

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Personnel Committee

25th June 2018

Joint Report of the Head of Engineering & Transport - David Griffiths and the Head of Streetcare Mike Roberts

Matter for Decision

Wards Affected: All Wards

Creation of a new posts for undertaking new statutory duties as a Sustainable Drainage Authorising Body (SAB)

Purpose of Report

- 1.1 To seek Members' approval to create three and a half posts to resource new statutory Sustainable Urban Drainage System Approval duties.

Executive Summary

- 2.1 New legislation comes fully into effect in January 2019 relating to Sustainable Urban Drainage Systems (SUDS), with transition arrangements starting now.
- 2.2 The Highway Development Control Section will be responsible for administering the Council's new statutory duty to act as a SuDS Approving Body (SAB).
- 2.3 Officers will be responsible for approving, refusing, inspecting and attending appeals/enforcing applications for sustainable drainage systems on new developments, and meeting these new duties will require additional staff resources.
- 2.4 As part of the new statutory duty, additional input will be required from the Drainage and Biodiversity Sections, creating additional workloads in these sections as well as in Highways Development Control.

- 2.5 All developments that meet the legislative criteria will be required to submit sustainable drainage applications and will need approval by the SAB prior to commencing work on site. This is a separate statutory process to the Planning Approval process.

Background Information

- 3.1 Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage Systems (SuDS). It also requires surface water drainage systems to be approved by a SuDS Approving Body (SAB) before construction work with drainage implications may begin.
- 3.2 In order to deliver the aims of the Act, there are requirements to:
- Make unitary authorities in Wales the responsible SuDS Approving Body (SAB) to approve new drainage systems before construction can commence.
 - Compel the SAB, where appropriate, to adopt drainage systems serving multiple properties, making it responsible for ensuring a surface water drainage system adopted by the SAB is maintained in accordance with the mandatory National Standards.
 - Enable secondary legislation to be made relating to various matters concerning approval and adoption.
 - Establish the role of statutory consultees in the approval process.
- 3.3 The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority (LLFA). The Commencement Order for the new legislation was signed by Welsh Government on the 1 May 2018 and that Schedule 3 of the FWMA becomes law as from 7 January 2019.
- 3.4 The SAB will contribute to the following Well-Being Goals within the Well-Being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales

- A Wales of cohesive communities, and
- A globally responsible Wales

- 3.5 The SAB links to the Authority's Well Being Objective: To develop the local economy and environment so that the well-being of people can be improved.
- 3.6 Surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk management as a major cause of flooding of homes. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. Local flooding, due to the overloading of volume constrained drainage systems and sewers, is also of increasing concern.
- 3.7 The local authority as a SAB will administer a technical statutory approval process and can charge for services within this process. Examples of chargeable aspects are:
- SAB pre-applications – It is a key function of the SAB to engage with developers for technical pre-application discussions. This will steer developments to comply with the National Standards. When schedule 3 of the FWMA is implemented the SAB will be able to charge for pre-application comments. The charge proposed for pre-application enquiries is £250.
 - Outline/Full Applications – the latest information is that only developments of two properties and above, (or with an area greater than 100m² or which otherwise have drainage implications) would require SAB approval. This process is chargeable at the rates set by Welsh Government. A fee of £350 per application is chargeable with an additional amount up to a maximum of £7500 depending on the area of land developed.
 - Although for the first 24months the Welsh Government have decided that single dwellings will be exempt from requiring approval, charges are likely to be applied after this time.
 - Inspection of assets – SuDS schemes will need to be inspected by the SAB during construction, to ensure they are built to an appropriate standard. The SAB may charge an

inspection fee based on cost recovery, which includes hourly rates and numbers of hours.

- Adoption arrangement – SuDS that meet the specified criteria will be adopted by the SAB via a bespoke legal agreement and commuted sums will be required which reflects the maintenance/replacement plan required for the lifetime of the development.

3.8 This new statutory function cannot be undertaken within existing resources, therefore further specialised expertise is required to deliver the service as identified in paragraph 4.2 below.

Proposal

4.1 It is proposed that additional staff are employed within relevant sections to ensure the Council can undertake this new function and meet its statutory and regulatory obligations.

4.2 Additional staff requirements have been identified as follows:

Highway Development Control

1 x Assistant Highway Development Engineer (Grade 6) and 1 x Highway Development Engineer (Grade 8) leading the administration, approval, enforcement, inspection and adoption process of any proposed sustainable drainage systems.

Drainage Section

1 x Drainage Engineer (Grade 9) to carry out hydrology assessment, adoption and on-going maintenance processes.

Biodiversity Section

0.5 x Biodiversity Officer (Grade 8) to advise on open water features and suitable planting or other matters associated with proposed sustainable drainage systems.

Financial Impact

5.1 The costs of the additional posts is £130,225 one-off set up costs of £8,000 for new software and associated licences. This cost will be partly met by income fees from the approval process of applications made to develop land although, as with cost of the planning process and associated nationally set fees, there is likely to be a shortfall in income versus expenditure. The anticipated fee

income has been estimated using data from the last three financial years for planning applications and sites that would require SAB approval.

5.2 Overall, costs are proposed to be met as follows:

SAB Fee Income	£35,000
Vacant post within Highway Development Control	£48,405
Other identified budgets within Highway Development Control	£40,000
Total	£123,405
One off set up costs to be identified	£8,000
Potential shortfall/budget pressure – Year 1	£7,420
Potential shortfall/budget pressure - Year 4	£27,863

5.3 There may be no shortfall dependent on development activity and fee income levels, and, as noted above, additional fees to single dwellings may become payable. However given the current prediction, as part of ongoing Forward Financial Planning £27,000 has been highlighted as a potential pressure for the new statutory duties going forward. In reality there will be no shortfall in the current year as employment costs will only be pro-rata with date of appointment.

Appendices

6.1 Financial Appraisal / Statement – Appendix 1

Recommendation

7.1 It is recommended that:

(1) the new posts as indicated in the report be approved;

And that the fees and delegated arrangements set out below be referred to the SS & E Board for decision;

(a) That the pre-application fee is set at £250

(b) That officers are delegated authority to set the appropriate inspection fees and agree appropriate commuted sum payments associated with the new systems.

FOR DECISION

Reason for Proposed decision

- 8.1 To ensure the Council is resourced to meet new statutory requirements

List of Background Papers

- 9.1 None

Wards Affected

- 10.1 All

Officer Contact

- 11.1 David Adlam Highway Development Control Section (01639 686398) d.adlam@npt.gov.uk

FINANCIAL APPRAISAL

SET UP COSTS

<u>Costs</u>	<u>This Year</u> <u>(2018/19)</u> <u>£</u>
Recruitment Costs	0
Accommodation Costs	0
Office Costs	0
Others	8000
Total Set Up Costs	8000
<u>Funding of Set Up Costs</u>	
Revenue Budget	0
Reserves	0
Special Grant	0
Other (Specify)	0
Total Funding of Set Up Costs	0

RECURRING COSTS

<u>Costs</u>	<u>This Year</u> <u>£'000</u>	<u>Maximum</u> <u>£'000</u>
Employee Costs (from Financial Appraisal Statement)		
- Starting Salary	130225	130225
- Additional cost at Maximum Salary		20445
Accommodation Running Costs		
IT Annual Costs	600	600
Other Running Costs (Specify)		
Total Recurring Costs	130825	151268
<u>Funding of Recurring Costs</u>		
<u>External Sources</u>		
Specific Grant:		
- staffing costs		
- other		
Funding from External Agencies		
Service Level Agreement		
Other (Specify)		
<u>Internal Sources</u>		
Existing Budget Allocation	88405	88405
Income Generation	35000	35000
Other-backdated Job Evaluation		
Total Funds Available	123405	123405
Shortfall	7420	27863