to put beauty and design at heart of planning system*. [Online]

Available at: <https://www.gov.uk/government/news/jenrick-announces-next-steps-to-put-beauty-and-design-at-heart-of-planning-system>

[Accessed 6 12 2020].

Ministry of Housing, Communities and Local Government, 2020. *Planning for the Future*. [Online]  
Available at: <https://www.gov.uk/government/consultations/planning-for-the-future>

RTPI/GLA, 2020. [Online]  
Available at: <https://www.rtpi.org.uk/media/7154/rtpi-planning-for-critical-infrastructure-in-london-november-2020.pdf>

RTPI, 2020. [Online]  
Available at: <https://www.rtpi.org.uk/consultations/2020/september/comprehensive-spending-review-rtpi-response/>

RTPI, 2020. *Chancellor's £12m for planning in Spending Review woefully inadequate, says RTPI*. [Online]  
Available at: <https://www.rtpi.org.uk/press-releases/2020/november/chancellor-s-12m-for-planning-in-spending-review-woefully-inadequate-says-rtpi/>  
[Accessed 6 12 2020].

RTPI, 2020. *RTPI response to the Planning White Paper*. [Online]  
Available at: <https://www.rtpi.org.uk/consultations/2020/october/pwpconsultationresponse/>  
[Accessed 01 December 2020].

URBED, 2020. *National Model Design Code*. [Online]  
Available at: <http://urbed.coop/projects/national-model-design-code>  
[Accessed 6 12 2020].