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Environment and Communities Committee

Agenda

Date:	**Wednesday, 7th July, 2021**
Time:	**10.30 am**
Venue:	**The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX**

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

   To note any apologies for absence from Members.

2. **Declarations of Interest**

   To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking/Open Session**

   In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the Constitution, a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

   Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting.

Contact: Helen Davies
Tel: 01270 685705
E-Mail: helen.davies@cheshireeast.gov.uk

4. **Waste and Recycling Services- Implications of the Environment Act**

   To consider the implications of the Environment Act on waste and recycling services within Cheshire East.

5. **Contaminated Land Strategy**

   To consider the results of the consultation and approve the final version of the Contaminated Land Strategy.

6. **Sustainable Drainage (SUDs) SPD** (Pages 3 - 122)

   To approve the draft supplementary planning document for public consultation.

7. **Enforcement Policy- Anti Social Behaviour and Waste Management** (Pages 123 - 168)

   To approve the service specific enforcement policies.

8. **Delegation of Neighbourhood Planning Decision** (Pages 169 - 176)

   To delegate decisions relating to Neighbourhood Planning.

9. **Delegation of Street Naming and Numbering** (Pages 177 - 182)

   To delegate decisions relating to Street Naming and Numbering.

10. **Environment and Communities Budget 2021/22** (Pages 183 - 194)

    To receive a report on the capital and revenue budgets for 2021/22. To note or approve virements and supplementary estimates as required.

11. **Work Programme** (Pages 195 - 198)

    To consider the Work Programme and determine any required amendments.

Membership: Councillors Quentin Abel (Vice Chair), Mike Benson, Joy Bratherton, June Buckley, Laura Crane, Tony Dean, Ashley Farrall, Les Gilbert, Peter Groves, Charlotte Leach, James Nicholas, Jonathan Parry, Mick Warren (Chair).

Agenda Item 4

Cheshire East Council

Working for a brighter future together

Environment and Communities Committee

Date of Meeting:	7th July 2021
Report Title:	Implications of the Environment Bill on Waste and Recycling Services
Report of:	Frank Jordan, Executive Director Place
Report Reference No:	EC/01/21-22
Ward(s) Affected:	All

1. Executive Summary

1.1. The Government has published consultations on new waste management and funding changes for 2023. Significant changes to our household recycling and waste collections may be required that will support the Council's objectives to reduce, reuse and recycle. Key aspects include:

- A drive for consistency and minimum service standards that requires food waste to be collected separately and weekly from all properties by 2023. Implications – we may need to change so all residents have a weekly food collection and separate containers for this. Other changes to the way we collect waste and recycling may also be necessary to accommodate this change
- Collecting a core of 6 recycling items, separately. Implications - we currently cover all 6 items BUT not separately. Our silver bin scheme may need to be adapted with additional containers
- The introduction of a Deposit Return Scheme. Consumers pay a deposit for the single-use container (e.g. a plastic bottle), at the point of purchase, repayable when the container is returned. Implications – there will be a reduction in the quantity and value of materials from our recycling service
- The introduction of Extended Producer Responsibility. Producers of packaging will pay the 'full net cost of recovery' to a central body who would pay the Council's cost of managing that material. Implications – Payments could depend on how closely the Council aligns with the

prescribed collection system. Government is proposing to fund all these changes, but details are not available.

2. Recommendations

2.1. That the detail and implications for our recycling and waste collection service are noted.

2.2. That authority be delegated to the Head of Environmental Services to have the ability to consult on potential service changes, if required by requirements of the final form of Environment bill once it passes into legislation.

3. Reasons for Recommendations

3.1. The Environmental Services team recognise that there may be significant changes imposed on the current collection service. We want the Environment and Communities committee to be fully aware. If the changes are mandated there will be considerable expenditure, both of capital items and ongoing revenue. The Government are stating they will be providing this funding. The amount the Council receives could be dependent on how closely it is aligned with the prescribed scheme.

3.2. Given the potential breadth of the changes that may be required by the final form of Environment bill once it passes into legislation, it is important that Members, officers and residents have a clear understanding of what is happening. If change is required, the Council will need to consult fully with our residents to communicate why change is required and to allow residents views to inform future service design.

4. Other Options Considered

4.1. The intended legislative changes will be a requirement on all English local authorities and therefore no other options are open to the Council.

5. Background

5.1. The Governments ambitions on the environment are articulated in the 25-year Environment Plan (2018) and the Resources and Waste Strategy (2018) with the key legislation that will take forward these measures in the Environment Bill, that is currently progressing in Parliament. At the heart of this is the desire to encourage everyone to reduce, reuse and recycle. The results of this will be to fundamentally alter the amount of waste generated, the nature of that waste, and how waste management systems are operated and funded.

5.2. **THE RESOURCES AND WASTE STRATEGY 2018 -** states:

“Our Strategy sets out how we will preserve our stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. At the same time, we will minimise the damage caused to our natural environment by reducing and managing waste safely and carefully, and by tackling waste crime. “

5.3. The Resources and Waste Strategy sets out five strategic ambitions which it will contribute to the delivery of:

- To work towards all plastic packaging placed on the market being recyclable, reusable, or compostable by 2025
- To work towards eliminating food waste to landfill by 2030
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

5.4. In order to deliver on these ambitions, the Strategy looks to use three tools - a Deposit Return Scheme, Extended Producer Responsibility and setting minimum standards for all local authorities under a consistency agenda. It is these that the Environment Bill is enabling.

5.5. **Consistency** - the Government is considering the viability of implementing the following standards:

- the collection of a consistent suite of core materials at the kerbside including glass bottles and containers; paper and card; plastic bottles; plastic pots, tubs and trays; and steel and aluminium tins and cans
- Weekly separate food waste collections (i.e. not co-mingled with garden waste, although potentially collected on the same vehicle)
- Free garden waste collections.

5.6. Of these standards, the Council currently collects all the materials required however, there are two key issues. The Government states that these materials should be 1. Collected separately from others, not in a single container (silver bin), and 2. Food waste to be collected on a weekly basis. With regard to the collection of dry recycling the expectation is that these will be collected separately - glass, paper and card, metal and plastic. There will be significant implications on our current system, and it is yet to be determined the best approach – small containers in the silver bin? Replacement of the silver bin with a range of smaller ones?

5.7. The implications of a separate weekly collection of food waste are far reaching. A new collection regime will need to be introduced and carefully designed to ensure this is as efficient as possible, minimising any increase in carbon emissions. The Council may also consider mitigation measure to accompany the increase in food waste collections such as a reduced size residual bin introduced at the same time

5.8. The Government does concede that mandating these requirements can impose challenging burdens on local authorities and therefore have enabled some exceptions. There is a possibility to prepare a written assessment on the Council's choices that might differ from the preferred but these need to show clearly that there are strong technical, economic, environmental and practical arguments for it. The Council's current silver bin scheme is delivered under such an exception. The proposed consultation on options will provide additional

evidence of public opinion for their written assessment if we decide to apply for this.

5.9. Whilst the planned changes are extensive, they will support our corporate plan and Municipal Waste Management Strategy objectives of reducing waste and enhancing the local environment.

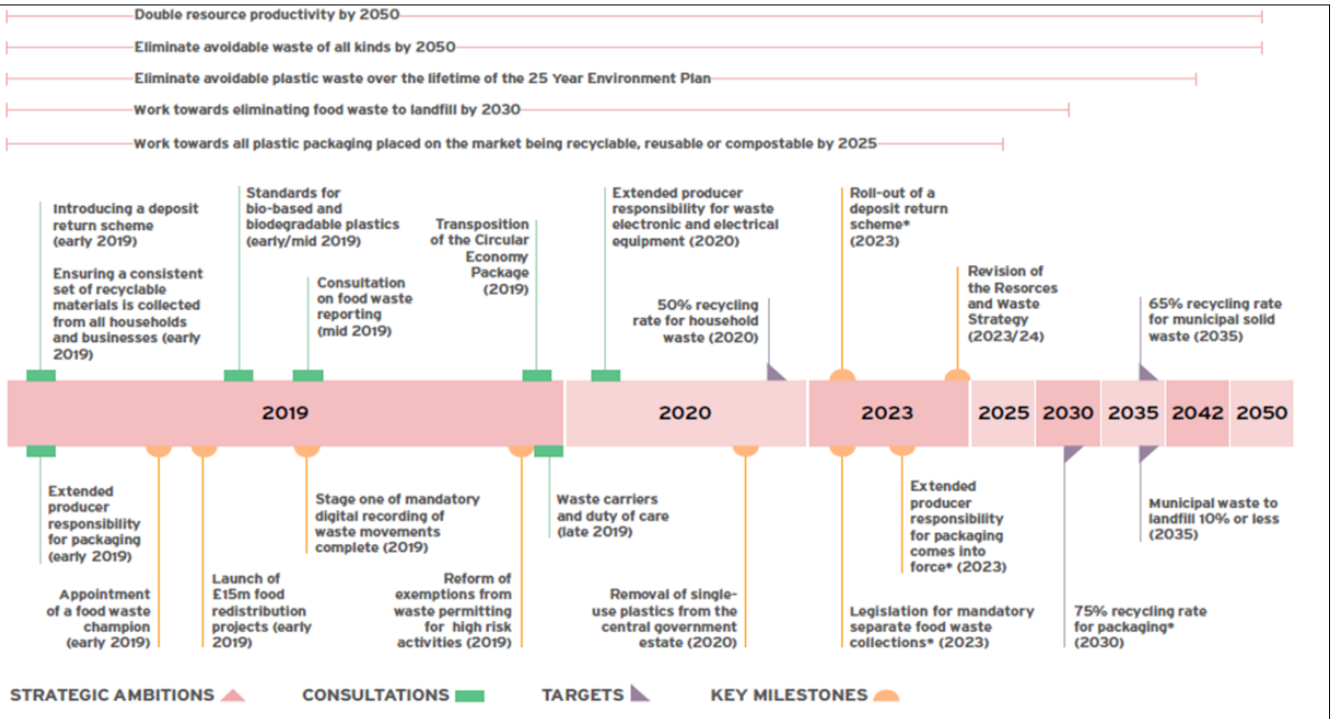
5.10. **Deposit Return Scheme.** This is aimed at tackling those materials that are commonly littered by placing a small deposit charge on them. Many drinks containers of glass, plastic or metal end up littering the environment and therefore if consumers can be encouraged to return them there should be less litter.

5.11. From Cheshire East's perspective, this measure would help to deliver the Council's objective to reduce littering, but it will also impact on its recycling service. The targeted materials are of higher value and will be removed from the system. The Council may have difficulty in contracting for sorting of the recycling from the silver bin as the materials will have less value. It has not yet been determined whether the Council will receive a fee for any management of these materials within the kerbside collection however, the Extended Producer Responsibility scheme may provide additional finance for waste collections, to mitigate this.

5.12. **Extended Producer Responsibility** - aims to recover the 'full net cost from producers for the packaging that they create (e.g. plastic bottles, cans, etc.). Producers would be responsible for funding the management of packaging at the end of its life. Any funding passed on to local authorities to support their frontline collection services will come from Extended Producer Responsibility payments. It is also likely that any such payments will only be paid if the authority meets the minimum requirements in terms of material consistency, service standards and in relation to food waste collections.

5.13. A modulated fee approach is anticipated, whereby producers pay more to place products on the market which are more difficult to recycle and less where products are easier to recycle. The impact should be that it encourages eco product design and that over time there may be less money available in the system, but that packaging should be easier to recycle.

5.14. The Government carried out consultations on all three elements – Drinks Return Scheme, Extended Producer Responsibility and Consistency, in April – July 2021 and will be providing their response having considered the feedback. The table below shows the anticipated timescales, though there is recognition that the pandemic has delayed the consultations.



Source: Our Waste, Our Resources: A Strategy for England, December 2018

6. Consultation and Engagement

6.1. The Government recently carried out a consultation on all three elements of their strategy and when these are finalised the Council will have a better understanding of what is required.

6.2. Full engagement with the Environment and Communities committee and residents will occur when those mandated elements, such as weekly collections of food from all householders (not just garden bin users), need to be introduced. Borough wide communications will be carried out and a detailed roll-out plan prepared.

6.3. It is proposed that a consultation on possible options be undertaken to inform council thinking on a new collection service.

7. Implications

7.1. Legal

7.1.1. Where the Environment Bill mandates the authority to follow particular practices, the Council will comply with all such requirements in line with its statutory duty under the Environmental Protection Act 1990, to collect waste from households in its area.

7.2. Finance

7.2.1. The Government's response to the consultations will have a long-lasting impact on finances within the waste sector. There remains a significant degree of uncertainty as to how the funding for the planned changes will be realised. It has been reiterated that any new burdens

will be funded centrally. It is anticipated that an introduction of weekly food waste collections, separate containers for some recycling materials, new vehicles and crews, new routes etc. would cost several million pounds.

7.2.2. In addition to the Government's commitment of funding, the Council will also be receiving income from the organising body running the Extended Producer Responsibility scheme. This body will have collected fees from packaging producers for the cost of managing their waste and then redirect these to local authorities. Theoretically all the service's costs will be covered by these payments, including street cleansing costs tackling littering.

7.2.3. There is a lack of clarity with regard to the Drinks Return Scheme. The scheme will remove some valuable materials from the Council's collections. It is yet to be determined if local authorities will receive funding for handling some of the materials that could have been returned but end up in the kerbside collection.

7.2.4. It should be noted that if the bill passed into legislation in its current form there may be significant implications for capital and revenue in the coming years which will need to be recognised as a risk in the Medium-Term Financial Strategy 2021-25.

7.2.5. Some of the planned central funding will be dependent on the service being 'efficient and cost effective'. It is important that there is revenue feasibility funding to help determine what the best approach is for the authority.

7.3. Policy

7.3.1. The recent refresh of the Municipal Waste Management Strategy acknowledges the potential changes and fully discusses its implications in Chapter 3, Policy and Legislative Context - Strategy

7.4. Equality

7.4.1. The current garden/food waste collection service is available to residents with garden bins. The introduction of weekly, separate food waste collection will be rolled out to all households, including flats.

7.4.2. The collection service will continue to provide an assisted service to all residents who require their bin collected and returned to their property

7.5. Human Resources

7.5.1. It is likely that there will be significant demands placed on the existing staff as changes are introduced. With the requirement to increase the frequency of collections and collect recycling separately there may be a need to increase the workforce.

7.6. Risk Management

7.6.1. The changes that are being discussed will be far reaching. There is need for further clarity, but this is currently unavailable. The timeline for the major changes is extremely ambitious and therefore there is a risk that it will not be met.

7.6.2. The changes will occur across over 360 local authorities and therefore it is likely that the purchase of capital items such as fleet and containers may be delayed as orders are placed. There are currently delivery issues with containers, and this is likely to intensify as the reforms are introduced across the country.

7.6.3. To inform the process an officer change board has been established between the Council and Ansa Environmental Services to oversee feasibility and change implementation. Implications and potential opportunities will be assessed as part of this process. It is not anticipated however this will impact on our current service delivery model though Ansa Environmental Services Ltd.

7.7. Rural Communities

7.7.1. The new scheme looks to provide all residents with the same level of service and therefore this will not negatively impact rural communities.

7.8. Children and Young People/Cared for Children

7.8.1. As part of the waste education service through Ansa we will continue to work closely with schools through the Junior Recycling Officer scheme and our high schools.

7.9. Public Health

7.9.1. The introduction of a weekly food waste collection will see this material removed more frequently.

7.10. Climate Change

7.10.1. In accordance with the Council's commitment to achieving carbon neutrality for its own operations by 2025 all changes will need to be carried out with the best carbon approach possible and the changes to the carbon footprint of waste collections will need to be recalculated.

7.10.2. The proposed changes represent an opportunity for the council to consider making wider changes to the disposal of waste collections.

7.10.3. Moving to weekly collections for food waste and collecting recyclable items separately will lead to a change in refuse collection vehicles, the Council should explore making use of new technology to reduce the carbon footprint of the fleet.

Access to Information	
Contact Officer:	Ralph Kemp Ralph.kemp@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Municipal Waste Management Strategy Chapter 3 Household Waste Recycling Centre New Contract Service provision Report Appendix C p46 Resources and Waste Strategy - resources-and-waste-strategy-for-England

Working for a brighter future together

Environment and Communities Committee

Date of Meeting:	07 July 2021
Report Title:	Contaminated Land Strategy 2021
Report of:	Frank Jordan – Executive Director, Place
Report Reference No:	EC/02/21-22
Ward(s) Affected:	All wards

1. Executive Summary

1.1. Part 2A of the Environmental Protection Act 1990 deals with the identification, prioritisation, determination and remediation of contaminated land. The legislation places a statutory duty on local authorities to inspect their area for the purpose of identifying potentially contaminated sites and for the further inspection of such sites.

1.2. Under statutory guidance local authorities should take a strategic approach to the identification of land which merits detailed individual inspection. The guidance confirms that local authorities should keep their strategies under periodic review to ensure it remains up to date.

1.3. In 2015, Cheshire East Council adopted the current Contaminated Land Strategy, and following a full review and consultation exercise, we have now produced an updated Strategy for approval.

2. Recommendations

2.1. That the Environment and Communities Committee approve the Contaminated Land Strategy.

3. Reasons for Recommendations

3.1. It is a statutory requirement that Local Authorities have a Contaminated Land strategy in place under Part 2A of the Environmental Protection Act 1990. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.

3.2. It is important that the strategy is reviewed to ensure that it remains fit for purpose as highlighted by statutory guidance, plus it is also good practice to review the strategy at least every five years.

4. Other Options Considered

4.1. There was no other alternative option considered. The current strategy was adopted in 2015 and it is good practice to ensure that the objectives and information within the document are updated so they remain reliable and relevant.

5. Background

5.1. Section 57 of the Environment Act 1995 amended the Environmental Protection Act 1990 by inserting Part 2A. This part and its supporting statutory guidance and regulations gave Local Authorities powers and duties relating to contaminated land, one of which is the requirement to develop and publish a strategy for its identification and remediation. The Contaminated Land (England) Regulations 2000 were repealed and replaced by The Contaminated Land (England) Regulations 2006 which took into account a provision for radioactive contaminated land. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

(a) To identify and remove unacceptable risks to human health and the environment.

(b) To seek to ensure that contaminated land is made suitable for its current use.

(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

5.2. The Government issued updated Contaminated Land Statutory Guidance in April 2012 which describes how Local Authorities should implement the above regime.

5.3. Part 2A requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with the Contaminated Land Statutory Guidance. The Local Authority should also set out its approach to its inspection as a written strategy and aim to update this document at least every five years.

5.4. The strategy is designed to ensure a consistent ordered approach to the task of inspection. This approach should be rational, ordered and efficient, and it should reflect local circumstances. The objectives of this strategy are:

- To meet the requirements of the statutory guidance

- To detail a strategic approach to be followed for the inspection of land within Cheshire East and in accordance with criteria laid down in statutory guidance.
- To make information available to all relevant services of the Council and facilitate the consideration of contaminated land in policy making processes.
- To ensure all relevant services of the Council have the information to enable potential liability issues from land ownership to be assessed.
- To minimise the potential for unnecessary blight of land.
- To provide information to the Environment Agency for its report production requirements and to assist in the fulfilment of its regulatory functions.
- To inform all stakeholders of the Authority's intentions in circumstances of land contamination.
- To provide a suitable review mechanism of the strategy in line with new information, guidance or statute.

5.5 The implementation of the Contaminated Land Strategy will be the responsibility of the Regulatory Services and Health (RS&H) team. The strategy will be reviewed, for example following new guidance, case law or statute law, and/or every five years.

6. Consultation and Engagement

6.1. During the development of the strategy, formal consultation took place for six weeks from the 12 February 2021. The consultation was hosted on the website and supported by a press release and social media posts.

6.2. The strategy was shared by email communication to statutory consultees: Natural England, the Environment Agency, Historic England, the Health and Safety Executive, Public Health England and all nine adjoining local authorities. Local ward members and Town and Parish Councils were also emailed for their views, as were several internal services, such as Development Management, Estates and Public Health.

6.3. Consultation responses were received from Natural England, Historic England, Public Health England, the Environment Agency, CEC Heritage Team and Sandbach Town Council. All respondents were supportive of the strategy and only a few minor amendments were needed to the final strategy. These included:

- updating figures for key historic environment property types
- updating the strategy to include Ramsar sites, National Character Areas, Special Protected Areas, Special Areas of Conservation and Local Nature Reserves
- making reference that some historic sites, particularly former industrial sites, may by their very nature, be classifiable as brownfield or even contaminated land

- adding the Cheshire Historic Environment Record as a source of information in Appendix 3
- inserting 'Scheduled Ancient Monuments' to the Glossary

6.4. The full consultation responses can be seen in Appendix 4 of the Contaminated Land Strategy.

7. Implications

7.1. Legal

7.1.1. The Contaminated Land Strategy outlines the Authority's approach to dealing with contaminated land within its area (in line with the 2012 statutory guidance) and how it will discharge its duties prescribed by Part 2A of the Environmental Protection Act 1990.

7.2. Finance

7.2.1. The report was compiled internally and funded from existing RS&H staffing budgets.

7.2.2. Service budgets fund day-to-day implementation of the strategy. Any site investigation work undertaken, would potentially result in further costs. In addition to this, depending on whether the site is owned by the Council, this may have an impact on the Estates budgets.

7.3. Policy

7.3.1. There are no direct Policy implications arising from this report.

7.4. Equality

7.4.1. There are no direct equality implications arising from this report.

7.5. Human Resources

7.5.1. There are no direct HR implications arising from this report.

7.6. Risk Management

7.6.1. Failure to take contaminated land into account as part of all relevant decisions could ultimately affect the health of Cheshire East residents.

7.7. Rural Communities

7.7.1. There are no implications for rural communities; however, the strategy will apply to the whole borough of Cheshire East, including all rural communities.

7.8. Children and Young People/Cared for Children

7.8.1. There are no implications for children and young people.

7.9. Public Health

7.9.1. The implementation of the Contaminated Land Strategy aims to improve public health.

7.10. Climate Change

7.10.1. The Council has committed to becoming carbon neutral by 2025, and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint. There are no implications from this strategy that will impact on this commitment.

Access to Information	
Contact Officer:	Sarah Allwood Senior Enforcement Officer Sarah.allwood@cheshireeast.gov.uk 07894 299750
Appendices:	Appendix 1 – Contaminated Land Strategy 2021

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CONTAMINATED LAND STRATEGY

2021

Table of Contents

Appendices

1 INTRODUCTION

Part 2A of the Environmental Protection Act 1990 (EPA) was enacted on 1st April 2000. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

(a) To identify and remove unacceptable risks to human health and the environment.
(b) To seek to ensure that contaminated land is made suitable for its current use.
(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The Government issued updated Contaminated Land Statutory Guidance in April 2012, which describes how Local Authorities should implement the above regime.

Part 2A requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with the Contaminated Land Statutory Guidance. The Local Authority should also set out its approach to its inspection as a written strategy. Cheshire East Council has formulated its strategy which is presented herein and, in line with the Statutory Guidance, will aim to update this document at least every five years.

1.1 Regulatory Context

Section 57 of the Environment Act 1995 amended the Environmental Protection Act 1990 by inserting Part 2A. This part and its supporting statutory guidance and regulations[1] gave Local Authorities powers and duties relating to contaminated land, one of which is the requirement to develop and publish a strategy for its identification and remediation. The Contaminated Land (England) Regulations 2000 were repealed and replaced by The Contaminated Land (England) Regulations 2006 which took into account a provision for radioactive contaminated land.

[1]The Contaminated Land (England) Regulations 2006

1.2 Role of Cheshire East Council

Cheshire East Council shall:

- Cause its area to be inspected from time to time for the purpose – (a) of identifying contaminated land; and (b) of enabling the Authority to decide whether any such land is land which is required to be designated as a 'special site' (where the Environment Agency takes on responsibility for such sites once they have been determined).
- Act in accordance with any guidance issued for the purpose by the Secretary of State in performing these functions.

1.3 Role of the Environment Agency

The Environment Agency's role is to:

- Assist Local Authorities to identify contaminated land by providing information and site specific guidance.
- Deal with 'special sites' as the relevant enforcing Authority.
- Provide information and advice to a Local Authority in situations where water pollution is suspected.
- Publish periodic reports on the state of contaminated land nationally.

1.3.1 Definition of Contaminated Land

Contaminated Land is defined[2] as:

'…any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- *Significant harm is being caused or there is a significant possibility of such harm being caused; or*

[2]Environmental Protection Act, Part 2A, Section 78A(2)

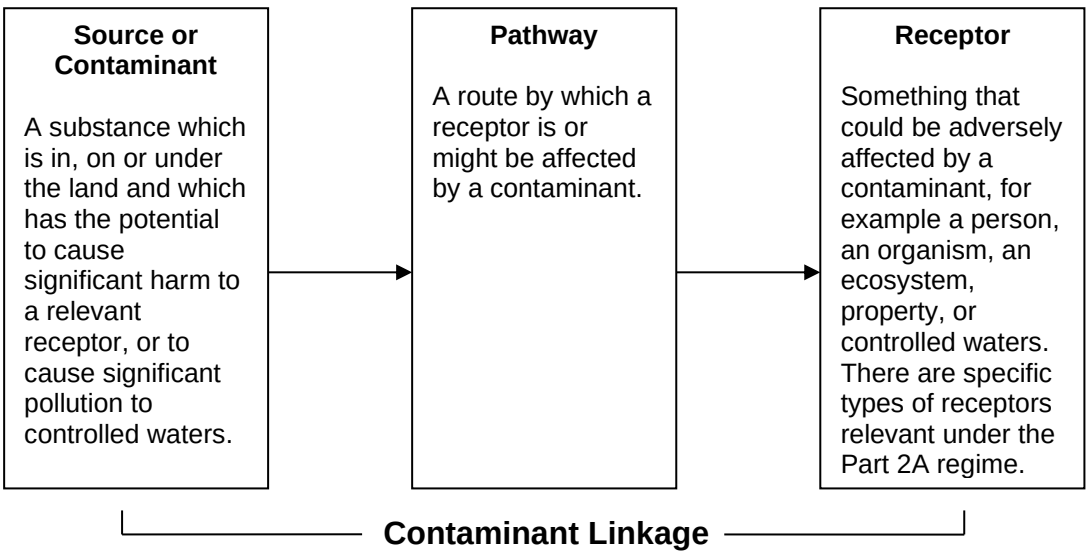
- *Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused'*

Where a Local Authority is satisfied that one or both of the circumstances detailed above is being met then it must act in accordance with guidance issued by the Secretary of State.

Sections 4.1 and 4.2 of the Contaminated Land Statutory Guidance detail the relevant criteria by which significant harm and significant possibility of significant harm should be considered for human receptors. Tables 1 and 2 of the Statutory Guidance outline the relevant criteria by which significant harm and significant possibility of significant harm can be established for non-human receptors. This information is presented in Appendix 1.

1.3.2 Risk Assessment

Risk assessment forms the core of the contaminated land investigation and assessment process. The purpose of desk based research and intrusive investigations, is to obtain information on contaminants, pathways and receptors present on or adjacent to a site, in order to produce a Conceptual Model. All three parts of the chain (contaminant (or source), pathway and receptor) must be present to create what is known as a contaminant linkage (sometimes also referred to as a pollutant linkage).



Essentially, the process seeks to determine what risk, if any, is created by the presence of contaminants through determining if there are pathways through which the contaminants may impact sensitive receptors (human health, the environment or property) and if the risk is acceptable or not. The overall approach in dealing with past land contamination is one of risk assessment and management, identifying, assessing and judging risks, taking actions to mitigate them, as well as monitoring and reviewing progress.

The risk assessment process should normally continue until it is possible for the Local Authority to decide:

(a) that there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
(b) whether or not the land is contaminated land.

There should be evidence that an unacceptable risk could reasonably exist for land to proceed to future stages of risk assessment. If the Local Authority considers there is little reason to consider the land may pose an unacceptable risk, inspection activities should stop at that point.

1.4 General Policy of the Local Authority

1.4.1 Environmental Issues

Environmental issues have increased in priority for members of society and interest is building. As a result, people are demanding more information about their environment, the threats to it, the controls over it, and how to ensure that something is done when they consider there to be a risk. In order to facilitate this, Cheshire East has a general policy to provide as much information as possible and in a variety of formats.

1.4.2 Enforcement

The Regulatory Services and Health team has a Service Specific Enforcement Policy[3] which should be read alongside the Cheshire East Council Enforcement Policy[4]. The contaminated land team will adhere to these policies in all enforcement decisions.

Specifically, where land contamination issues fall under the remit of Part 2A of the EPA 1990, then the Regulatory Services and Health Section, in consultation with other relevant sections of the Council, will instigate enforcement action.

1.4.3 Land Contamination and Planning

Land contamination issues are generally addressed through two regimes, Part 2A of the EPA 1990 and the planning system. These regimes complement each other:

- Part 2A of the EPA 1990 seeks to address potential land contamination issues for land in its current state; and
- Action through the planning system seeks to address potential land contamination issues for proposed uses of land.

Potentially contaminated land can also be addressed voluntarily with no formal action taken through either of the above regimes.

As more potentially contaminated land sites are addressed through the planning system (as is the preferred route for dealing with land contamination), this will prevent them requiring to be assessed through the Part 2A regime in the future as the National Planning Policy Framework (NPPF) states in paragraph 178: '*after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990'*.

[3] https://www.cheshireeast.gov.uk/pdf/business/enforcement-policy/regulatory-services-and-health-november-2019.pdf

[4] https://www.cheshireeast.gov.uk/pdf/business/approved-enforcement-policy.pdf

The Council's Local Plan Strategy (2010-2030) has been developed around a vision of providing new land for development, whilst minimising the impact on the natural environment to deliver sustainable, jobs-led growth and sustainable, vibrant communities. One of the policy principles underpinning this vision is to develop brownfield sites, where possible, to minimise the use of greenfield, Strategic Green Gap, open countryside or Green Belt sites.

This reuse of brownfield sites as a priority is also described in the NPPF as one of its core planning principles (paragraph 117):

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'

Therefore, as the use of brownfield sites for development increases, the collaboration between the Part 2A regime and the planning system must continue. As a result, useful information documents have been produced to assist developers through the planning regime, and are available on our website[5].

1.5 Development of the Strategy

This strategy has been developed to meet the requirements of the Contaminated Land Statutory Guidance.

Within Cheshire East Council, the issues of contaminated land will be widely disseminated through committee reports, joint working with other teams, seminars and day to day working.

Responsibility for the production of this strategy document and the implementation of the contaminated land regime rests ultimately with the Regulatory Services and Health team.

[5] https://www.cheshireeast.gov.uk/environment/environmental_health/contaminated_land/contaminated_land.aspx

1.6 Objectives of Strategy Document

The written strategy is designed to ensure a consistent ordered approach to the task of inspection. This approach should be rational, ordered and efficient, and it should reflect local circumstances. The objectives of this strategy are:

- To meet the requirements of the statutory guidance in producing a written strategy.
- To detail a strategic approach to be followed for the inspection of land within Cheshire East and in accordance with criteria laid down in statutory guidance.
- To make information available to all relevant services of the Council and facilitate the consideration of contaminated land in policy making processes.
- To make information available to all relevant services of the Council to enable potential liability issues from land ownership to be assessed.
- To minimise the potential for unnecessary blight of land.
- To provide information to the Environment Agency for its report production requirements and to assist in the fulfilment of its regulatory functions.
- To inform all stakeholders of the Authority's intentions in circumstances of land contamination.
- To provide a suitable review mechanism of the strategy in line with new information, guidance or statute.

2 CHARACTERISTICS OF THE LOCAL AUTHORITY AREA

2.1 Geographical Location

Cheshire East occupies a strategically important location on a main motorway and railway links between the major conurbations of Liverpool and Manchester, the Potteries and West Midlands as illustrated in Figure 1.

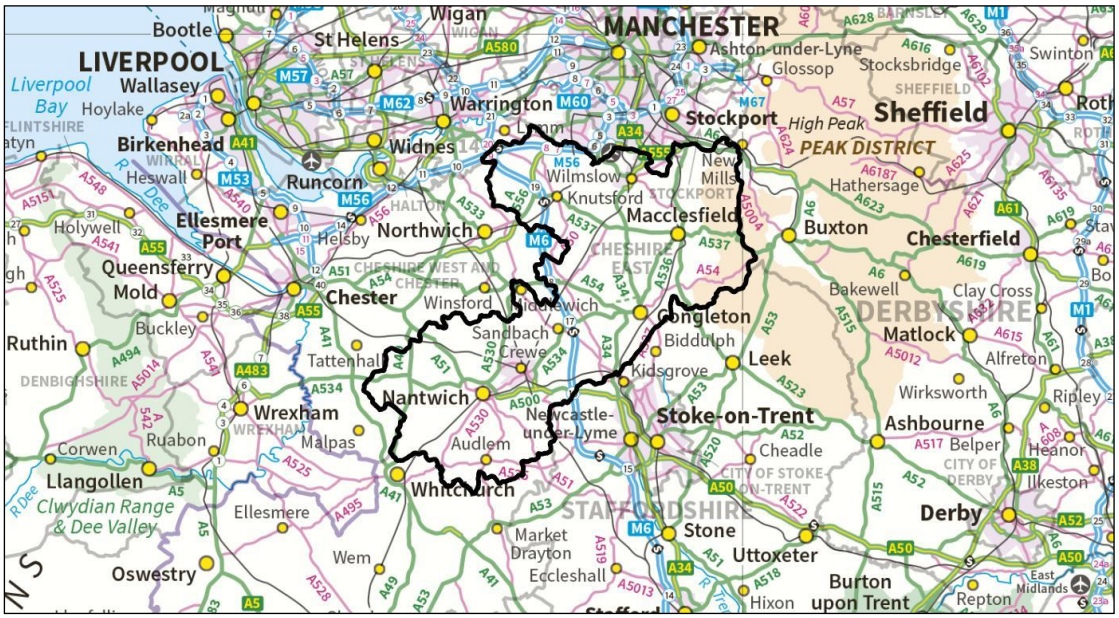


Figure 1: The Location of Cheshire East

2.2 Cheshire East, Past and Present

Cheshire East Council is the third largest unitary Authority in the north west of England, covering an area of 1,116km^2 and governs more than 380,000 residents[6]. Cheshire East is a largely rural area with most people living in the market towns of Macclesfield, Congleton, Nantwich, Knutsford, Wilmslow, Sandbach and the industrial town of Crewe. The area has excellent rail and road links and therefore is home to a large number of commuters to the cities of Manchester, Liverpool, Birmingham and Stoke-on-Trent. The area also attracts thousands of tourists every year and is a popular weekend getaway for many around England, Wales and beyond.

[6] https://www.cheshireeast.gov.uk/council_and_democracy/council_information/current_facts_and_figures/current_facts_and_figures.aspx Accessed on 6 June 2020.

Further information relating to the industrial history, geology, hydrology and hydrogeology in Cheshire East is presented within Appendix 2.

2.3 Key Information relating to Cheshire East

2.3.1 Source Protection Zones

Groundwater Source Protection Zones (SPZs) have been defined by the Environment Agency for nearly 2,000 groundwater sources (wells, boreholes and springs) used for public drinking water supply across England. The SPZs provide an indication of the risk to groundwater supplies that may result from potentially polluting activities and accidental releases of pollutants. Three zones (an inner, outer and total catchment) are usually defined, although a fourth zone of special interest is sometimes applied.

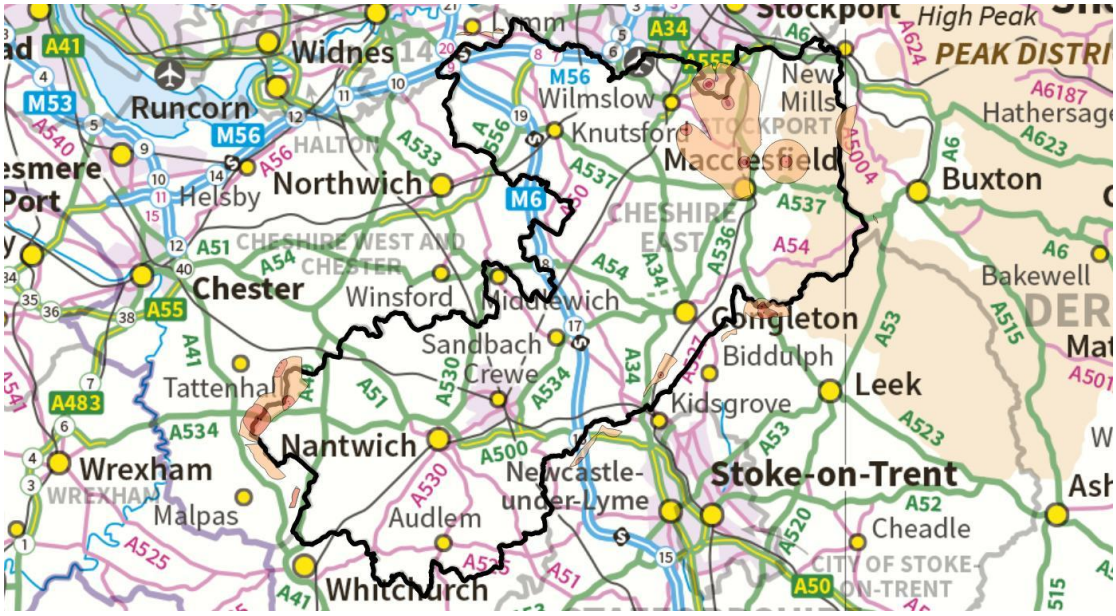


Figure 2: Source Protection Zones in Cheshire East

Figure 2 shows that the areas of Source Protection Zones are situated to the west of the Borough in the Peckforton Hills, around the Mow Cop area specifically from

Church Lawton to Congleton and around the Macclesfield town area and to the north west of Macclesfield.

2.3.2 Protected Ecological Locations

There are the following protected ecological locations within Cheshire East, further details of which can be found on Defra's Magic mapping database[7]:

- 2 Ramsar Sites;
- 7 National Character Areas;
- 33 Sites of Special Scientific Interest (SSSIs);
- One Special Protected Area;
- One Special Area of Conservation;
- 8 Local Nature Reserves; and
- Over 420 Local Wildlife Sites (formerly known as Sites of Biological Importance).

2.3.3 Key Historic Environment Property Types

Details of the following key historic environment property types in Cheshire East are presented on the Authority's public map viewer[8]:

- 106 Scheduled Ancient Monuments;
- 10 Areas of Archaeological Potential and Importance;
- 17 registered parks and gardens of historic interest;
- 2653 listed buildings;
- 76 conservation areas; and
- 1 registered battlefield.

[7] https://magic.defra.gov.uk/MagicMap.aspx

[8] https://maps.cheshireeast.gov.uk/ce/webmapping

2.3.4 Current Land Use Characteristics

The strategy is intended to concentrate on the risk posed to human receptors as a priority. Information is therefore needed on the presence of any sensitive land uses in terms of the presence of human receptors. These can be subdivided as follows:

- Residential development;
- Schools, hospitals and other institutional buildings;
- Recreational land uses;
- Commercial and industrial premises; and
- Agricultural land.

Information relating to the above is available from a number of sources, primarily via data accessible on the GIS (Geographic Information System), using Cheshire East and national datasets.

2.3.5 Known Information on Contamination

There is currently no evidence of contamination causing actual harm to human health in the Borough. However, there are sites the Council is aware of, through the historic use of the land, where there may be the possibility, or significant possibility, of the potential for significant harm to arise. Examples of this include former gas works and 'pre-licence' waste disposal sites. Assessment of such sites forms an integral part of the strategy.

- Within the Planning service, some information is available, particularly where former industrial sites have been redeveloped for alternative uses.
- The Council also benefits from the knowledge and practical experience of a number of its officers in relation to previous uses and the histories of sites in the Borough, and the Contaminated Land team holds anecdotal information on sites with potential contamination issues.
- The Contaminated Land team, in conjunction with other departments within the Council in some cases, has undertaken its own investigations into sites of concern.

Officers of the Council will endeavour to ensure that all interested parties which are likely to hold such information will be approached.

2.3.6 Redevelopment History and Controls

The Contaminated Land team recommends conditions on planning applications to ensure that any sensitive end use, particularly residential development, has a contaminated land investigation undertaken to ensure the land is suitable for its intended use. The information held on such developments will be reviewed where necessary and if sufficient, the sites will be removed from the potentially contaminated land prioritised list.

2.3.7 Action Already Taken to Deal with Contaminated Land

The area of Cheshire East has been assessed for the purposes of identifying the potential presence of contamination, primarily through the use of historical maps and officer knowledge. The areas of land that have been identified as requiring further assessment have been subject to a basic risk assessment in order to identify and prioritise those sites which are more likely to cause significant harm or there is a significant possibility of such harm being caused (this is discussed further in Section 3). The priority rankings of sites are continually being updated and reassessed based on available information, and as new sites are revealed these are added to the database and assessed.

3 THE LOCAL AUTHORITY STRATEGY: OVERALL AIMS

3.1 General Aims

The overall aim of this strategy document is to ensure that Cheshire East Council identifies unacceptable risks (significant harm or the significant possibility of such harm) to human health as a priority, as well as addressing risks to other receptors such as controlled waters, property and the environment. In carrying out its inspection duty, the Local Authority will take a strategic approach to the identification of land meriting detailed inspection. This approach will incorporate the requirements of the statutory guidance.

Further to this, the implementation of the Contaminated Land Strategy will be carried out with the following aims:

- To identify unacceptable risks to human health, the environment and property from the immediate and long-term effects of contaminated land;
- To ensure contaminated land issues do not affect internal and Council wide policy developments;
- To ensure that any past remediation of contaminated land is reviewed with current standards in mind, but is not unnecessarily prioritised;
- To ensure sensitive developments are not affected by contaminated land issues; and
- To protect historic sites and the historic environment from the effects of contaminated land (it is noted that some historic sites may be classified as brownfield/potentially contaminated sites given their former industrial use).

The Local Authority is also required to establish its own status, as a land owner, within the contaminated land regime and under due diligence. To fulfil this, it will be necessary to establish any liability for contaminated land that it may have, with respect to current and previous land ownership and having particular regard to instances where there is a defined responsibility for the actual pollution.

3.2 Objectives

Within the broad aims of the strategy, some objectives have been set for information gathering and the assessment process. Achievement of these objectives will allow the evaluation and inspection process to continue to a point where the priority actions described in Section 4 can be carried out. The objectives and estimated timescales required to achieve these are outlined in Table 1 below.

Table 1: Objectives and Estimated Timescales of Contaminated Land Investigation				
Objective		**Key Task(s)**	**Timescale**	**Detail**
1	Areas of Council owned former landfill sites to be risk assessed and any associated liabilities established.	Develop proposals to acquire further information in order to refine assessments.	Ongoing work in conjunction with the Cheshire East Council Estates department. Timescales dependent on Estates department's priorities, however expected to continue through 2021-22. Work will feed into prioritised list.	Budget for site investigation proposals to be proposed by September 2021. Programme of site investigation works to be established by September 2021. Timescales dependent on Estates department's priorities. Data review of ANSA managed landfill sites to be completed by December 2021.
2	Establish areas of Council owned land to identify sites where the Council may be considered to be the Appropriate Person (see definition in the Glossary), excluding areas of former landfills.	Define extent of current and previous Council owned land. Define the historic uses of these sites.	Assessments for potentially contaminated sites (non-landfill) likely to progress after landfills project has been completed. Work will feed into prioritised list.	Review of Council owned land (non landfill sites) to be completed by March 2023.
3	Identify and digitise any potentially contaminated land from more recent mapping.	Review recent historic mapping (circa 2008), digitise and merge potentially contaminated land into prioritised list.	Has commenced. Work will feed into prioritised list.	To be completed by March 2021.
4	Review historic planning decisions and discharge status for land contamination conditions.	Identify historical planning applications that required contamination conditions. Check whether these were implemented. Identify any developed sites that require further consideration.	Has commenced, still circa 1200 historical applications to review.	Have completed some older applications (pre-2009) and 2013-2014 already. Currently progressing with 2015, to be completed by September 2021. 2016-present day to be completed

Table 1: Objectives and Estimated Timescales of Contaminated Land Investigation				
Objective		**Key Task(s)**	**Timescale**	**Detail**
				by March 2023. The efficacy of considering older applications (pre-2012) to be undertaken after March 2023, relevance of older remedial works may perhaps be better addressed on a case by case basis when the sites come up for detailed inspection.
5	Remove whole sites or parts of sites from the prioritised list, on the basis of information obtained through the planning system.	Once contaminated land conditions have been discharged satisfactorily, sites can be removed from the potentially contaminated land prioritised list for further inspection. Sometimes, some parts of wider sites will remain if they have not been subject to satisfactory works. Methodology for this process to be established, then the GIS will be used to remove sites where appropriate, approximately every 6 months.	Some of Objective No. 4 requires undertaking first but can run concurrently with Objective No. 4.	Aim to begin process in March 2021, post completion of Objective 3, ongoing at regular intervals thereafter.

4 PRIORITY ACTIONS AND TIMESCALES

The contaminated land legislation does not set statutory timescales for achieving certain tasks, but merely states the Authority has a duty to “inspect its area from time to time”. The guidance also states the strategy and available information should be subject to periodic review, and should be reviewed at least every five years.

4.1 Geographic Information Systems

Cheshire East Council uses a Geographical Information System (GIS) for the identification and management of the large amounts of data associated with contaminated land. The GIS is fundamental to ensuring that the data collected is managed effectively and to ensure the land has been systematically reviewed for historic activities. It can also be queried and stored information can be displayed.

4.2 Identifying Sites within the Borough

Sites have predominantly been identified from historical maps and landfill data. This has involved the systematic appraisal of all available historical maps for Cheshire East, and the identification and digitisation of potentially contaminated land. Annotated industrial and commercial uses have been digitised, as well as other land uses such as areas of disturbed ground, quarries and landfill which can also be illustrated on the mapping system. Former water features have also been identified, as these have the potential to have been infilled in the past (however these sites have not been subject to prioritisation as there are too many of them, these are instead dealt with solely through the planning system).

The identified sites taken forward to prioritisation have been allocated risk rankings depending on their former use, category of use and site sensitivity.

4.3 Prioritising Sites within the Borough

The prioritisation tool used by Cheshire East Council is known as the PG01 Risk Prioritisation Methodology[9], and it uses a series of risk based assessment scores which are combined using algorithms to give each site a final risk score. Aspects of the original PG01 methodology have been altered to enable a practical assessment, to account for local conventions and decisions in Cheshire East. The full methodology is too large to replicate within this document, and is available on request.

4.4 Timescales and Review

As described above, the list of prioritised sites is dynamic and subject to change. Sites may move up or down this list based on information submitted to the Council, under the planning regime for example. Sometimes information on contaminated land is submitted voluntarily by landowners, this will also influence the position of certain sites on the final list.

Review of the list is therefore continually ongoing and in line with Section 3.2.

[9]Risk Prioritisation Methodology for sites of potentially contaminated land, Stephania Pickford, July 2001 in combination with PG01 Application methodology Local Conventions and Decisions – Cheshire East Borough Council, July 2015

5 PROCEDURES

In order to implement this Contaminated Land Strategy, various procedures have been, and will continue to be, developed. The procedures will ensure the information gathered is managed efficiently to enable accurate and effective risk assessments to be made, and to ensure resources are directed to the most demanding sites. As with other aspects of this strategy, the procedures outlined in the following sections will be reviewed periodically to ensure they continue to be appropriate to the situations arising.

5.1 Internal Arrangements for Inspection and Identification

The Enforcement Officers responsible for the execution of Contaminated Land have the responsibility for the implementation of this strategy. In addition to gathering and collating all the necessary information needed to identify contaminated sites, the Enforcement Officers may also be responsible for carrying out initial site visits and preliminary investigations such as limited surface sampling, as well as follow on monitoring. Assistance may also be sought from other officers where notices have to be served on Appropriate Persons or landowners. Where land is found to meet the statutory definition of Contaminated Land, the formal designation of such land will be undertaken.

5.2 Considering the Council's Interest in Land

As stated previously, the Estates team holds information relating to Council owned land and buildings, which is updated on internal maps through the GIS.

Estates data available on the GIS can be queried to produce information where Council-owned land is potentially at risk from contamination. In cases where the Council might be responsible for the contamination (i.e. the Council is classed as the Appropriate Person), further research will have to be carried out.

Inspections of Council owned/leased land or formerly owned/leased land will take place at sites as and when they are identified as being potentially contaminated and

in line with the prioritisation methodology. In terms of further site investigations and risk assessments, works will be undertaken in order to prioritise any remediation of contaminated land liabilities it may have and therefore, identify any possible cost prioritisations. This work is ongoing with the Estates team and is expected to continue.

5.3 Information Collection

The implementation of the Contaminated Land Strategy is led by information which requires sufficient management.

Most of the pertinent sources of information have been identified and collated into the GIS to enable quick database querying. When information has been identified from alternative non-digital sources (microfiche, paper files for example), this information is then digitised and saved in an appropriate database. These principal sources of information are detailed in Appendix 3.

5.4 Information and Service Requests

Service requests relating to potentially contaminated land are likely to be received from members of the public, businesses or community groups as well as individuals who are not directly affected by contaminated land. It may be that, upon receipt of the service request, it should be dealt with by another team in the Council or another agency outwith the Council (such as the Environment Agency for example), if this is the case, the customer will be advised accordingly.

Depending on the nature of the service request, further information will sometimes need to be obtained relating to site history by desk based investigation, and before any formal site visit is made. Land ownership details or title deeds will be sought as required and existing information will be obtained from the GIS, the service request database and historic maps, where available. Where it is felt that other areas of the Council may hold relevant information, they will be consulted directly.

This information may then form the basis of a site visit to assess the level of any further work required.

5.4.1 Voluntary information provision

Information given that relates to potentially contaminated land will not be considered as a service request where it is provided by an individual or organisation whose own circumstances are not being affected by the alleged contamination. However, the information will be recorded and possibly acted on in a similar way to a service request.

5.4.2 Anonymous provision of information

The Council does not normally undertake any investigation based on anonymously supplied information due to the reliance on participation throughout normal investigation procedures. However, where specific site details and precise information is given, further consultation with officers from elsewhere in the Council or other bodies may take place to obtain any knowledge of relevant issues and to substantiate validity. If there is a likelihood of information relating to contamination being substantiated, a site visit may be carried out dependant upon circumstances local to the site e.g. locality, proximity to possible receptors etc.

5.5 Information Evaluation

In each instance, information on potentially contaminated land which is obtained and produced will be logged on the appropriate systems, and assessed using current best practice guidance and legislation.

5.6 Evaluating the Effectiveness of Previous Actions to Deal with Contamination

To date, remediation of contaminated sites within the Borough has mainly been carried out in support of their redevelopment under the planning process.

There may however, be existing developments on potentially contaminated land. Where these sites may have either been previously unidentified, or where the degree of remediation might be considered inadequate by current standards, significant contaminant linkages may still exist.

In some circumstances there will also be outstanding enforcement issues to be considered relating to the discharge of planning conditions. In these circumstances, potentially contaminated sites can be cross-referenced against planning records to establish whether the following steps took place:

- the site in question was established as being potentially contaminated during the planning application process;
- contamination-related planning conditions were recommended;
- contamination-related planning conditions were applied; and
- the planning conditions were met in whole and the necessary reports and information were provided to indicate remediation took place to a satisfactory level, if required.

Further investigations may have to take place where reports are not present in the files, to establish whether they were undertaken or submitted. Evidence may have to be requested from the developer, in the form of preliminary risk assessment, site investigation or remediation reports, to prove that the site was assessed thoroughly. Consideration will have to be given to further action if no evidence is forthcoming.

6 GENERAL LIAISON AND COMMUNICATION STRATEGIES

All communications relating to contaminated land will be directed through to an appropriate officer within the Regulatory Services and Health team.

6.1 Communication Strategy

The Council has a Corporate Communication Strategy, which is intended to provide professional communications resources, guidance and governance to support the effective delivery of Council services and initiatives. Crucially, the Council will encourage genuine opportunities for two-way, mutually beneficial conversations. As such, all communications external to the organisation and in respect of contaminated land will seek to follow these principles.

The Council already has several communication practices which may be used for providing information on issues associated with contaminated land:

- The Council's website,
- Printed and social media;
- Presentations and exhibitions; and
- Public and parish council meetings.

These methods will be used in the public consultation exercise where it is discovered that a potentially large number of people are likely to be affected by a contamination issue, or an issue falls into the category of general public interest.

A SNIFFER document[10] and advice taken directly from Public Health England will be used to provide guidance on liaising and communicating with individuals and groups.

[10]Communicating Understanding of Contaminated Land, SNIFFER, May 2010

6.2 Statutory Consultees

The collection of data on potentially contaminated land, and its potential impacts, requires a high degree of liaison/consultation with both internal and external bodies, given the cross-over between different regimes. The consultees consulted with reference to this Strategy are listed in Appendix 4.

6.2.1 Environment Agency

The Council's main consultee is the Environment Agency, through their role as advisor on contaminated land issues. Officers in the Contaminated Land team are in regular contact with officers in the Environment Agency through working groups and day to day work.

6.3 Transboundary Liaison between Authorities

The Contaminated Land team regularly correspond with their equivalents in adjoining Local Authorities, for example through Contaminated Land Officers Groups.

A formal notification procedure has been developed to deal with site-specific issues:

- If Cheshire East Council suspects any trans-boundary linkage may exist then it will notify the appropriate neighbouring Authority(ies) within ten working days. If Cheshire East Council considers that urgent action may be required, then this notification should take place immediately.
- The two (or more) Authorities will agree an action plan identifying each Authority's role in determining the status of the land and associated issues. The enforcing Authority will be the Authority in whose area the source is situated. If an Authority boundary intersects a source, both Authorities will work together to enforce the legislation.
- All parties accept that the above agreement is without prejudice to the statutory guidance and legislation and any legal advice received. The Secretary of State will be asked to determine any disputes.

6.4 Owners, Occupiers and other Interested Parties

In all aspects of its regulatory duties and to incorporate issues of contaminated land, Cheshire East Council's approach is generally to seek voluntary action before taking any necessary enforcement action (Section 1.4.2 contains details of relevant Cheshire East Council enforcement policies). The value of voluntary action cannot be underestimated and in many cases establishes more effective remediation.

The encouragement of voluntary remediation requires effective communication with all interested parties including owners and occupiers. All parties should be kept abreast of each stage of an investigation.

7 PROGRAMME FOR INSPECTION

Section 3.2 and Section 4.2 detailed the information gathering programmes which provide the basis for the inspection of potentially contaminated sites.

Evaluation and prioritisation procedures (outlined in Section 4.3 and Section 5.5) can be implemented when the information gathering is completed, producing a priority list of sites to be investigated on a 'rolling programme'. The Gantt chart contained in Appendix 5 details the plan by which detailed inspections are anticipated to commence. Much of this work is dependent on staff availability and other duties.

7.1 Ensuring Compliance with Statutory Guidance

Section 2.2 of the Statutory Guidance describes the difference between a strategic inspection and a detailed inspection.

In summary, strategic inspections comprise the aforementioned identification and prioritisation of sites within the Borough, whereas detailed inspections concentrate on sites where the Local Authority considers there is a reasonable possibility that a significant contaminant linkage exists. These sites will generally be at the top of the prioritised list of sites, in line with Statutory Guidance and this Contaminated Land Strategy, however the Council may choose to progress another site to detailed inspection for a justifiable and documented reason.

7.2 Methods of Inspection

7.2.1 Strategic Inspections

As described previously, the first stages of strategic inspections are the identification and digitisation of potentially contaminated land in the Borough. Prioritisation is then undertaken, and a list of prioritised sites created.

Once this has been done, officers will then undertake further strategic inspections by way of desk based research and a site walkover (in essence a Phase I Preliminary

Risk Assessment), in order to collect further information for sites, which will enable the identification of land for priority detailed inspection.

The Statutory Guidance is clear in Section 2.8 with respect to minimising or reducing property blight during the strategic inspection stage. Therefore, Cheshire East Council will not contact landowners, tenants or any other interested parties when a strategic inspection is undertaken, or when information on a particular site is collected (non-intrusive information) and contact will be reserved for detailed inspection stages only.

7.2.2 Detailed Inspections

Detailed inspections comprise intrusive investigations, and Cheshire East Council will contact the landowner at the first opportunity. The reasons for this are twofold:

- Early involvement with the landowner will allow for the process to be explained and risks to be communicated, therefore reducing the potential for unnecessary worry; and
- The landowner may hold information on the site which may be useful during the investigation.

Depending on the landowner, they may want to resolve the status of the land themselves. Cheshire East Council would welcome this situation, and would work with the landowner to resolve the issues.

In line with the Statutory Guidance, if at any stage, the Local Authority considers, on the basis of information obtained from inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, the Authority should not carry out any further inspection in relation to that linkage.

7.3 'Normal' Contamination

The Statutory Guidance details that normal, or background, levels of contaminants in soil should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise. Therefore, if it is established that

land is at or close to normal levels of particular contaminants, it should usually not be considered further in relation to the Part 2A regime.

'Normal' levels of contaminants in soil may result from:

a) The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given area and have not been shown to pose an unacceptable risk to health or the environment.
b) The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include diffuse pollution caused by historic use of leaded petrol and the presence of benzo(a)pyrene from vehicle exhausts, and the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

The British Geological Society (BGS) has undertaken research into normal background concentrations of some contaminants of concern, and detailed their prevalence in 'domains', or areas of the country specified by use or geology. This information is presented on the BGS website[11].

Within the Borough of Cheshire East, we have the following domains present for each of the contaminants researched:

- Arsenic – Principal Domain;
- Benzo(a)pyrene – Principal and Urban Domains;
- Cadmium – Mineralisation Group 1, Principal and Urban Domains;
- Copper – Principal and Urban Domains;
- Mercury – Principal and Urban Domains;
- Nickel – Principal and Peak District;
- Lead – Mineralisation, Principal and Urban Domains.

[11] https://www.bgs.ac.uk/geology-projects/applied-geochemistry/g-base-environmental-geochemistry/nbc-defra-project/

The Mineralisation and Peak District Domains are predominantly around the edge of the Peak District to the east of Macclesfield, however detailed maps should be referred to in order to more accurately define the domains.

7.4 Final Assessment and Risk Categorisation

After detailed inspection of land has been undertaken, in order to decide whether or not land is contaminated land, the Local Authority should categorise the land in accordance with the Statutory Guidance, also presented as Appendix 1.

Sites which fall into either Category 1 or Category 2 are capable of being determined as contaminated land on grounds of significant harm occurring to receptors or the significant possibility of such harm occurring.

Risk summaries (which are described in more detail in Section 9.2.2) will be produced for land which is determined as contaminated land – i.e. sites falling into either Category 1 or Category 2.

Risk summaries will not be produced for Category 3 or Category 4 sites, however in line with Sections 5.2-5.4 of the Statutory Guidance; Cheshire East Council shall issue a written statement detailing the grounds as to why this conclusion was reached. These written statements may be provided to owners of the land and any interested parties, including publication if considered to be reasonable.

7.5 Category 4 Screening Levels (C4SLs)

As discussed in Section 7.4, a site would be defined as Category 4 if there is no risk, or that the level of risk posed is low. Category 4 Screening Levels (C4SLs) represent a set of precautionary generic screening levels and are intended to provide a simple test for deciding that land is suitable for use and definitely not contaminated land.

7.6 Appointment of External Consultants

External consultants and contractors may be employed to carry out any intrusive investigations and undertake associated risk assessments where it becomes necessary for Cheshire East Council to progress these works. Where it is required to employ contractors, provisions will be drawn up to ensure investigations are carried out in accordance with relevant and current British Standards.

Intrusive investigations must be overseen to ensure that investigations meet protocol requirements and that the investigations themselves do not cause harm to the surrounding environment. Officers from Cheshire East Council will always endeavour to oversee intrusive investigations undertaken on behalf of the Council, in addition to the suitably qualified consultant employed by the Council.

Where it becomes necessary to make external appointments of consultants, the Council's procedures relating to the procurement of contractual work will be followed.

The sole responsibility for making decisions based on the outcome of work undertaken by consultants/contractors remains with the Council.

7.7 Site Specific Liaison

7.7.1 Owners

Once a site has been identified as requiring a detailed inspection, all reasonable efforts will be made to contact the landowner or occupier, for example through Land Registry and Council records, trade and telephone directories, visiting premises or site notices.

Contact with the landowner must include a written explanation of the legislation and reasons why the land has been identified as requiring a detailed inspection. A joint site walkover shall be arranged for a mutually convenient time where, with the exception of urgent cases, 28 days will be allowed for a response to such a request.

In all cases, the landowner will be kept informed of the findings of the investigation up to and including any decision that no further action needs to be taken.

7.7.2 Appropriate Persons

An Appropriate Person (see definition in the Glossary) may not necessarily be the landowner or occupier, and where this appears to be the case, reasonable effort must be made to contact the Appropriate Person in order to inform them of the need to conduct an investigation.

Information passed to this Appropriate Person will be consistent with that provided to any owner of land, and co-operation of the Appropriate Person will be sought in the same way. However, failure to respond by the Appropriate Person does not prohibit the inspection being enacted.

7.7.3 Environment Agency

Statutory guidance suggests that where information pertaining to a site indicates it may be designated as a 'special site', the Environment Agency should have a formal role at the detailed inspection stage (Appendix 6 contains further information for when a site may be designated as a 'special site'). If this situation arises, subject to the Environment Agency's advice and agreement, it should be arranged for the Environment Agency to carry out an intrusive inspection of land on behalf of the Council.

Where the Environment Agency carries out an inspection on behalf of the Council using the statutory powers of entry conferred by Section 108 of the Environment Act 1995, the Council shall authorise a person nominated by the Agency to make the inspection.

7.7.4 Natural England/Historic England

The Local Authority will ensure that it takes all reasonable precautions to avoid harm or pollution to natural resources or features of historical or archaeological interest, which might be caused as a result of its investigation. Before carrying out intrusive investigations on any area identified as being a protected ecological location or key historic environment property, the Local Authority will consult Natural England and/or Historic England on any action which would require their consent, as well as to advise whether special measures may be required during investigation works.

Where intrusive site investigation is likely, the Cheshire Archaeology Planning Advisory Service will be contacted to identify whether or not there is likely to be any significant archaeological remains.

This strategy may provide opportunities to incorporate features which are beneficial to wildlife, biodiversity or climate change and Cheshire East should consider securing measures where possible.

7.8 Statutory Powers of Entry

Where a landowner fails to respond within 28 days of contact or is unwilling to allow a Council officer or representative to undertake an inspection, the Council will exercise its powers of entry under Section 108 of the Environment Act 1995. This grants the Council the authority to authorise a person to exercise statutory powers of entry in connection with contaminated land investigation.

Where the Council elects to undertake an inspection using these powers, it will be satisfied, on the basis of any information already obtained, that in all cases, there is a reasonable possibility that a significant contaminant linkage may exist[12].

Furthermore in cases involving an intrusive investigation, the Local Authority must be satisfied that:

- it is likely that the contaminant is actually present, and
- given the current use of the land, that the receptor is actually present or likely to be present.

A Local Authority shall not undertake any intrusive investigations using statutory powers of entry where:

- it has already been provided with appropriate, detailed information on the condition of the land (e.g. by the Environment Agency or some other person

[12]Not only must the Authority be satisfied that there is a reasonable possibility of the presence of a contaminant, a receptor and a pathway, but also that these would together form a significant contaminant linkage.

such as the owner of the land) which provides sufficient information for the Local Authority to decide whether or not the land is contaminated land; or

- a relevant person (e.g. the owner of the land, or a person who may be liable for the contamination) offers to provide such information within a reasonable and specified time, and then provides such information within that time.

It is anticipated that in the majority of cases, inspections will be undertaken with full co-operation without Section 108 powers being required.

7.9 Potential Special Sites

Regulations describe situations where land is to be designated a ‘special site’. A list of such situations can be found in Appendix 6. As described previously in Section 7.7.3, the Council must consider whether a site may be a ‘special site’ at an early stage, and make arrangements with the Environment Agency to carry out an inspection on behalf of the Council where this is the case.

7.9.1 Identifying Potential Special Sites

A ‘special site’ cannot be designated as such until the Council has determined that it is statutory contaminated land, i.e. that at least one significant contaminant linkage exists. Evidence of information gathered, and the results of any investigations performed prior to making the request to designate the site as a ‘special site’, will be supplied to the Environment Agency for their consideration, if they are not already involved with the site.

Where it is believed a site has the potential to be designated as a ‘special site’, the Council has a duty to contact the following in writing:

- the Environment Agency;
- the owner of the land;
- the person who appears to be the occupier of the land; and
- each person who appears to be an Appropriate Person.

7.9.2 Notifying the Environment Agency

On receipt of notification from a Local Authority declaring its intention to designate a site as a 'special site', the Environment Agency has 21 days to respond. This response will state whether or not it agrees with the intended designation and where the Agency disagrees it shall provide the Council with a written statement of its reasons.

Failure by the Agency to notify the Council of its disagreement within the 21 days allowed, results in the automatic designation of that land as a 'special site'.

7.9.3 Making Arrangements for Inspection

Where the Council already has sufficient information to suggest a site requires to be designated as a 'special site', it will seek to make arrangements with the Environment Agency, for the Agency to undertake an inspection of the site on its behalf. On these occasions, officers from the Council may arrange to be present at any subsequent site visit to provide any additional information as required.

7.10 Health and Safety Procedures

Any investigations undertaken by Council employees, such as sampling potentially contaminated ground, will be subject to good health and safety practices. The Council's Health and Safety team will be consulted as appropriate and employees will be required to utilise appropriate personal protective equipment.

As part of the tendering process, external contractors will be required to submit a Health and Safety method statement to demonstrate that all investigative work will be carried out in a safe manner and to the requirements of the Health and Safety at Work Act 1974 and all other statutory requirements.

7.11 Sustainability and Climate Change

The Contaminated Land team will consider sustainability within the undertaking of all aspects of this strategy. Cheshire East Council has published an Environment

Strategy[13] and this will be considered, in particular with regards to limiting and reducing the local impacts from pollution.

In addition to this local strategy, the Council will, where possible, consider the recommendations of the Sustainable Remediation Forum (SuRF)[14] and the guidance that this organisation provides, during the relevant aspects of work procured by the Council. The Council will also encourage others to adhere to these guidelines.

[13] http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s76204/Environment%20Strategy%20-%20app%201.pdf

[14] https://www.sustainableremediation.org/

8 REVIEW MECHANISMS

8.1 Review of Assumptions and Information

This Strategy details the general approach which will be adopted by Cheshire East Council during the inspection of land under the requirements of the contaminated land regime. However an element of flexibility should be incorporated into any strategy to ensure that changing and often increasing priorities are dealt with effectively and at the most appropriate time. In particular, circumstances may exist when inspections occur outside the general inspection framework and as a direct response to new information.

The review of assumptions and information will become a rolling programme as more information becomes available on areas of actual or potentially contaminated land. Assumption based conclusions will subsequently become more refined on a site specific basis.

8.2 Strategy Review

As mentioned previously, this Strategy will be reviewed at least every five years, in accordance with the Statutory Guidance. Situations may occur, however, which trigger an early review of the Strategy ahead of the intended schedule, including the following examples:

- significant changes in Government legislation;
- the revision of national guideline values for exposure assessment;
- the establishment of significant case law or other precedents;
- where larger areas of contaminated land are discovered in the Borough than originally anticipated.

9 INFORMATION MANAGEMENT

9.1 General Principles

The Environmental Information Regulations 2004 detail the nature and extent of environmental information which can be disclosed once a request is received. Where a chargeable service by the Council exists for information provision, consumers should use that service.

The list of Potentially Contaminated Sites that Cheshire East Council holds is not available for dissemination as the list is incomplete, details potential areas of contamination rather than known areas of contamination, and is subject to continuous change[15]. However, the Council will still respond to individual enquiries in line with Section 5.

9.2 Information Content

9.2.1 Public Register of Contaminated Land

Under section 78R(1) of the Act, the Council is required to maintain a Public Register of Contaminated Land.

Any sites that are investigated and meet the statutory definition of Contaminated Land will be updated and put on the Cheshire East Contaminated Land Register. This is available online on the Cheshire East website[16].

Hard copies of all documents will also be stored in a public register, viewing of which can be arranged by appointment with Cheshire East Contaminated Land team.

The contents of such registers are specified in the Regulations to include information concerning:

- Remediation notices;

[15] This is all subject to legislation in force at the time.

[16] https://www.cheshireeast.gov.uk/environment/environmental_health/contaminated_land/part_2a_of_epa_1990.aspx

- Appeals against remediation notices;
- Remediation declarations;
- Remediation statements;
- Appeals against charging notices;
- Designation of special sites;
- Notification of claimed remediation;
- Convictions for offences under section 78M; and
- Guidance issued under section 78V(1).

Remediation of land covered by the imposition of planning conditions, within the planning system, are not included in the requirements for the maintenance of a register.

9.2.2 Risk Summaries

The Statutory Guidance describes that the Local Authority should prepare a written record of any determination that land is contaminated land (i.e. for land which falls either into Category 1 or Category 2, described in more detail earlier in Section 7.4).

The record should clearly and accurately identify the location, boundaries and area of the land in question, making appropriate reference to Ordnance Survey grid references. The record should explain why determination of the land has been made, including:

a) A summary of the Authority's understanding of the risks, including a description of: the contaminants involved; the identified contaminant linkage(s), or a summary of such linkages; the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest.

b) A description of the Authority's understanding of the uncertainties behind its assessment.

c) A description of the risks in context, for example by setting the risk in local or national context, or describing the risk from land contamination relative to other risks that receptors might be expected to be exposed to in any case. This need not involve a detailed comparison of relative

risks, but the Authority should aim to explain the risks in a way which is understandable and relevant to the layperson.

d) A description of the Authority's initial views on possible remediation. This need not be a detailed appraisal, but it should include a description of broadly what remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to the risks posed by the land; and the Authority's initial assessment of whether remediation would be likely to produce a net benefit. In the case of land which (if it were determined as contaminated land) would be likely to be a 'special site', the Authority should seek the views of the Environment Agency, and take any views provided into account in producing this description.

Cheshire East Council will place these risk summaries on the public register of contaminated land alongside the other required information.

Sites which have been the subject of a detailed assessment, but not determined as Contaminated Land, may also have information presented on Cheshire East Council's website.

9.3 Information Storage

Records pertaining to contaminated land are stored on the Regulatory Services and Health complaints database and within secure files on the Council's servers. These records will continue to be maintained by the Council and will hold:

- Sources of information identified and reviewed;
- Decisions made following review of information and records;
- Details of liaison with other departments and organisations; and
- Responses to information provided by members of the public.

The information and record management system maintained by Cheshire East Council will continue to satisfy the following criteria:

- Be transparent;
- Have security of access and editing;

- Record details of information providers and reviewers;
- Have methods of ensuring that there is no duplication of information;
- Have check systems which ensure that all relevant information is reviewed for all areas;
- Have a clear audit trail for quality assurance purposes; and
- Be user friendly.

It is envisaged that the information and record management system will continue to evolve as ways are identified to improve it.

Reports are held electronically and linked to the site polygon on the GIS system or other database management system.

9.4 Use by other Local Authority Departments

The complaints recording database is accessible by all sections within the Regulatory Services and Health Section. The GIS and associated database is also/can also be made available to all other interested departments, although protected password systems may need to be implemented limiting levels of access.

9.5 Confidentiality of Information

Section 5.4 provides information on confidentiality following the supply of information from either an individual or organisation.

However, in line with other environmental legislation i.e. The Environmental Protection Act 1990, the Act prescribes instances where certain details shall be excluded from general public register information where it meets the following criteria:

- The inclusion of such information would be against the interests of national security; and/or
- The information relates to the affairs of any individual or business and is commercially confidential to that individual or the person carrying on that business.

Any information excluded from a public register on grounds of commercial confidentiality will be labelled as such and held separately. In addition, where information is withheld from the public domain it will be clearly indicated within the Register that this is the case.

9.6 Arrangements for Access to Information and Dealing with Requirements for Information

Requests will potentially be made for access to information relating to the review process, for example, information on whether land has been inspected and details of any site investigation reports prepared. It is our intention that the release of any information will be carefully controlled until the review process is complete, given that risk factors may change as we proceed through the process. The early release of information may also lead to a level of incomplete information being released to third parties. In cases of uncertainty, legal opinion will be sought to avoid any breach of the Environmental Information Regulations 2004.

Dependent upon the extent of any requests for information a charge may be made to the client. Where this is the case, full details of the costs involved will be supplied to the client for agreement prior to any work being completed.

In addition, a specific question relating to the Public Register and Remediation Notices is included on the Enquiries of Local Authority Local Search Form CON29.

9.7 Providing Information to the Environment Agency

The Environmental Protection Act 1990, Section 78U(2) requires Local Authorities to provide the Environment Agency with the information necessary to write and publish an annual report on the State of Contaminated Land in England, which is requested when the report is due to be compiled. In addition, The Environment Agency needs to be informed when land is determined as contaminated land. Cheshire East Council will fulfil this requirement by forwarding a copy of the notice and record of determination to the Environment Agency.

APPENDICES

1. Detailed Information from the Statutory Guidance

Table 1: Significant Harm	
Type of Receptor	**Description of harm to that type of receptor that is to be regarded as significant harm**
1 Human beings	Death, life-threatening diseases (e.g. cancers), other diseases likely to have serious impacts on health, serious injury[1], birth defects and impairment of reproductive functions. Other health effects may be considered by the Local Authority to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the Local Authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm. [1] Physical injury in relation to significant harm would include injury caused by chemical and biochemical properties of substances, such as injury resulting from explosive or asphyxiating properties of gases. It would not extend to injury caused by only physical properties of substances, such as injury caused by falling onto sharp or hard objects made of relevant substances.
2 Any ecological system, or living organism forming part of such a system, within a location which is: • An area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; • Any land declared a national nature reserve under section 35 of that Act; • Any area designated as a marine nature reserve under section 36 of that Act; • An area of special protection for birds established under section 3 of that Act; • Any European Site within the meaning of Regulation 8 of the Conservation (Natural Habitats etc) Regulations 2010; • Any habitat or site afforded policy protection under paragraph 6 of Planning	The following types of harm should be considered to be significant harm: • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the Local Authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010.

Policy Statement 9 (PPS9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed RAMSAR sites); or • Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.	
3 Property in the form of: • Crops, including timber; • Produce grown domestically, or on allotments, for consumption; • Livestock; • Other owned or domesticated animals; • Wild animals which are the subject of shooting or fishing rights.	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The Local Authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.
4 Property in the form of buildings: For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.	Structural failure, substantial damage or substantial interference with any right of occupation. The Local Authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.

Table 2: Significant Possibility of Significant Harm	
1 Human health effects	The term “possibility of significant harm” as it applies to human health, for the purposes of this guidance, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises: (a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question. (b) The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it. In estimating the likelihood that a specific form of significant harm might occur the Local Authority should, among other things, consider: (a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use” in Section 3 of the Statutory Guidance. (b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate. In some cases the Local Authority’s assessment of possibility of significant harm may be based, solely or partially, on a possible risk that may exist if circumstances were to change in the future within the bounds of the current use of the land. For example, an assessment may be based on a possible risk if a more sensitive receptor were to move onto the land at some point in the future. In such cases the Authority should ensure that the possibility of the future circumstance occurring is taken into account in estimating the overall possibility of significant harm. The Local Authority should estimate the timescale over which the significant harm might become manifest, to the extent that this is possible and practicable (and recognising that often it may only be possible and practicable to give a broad indication of the estimated timescale).
2 All ecological system effects.	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the Local Authority considers that: • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest

	at the location in question that they would be beyond any practicable possibility of restoration. Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.
3 All property effects	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the Local Authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.
4 All building effects	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the Local Authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a Scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.

Table 3: Categories for Contaminated Land		
Category	**Human Health**	**Controlled Waters**
1	The Local Authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action is taken to stop it. Land should be deemed to be a Category 1: Human Health case where: (a) the Authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or (b) the Authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; (c) the Authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken.	This covers land where the Authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.
2	Land should be placed into Category 2 if the Authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the Authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.	This covers land where: (i) the Authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the available scientific evidence and expert opinion, the Authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.
3	Land should be placed into Category 3 if the Authority concludes that the strong case for placement into Category 2 does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are	This covers land where the Authority concludes that the risks are such that (whilst the Authority and others might prefer they did not exist) the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not

	not low, but nonetheless the Authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The Authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.	warranted. This category should include land where the Authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	The Local Authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. The Local Authority should consider that the following types of land should be placed into Category 4: (a) Land where no relevant contaminant linkage has been established. (b) Land where there are only normal levels of contaminants in soil. (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria or relevant technical tools or advice that may be developed. (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure.	This covers land where the Authority concludes that there is no risk, or that the level of risk posed is low. In particular, the Authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to certain types of pollution (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by “background” contamination.

2. Information about the area of Cheshire East

Industrial History

The industrial history of Cheshire East can broadly be split into a three separate aspects, with textile mills dominating the history of Macclesfield and Congleton, salt working in the areas of Middlewich and Nantwich and heavy engineering, in particular railway working, in Crewe. Agriculture also played a big part in the region (and is still prevalent today), with dairy farming on the Cheshire Plains and hill farming round Macclesfield and Congleton.

Macclesfield was a major woven silk producing town in the late 18th century, and became the greatest silk weaving centre in England during the mid 19th century, whereas Congleton's industrial heritage first began around 1752 with the building of its first silk mill. Built in 1830, the construction of the Macclesfield Canal, which runs through the area, had increased the profitability of silk and ribbon manufacture and both Macclesfield and Congleton emerged as prosperous towns.

Middlewich is one of Britain's chief salt-producing towns and has been so since Roman times. By the late 18th century, Middlewich had seen the arrival of the canals, which became vital in transporting salt and cheese from Middlewich and coal in from Staffordshire via the Trent and Mersey Canal. Salt, prevalent also in Nantwich, has been used in cheese making and tanning and both of these industries flourished in Nantwich.

With the opening of Crewe Railway Works in 1843, the town and its population grew. The works became world famous for the quality of its steam locomotives. Later, the Rolls Royce motor factory was completed in 1938 and has been a major employer in the area ever since, Bentley Motors is now present on the site of the Rolls Royce factory. In more recent years, a variety of other industries and businesses have come into the Borough particularly as a result of the development of industrial estates on the south east of Crewe. The proposal for the HS2 railway to run through Crewe will also provide further areas of opportunity in the future.

Drift Geology

Glacial till (boulder clay) and a mixture of glaciofluvial sand and gravel, as well as alluvial clays, silts, sands and gravels cover most of Cheshire East's area. Alluvial deposits can be found along major rivers in the Borough. Small areas of peat are found to the south of Congleton, and in the area around Brereton.

Large areas of peat can be found south of Macclesfield, west of Wilmslow, around Lyme Park, west of High Legh, south of Congleton, and in the area around Brereton.

There are also some large areas devoid of drift, mainly to the east of Rainow towards the Peak District, as well as small areas around Alderley Edge and High Legh.

Historically, some areas where a significant thickness of glacial sands or gravels have existed, they have been quarried. Areas of glacial till have also been exploited for brick making across the Borough.

Solid Geology

The solid geology underlying the drift deposits in Cheshire East mainly comprises a sequence of Triassic sandstones and mudstones together with two halite (rock salt) formations. Coal measures and mineralised rock formations are also present in the north and east of the Borough.

Bedrock geology comprising Wilkesley Halite is present from Middlewich, through Sandbach to Alsager and Scholar Green. It also underlies Nantwich, an area north east of Crewe and other settlements such as Wybunbury, Hatherton, Hankelow and Buerton. The dissolution of halite by circulating groundwaters is responsible for the natural subsidence which occurs.

The Northwich Halite underlies part of the west of the Borough in the Bunbury and Alpraham areas. It is the same rock-salt formation which is mined for salt in the Winsford and Northwich areas.

The Triassic rocks of the Sherwood Sandstone Group comprise the Wilmslow and Helsby Sandstone and are exposed in the Peckforton and Beeston Hills area. Bedrock geology in this area also consists of the Bollin Mudstone Group.

In addition to the Triassic rocks, areas of younger Jurassic-age rocks are known to underlie drift north west of Wrenbury and in the Dodcott-cum-Wilkesley area, south west of Audlem. The Jurassic rocks are known as the Lias and Penarth Groups and comprise shales, mudstones, clays and thin limestones.

The Sidmouth Mudstone underlies a large area of the south west of the Borough from the areas around Crewe, north to Church Minshull, west to Wettenhall and south to Shavington. Where it rarely outcrops, it comprises a rhythmic sequence of red and grey alternating blocky and laminated mudstones and siltstones.

The nature of the topography of the north of the Borough is a direct result of the underlying solid geology. The east is characterised by the Peak District on the edge of the Pennines which give way to the fertile plains in the west. The east of this part of the Borough is made up of Carboniferous-age Millstone Grit Group which is the main rock of the Pennines. To the west of the Millstone Grit Group is a narrow band of Pennine Lower Coal Measures running from Mow Cop to Congleton, then just east of Macclesfield north through Bollington and Poynton towards Marple. The outcrops of the Coal Measures in the eastern of the part of the Borough have also been developed.

The nature of the geology of the northern part of the Borough has given rise to areas of natural mineralisation. The most famous is the copper mineralisation at Alderley Edge which has been exploited since before the Roman invasion.

Hydrogeology

Cheshire East has a variety of different aquifer designations across the Borough, ranging from Principal aquifers which are very vulnerable to pollution due to their current, or potential use as drinking water supplies, to Unproductive strata which are much less likely to be at significant risk to pollution. Abstractions vary from springs and wells to boreholes, and information detailing their locations, uses and abstraction

rates are available both from the Regulatory Services and Health service and the Environment Agency.

There are areas of Principal aquifers in the areas around Peckforton. However, much of this part of the Borough comprises Unproductive strata, associated with the Halite bedrock geology. In the north east of the borough, the Permo-Triassic Sherwood Sandstone is classified as a Principal aquifer providing water supplies for large numbers in that area, for both domestic and industrial uses.

The Carboniferous age Millstone Grit, also present in the north of the borough, can be considered a Secondary A aquifer providing water for localised small scale agricultural and domestic supplies in areas remote from the mains water system. The carboniferous strata which form the south-eastern boundary of the borough in the vicinity of Mow Cop and Congleton Edge are also classified as a Secondary A aquifer. There are some areas of glaciofluvial drift deposits in this area which are classified as being vulnerable and could allow transmission of pollutants.

There are areas of Secondary B aquifer designations south of Nantwich, trending northwards to Wistaston and Worleston and then spreading east and west to the north of this region to Minshull Vernon and Calveley respectively. These generally comprise the mudstone bedrock formations. Mudstone formations also occur across much of the south east of the Cheshire East area.

There are, in addition, a number of areas which are classified as Unproductive strata, comprising the Wilkesley Halite Member bedrock geology found round Sandbach and Middlewich in particular, and the Northwich Halite situated round Chelford, Mobberley, West Knutsford and Plumley.

Hydrology

The main surface watercourse in the Congleton area is the River Dane, which rises at Three Shires Head in the Staffordshire Moorlands to the north east of Congleton. After passing through Congleton, the river picks up the Dane in Shaw Brook. The Dane then flows to Holmes Chapel, generally in a west north west direction. From Holmes Chapel, the river flows due west to Middlewich, where it is joined by its major tributaries, the Rivers Wheelock and Croco. To the south and west of Macclesfield

and Knutsford, the surface water also flows towards the River Dane. The river has no transport use and no water is abstracted during its course through the borough, however, water is abstracted at Hug Bridge, Rushton Spencer.

The main river system crossing the south of the borough is that associated with the River Weaver whose source lies in the Peckforton Hills. The river flows south eastwards from these hills, through Wrenbury and towards Audlem where its direction changes to flow approximately northwards out of the Borough and into Cheshire West and Chester. Major tributaries to the Weaver include the Valley Brook and Gresty Brook (Basford Brook) which flow through Crewe; the Checkley Brook which flows westwards passing south of Wybunbury; Barnett Brook; and Birchall Brook. The Rookery Brook is also a major tributary from the west.

The main catchment in the north of the borough is that of the River Bollin which rises in Macclesfield Forest and flows towards the Manchester Ship Canal and River Mersey to the west. Along the way, the Bollin is joined in Wilmslow by the River Dean, which rises above Bollington. To the west, the Birkin Brook catchment (which drains Alderley Edge and Knutsford) meets the Bollin on the Borough's northern boundary east of Little Bollington.

The Shropshire Union Canal and its two branches: the Llangollen and Middlewich Branches; are also major waterways crossing the south and west of the borough. These canals were important for transporting goods, such as salt, to major cities for ongoing sale and transport. The Macclesfield Canal also enters the Borough in the north east and passes south through Bollington and the outskirts east of Macclesfield before leaving the borough at Bosley to the south. This important canal links Manchester with Stoke and beyond and forms part of the 'Cheshire Ring' canal network. A short stretch of the Peak Forest Canal is also present near Disley to the extreme north east. This canal links Manchester and beyond with the High Peak.

3. Sources of Information

Main types and sources of information to be used in identifying contaminated land			
Information type or layer name	**Information source**	**Format**	**Use**
Current 'base maps'	Ordnance Survey MasterMap, StreetView, 1:10,000, 1:25,000, 1:50,000 and 1:250,000 maps	Digital	Present-day base map information layer on which to overlay subsequent layers of information.
Historic maps	Digital maps purchased from various sources.	Digital	To locate potential contaminative land-use types.
Aerial photography	Aerial photography has been provided from various sources, dating back to the 1940s up to the current day.	Digital	To locate potential contaminative land-use types.
Geological maps	Digital maps of drift and solid geology have been made available from the Environment Agency through the BGS to Cheshire East Council for use in the GIS.	Digital	To characterise potential sources and pathways.
Groundwater Vulnerability Maps	Groundwater Vulnerability maps for drift and solid geology are available digitally from the Environment Agency.	Digital	To locate potentially sensitive (controlled water) receptors and corresponding pathways
Hydrogeological maps	Hydrogeological information has also been made available as part of the geological maps supplied.	Digital	To show aquifer types – highlighting potential pathways to groundwater receptors.
Source Protection Zones	Source Protection Zone data is supplied in digital form for the GIS by the Environment Agency.	Digital	To locate potential (controlled water) receptors.
Waste Management Licence information	Supplied by the Environment Agency.	Digital	To locate potential sources of contamination.
Closed landfill / former waste disposal sites	Council's own records and information supplied by the Environment Agency. Paper forms have been digitised for use in the GIS	Digital	To locate potential sources of contamination.
Current and former Integrated Pollution Control / Alkali Act sites	The Environment Agency can provide lists of potentially contaminated sites where it has knowledge or has had involvement.	Paper / digital	To locate potential historical sources of contamination.
Water Quality data, vulnerable Controlled Waters / Surface Water	The Environment Agency can supply this data upon request and an overview is available through the GIS.	Digital	To locate controlled water receptors potentially being affected by contaminated land.

Abstraction Points			
Eco-systems and protected natural environments	Natural England has supplied digital information on the location of SSSIs, Ramsar sites, National Nature Reserves etc. available through the MAGIC databse	Digital	To locate potential eco-system and protected environment receptors to contamination.
Local Development Framework	Available digitally	Digital	Locates potential receptors (particularly protected areas of the environment).
Cheshire Historic Environment Record, maintained by CAPAS	Cheshire Archaeological Planning Advisory Service, Historic England and Cheshire East Council's Heritage team	Paper / digital	To identify potential 'property' receptors (not included in the Local Plan information).
Regulatory Services and Health Information	The Regulatory Services and Health service holds records of pollution complaints and investigations on the complaint recording system.	Digital	To identify known information on contamination.
Planning information	Planning and Building Control files for development in the Borough. Paper files located within offices of older sites and digital information stored on the APAS system. Useful sections of paper and microfiche files have been digitised when encountered.	Paper / Microfiche/ digital	To identify known information on contamination.
Radon information	Digital radon maps have been provided for use within the GIS from PHE/BGS.	Digital	To identify sources of contamination.

4. List of Consultees and Their Responses

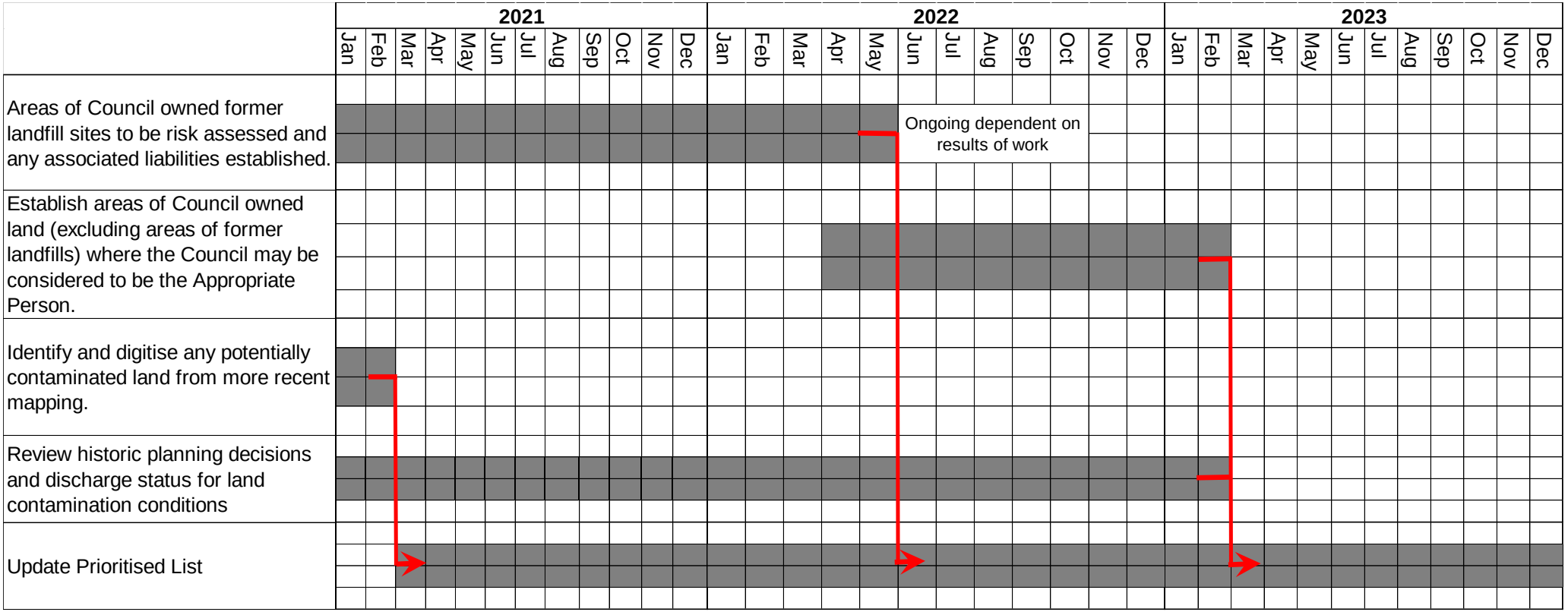
Consultee	Category	Response
Natural England	Statutory Consultation	Thank you for your email on the above dated and received by Natural England on 12 February 2021. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We have considered the Contaminated Land Strategy and offer the following comments: We are pleased to note the reference in the Strategy to *Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites* but we advise that European designated sites and protected landscapes should also be included. We would welcome further details of how the interests of designated sites and landscapes in the district have been considered in the preparation of the Strategy. Natural England considers your district important as part of a landscape scale network of wetland habitats that act as stepping stones for wildlife. As such, Natural England would encourage that the strategy considers the remediation of suitable sites for the protection and enhancement of wetland habitats and associated terrestrial habitats which can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. CEC Response: • The Strategy has been updated with Ramsar sites, National Character Areas, Special Protected Areas, Special Areas of Conservation and Local Nature Reserves. The Strategy is a high level document and it is anticipated that designated sites and landscapes will be considered on a site specific basis when individual sites are addressed through the Strategy. • The Strategy does not go into the details of specific sites, however should suitable sites be revealed through the process, we would seek to consult Natural England further.
Environment Agency	Statutory Consultation	The Environment Agency's Groundwater and Contaminated Land team have reviewed the submission of the Cheshire East Council Contaminated Land Strategy dated 2021. We welcome the approach that the council is proposing and will, where possible and within the remit of the Environment Agency, seek to actively engage with the council where it comes to their land contamination strategy. We are pleased that the council has identified key aspects of variety of different regimes that tackle land contamination, groundwater vulnerability and pollution arising from minerals extraction. We will continue to work with the council, where possible, to support their approach and effort to address these issues. We would advocate a site by site, site specific assessment approach to support the strategy and will support the council in their approach where our resources allow. If at any time you require assistance and advice we would advise that you contact the Greater Manchester, Merseyside and Cheshire (GMMC) area team for Groundwater, Hydrology and Contaminated Land directly and speak to one of the teams technical specialists in the first instance.

		CEC Response: • Noted
Historic England	Statutory Consultation	Thank you for consulting Historic England about Cheshire East's draft Contaminated Land Strategy 2021. We note that the strategy has been recast, with much of the supporting information placed in appendices. We agree that this has made the key points of the strategy clearer, and that it reads better as a result. We have only a few comments on the contents of the draft Strategy: We note that one of the general aims of the strategy (section 3.1, page 13) is to "protect historic sites and the historic environment from the effects of contaminated land." It is worth stating that some historic sites, particularly historic former industrial sites, may by their very nature be classifiable as brownfield or even contaminated land. In Section 7.7 ("Site specific liaison"), an appropriate level of consultation with Historic England is specified at 7.7.4, together with a specific role for the Cheshire Archaeology Planning Advisory Service [CAPAS] in identifying significant archaeological remains. In Appendix 3 ("Sources of Information", p54) the only source of information for the historic environment identified is the old County Sites and Monuments Record. We recommend that the key source of information quoted for the historic environment should be the Cheshire Historic Environment Record, maintained by CAPAS. This contains not only the information held by the old County Sites and Monuments Record, but much more besides. It is also regularly updated, and should be the key source of information on the historic environment of Cheshire East. Finally, in the Glossary on page 58, we note that the only historic environment term included is "Listed Building". Given that reference is made in the Strategy to "Scheduled Ancient Monuments", we recommend that this term should also be included in the Glossary. CEC Response: • Noted and Strategy updated where required
HSE	Statutory Consultation	No response
Public Health England	Statutory Consultation	Thank you for the notification of your updated Contaminated Land Strategy. Please note that PHE, as a non-statutory consultee, no longer replies to Contaminated Land Strategy consultations (unless there is a specific query concerning public health identified to us) as we will normally not have any specific concerns about the impact of the strategy on public health, if relevant legislation and good practice guidance is followed. We assume that the inspection of contaminated land meets the statutory requirements under Part 2A of the Environmental Protection Act 1990 as inserted by Section 57 of the Environment Act 1995, and that it meets the requirements of section 2.6 of the Contaminated Land Statutory Guidance dated April 2012. This response is based on the assumption that this Strategy overview will ensure contaminated land holders comply with all relevant best practice and industry guidelines. CEC Response: • Noted

<table>
<tr><td>Cheshire West and Chester Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>High Peak Borough Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Manchester City Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Newcastle-under-Lyme Borough Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Shropshire Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Staffordshire Moorlands District Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Stockport Metropolitan Borough Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Trafford Metropolitan Borough Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>Warrington Borough Council</td><td>Statutory Consultation</td><td>No response</td></tr>
<tr><td>CEC Heritage team</td><td>Public Consultation</td><td>Please see below the up to date numbers of conservation areas etc for inclusion in your document.
<table>
<tr><td>Scheduled Monuments</td><td>106</td></tr>
<tr><td>Listed Buildings (records)</td><td>2653</td></tr>
<tr><td>Locally Listed Buildings</td><td>360</td></tr>
<tr><td>Conservation Areas</td><td>76</td></tr>
<tr><td>Registered Parks and Gardens</td><td>17</td></tr>
<tr><td>Registered Battlefields</td><td>1</td></tr>
<tr><td>World Heritage Sites</td><td>1</td></tr>
<tr><td>Areas of Archaeological Potential</td><td>10</td></tr>
<tr><td>Area of Archaeological Importance</td><td>0</td></tr>
</table>
CEC Response</td></tr>
</table>

		• Noted and updated heritage figures.
Sandbach Town Council	Public Consultation	The 2021 Contaminated Land Strategy appears to be a reasonable document to protect the residents of Cheshire East. STC supports the risk-based approach to identification and resolution of contamination, which recognizes that most contamination issues will relate to brownfield development land. CEC will work with land owners to achieve a voluntary solution in preference to a legislative enforcement approach. CEC Response: • Noted

5. Timetable for the strategy adoption process and priority action timescales



6. Glossary of Terms

Appropriate Person(s)	An Appropriate Person is any person who is, determined in accordance with section 78F…, to bear responsibility for any thing which is to be done by way of remediation in any particular case.
British Geological Survey	The British Geological Survey is funded by the National Environment Research Council to carry out geoscience-related research in both the public and private sectors. Website: www.bgs.ac.uk
Brownfield Sites	Sites which have previously undergone development and which therefore require a level of remediation prior to redevelopment.
Contaminant	A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to controlled waters.
Contaminant linkage	The relationship between a contaminant, a pathway and a receptor. Also known as a pollutant linkage.
Contamination Related Conditions	Conditions placed on the granting of planning permission which ensure the removal of the link between contaminant(s) and humans or the environment, either by the removal of the contaminant(s) or by use of barriers.
Controlled Waters	Controlled waters are defined in section 78A(9) of the Act by referencing Part III (section 104) of the Water Resources Act 1991, except that “ground waters” does not include waters contained in underground strata but above the saturation zone. The definition covers territorial and coastal waters, inland fresh waters and groundwaters.
Sites of Biological Importance	Sites listed by Cheshire East as being of importance in a county, district or local context on account of the habitat, plant or animal communities or species they support. Also known nationally as a Local Wildlife Site.
Drift Deposit	An unconsolidated superficial sediment.
Geographic Information System (GIS)	A data-handling and analysis system based on sets of data distributed spatially in two dimensions. The data sets may be map-oriented or image oriented.
Jurassic	A period of geological time spanning 208.0 – 145.6 million years before present.
Listed Buildings	Buildings placed on statutory lists of buildings of 'special architectural or historic interest' compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990, on advice from Historic England.
Pathway	A pathway is one or more routes or means by, or through, which a receptor: a) is being exposed to, or affected by, a contaminant, or b) could be so exposed or affected.
Receptor	A receptor is either: a) a living organism, group of organisms, an ecological system or a piece of property which:

	i. is in a category listed in Table 1, Appendix 1 as a type of receptor, and ii. is being, or could be, harmed by a contaminant; or b) controlled waters which are being, or could be, polluted by a contaminant.
Risk Assessment	Risk can be defined as the combination of: a) the probability or frequency of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and b) the magnitude (including the seriousness) of the consequences.
Scheduled Ancient Monument	A scheduled monument must be in physical terms a monument and its heritage interest must be nationally important
Significant Harm	Defined in section 78A(5) of the Act. Any harm is considered to be significant if it meets one of the descriptions of types of harm in Section 4.1 or the relevant column in Table 1 of the Statutory Guidance.
Significant Possibility of Significant Harm	A possibility of significant harm being caused which, by virtue of section 78A(5), is determined to be significant in accordance with Section 4.2 or the relevant column in Table 1 of the Statutory Guidance.
Sites of Special Scientific Interest (SSSIs)	A Site of Special Scientific Interest (SSSI) is the land notified as an SSSI under the Wildlife and Countryside Act (1981), as amended.
Special Site	Land is required to be designated as a special site where: 1. Land is affecting controlled waters in the following circumstances: a) Controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land, and as a result, require treatment or additional treatment before use in order to be regarded as "wholesome" under Part 3 of the Water Industry Act 1991; b) Where controlled waters are being affected so that they do not meet or are not likely to meet the criteria for water quality classification for waters of their relevant description. c) Controlled waters are being affected by the land and: i. any of the substances which is causing or is likely to cause the pollution is a member of the following group of substances: organohalogen compounds; organophosphorous compounds; organotin compounds; substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment; mercury and its compounds; cadmium and its compounds; mineral oil and other hydrocarbons; cyanides.

	ii. the waters or any part of the waters are contained within underground strata which are considered to be major aquifers (the Permo-Triassic Sherwood Sandstone Group is the only group listed which is applicable to Cheshire East). 2. Waste acid tars are present in, on or under the land (tars which contain sulphuric acid, were produced as a result of the refining of benzole, used lubricants or petroleum and are or were stored on land used as a retention basin for the disposal of such tars); 3. Land on which any of the following activities have been carried on at any time: a) The purification or refining of crude petroleum, oil extracted from petroleum, shale or any other bituminous substances (with the exception of coal); b) The manufacture or processing of explosives; 4. Land upon which a prescribed process for central control has been or is being carried on, or an activity has been or is being carried on in a Part A(1) installation or by means of a Part A(1) mobile plant under a permit. These processes/activities do not solely consist of things being done which are required by way of remediation; 5. The land within a nuclear site; 6. The land owned or occupied by or on behalf of defence organisations or is being used for defence purposes; 7. The land was used for the manufacture, production or disposal of various kinds of weapons or agents: chemical, biological or nuclear; 8. Land designated under the Atomic Weapons Establishment Act 1991; 9. Land held for the benefit of Greenwich Hospital to which section 30 of the Armed Forces Act 1996 applies; 10. The land is contaminated land by virtue of any radioactivity possessed by any substances in, or under that land; or 11. Land which is adjoining or adjacent to land falling within categories 2-10 above, and which is contaminated land by virtue of substances which appear to have escaped from land within those categories.
Triassic	A period of geological time spanning 245–208 million years before present.
Website	Cheshire East Council's website can be viewed at http://www.cheshireeast.gov.uk/

7. Bibliography

- The Environment Act 1995, HMSO, 1995
- The Contaminated Land (England) Regulations 2000, HMSO , 2000
- DETR Circular 01/2006, Environmental Protection Act 1990: Part 2A Contaminated Land, HMSO, 2006 (excluding Annex 3)
- Contaminated Land Statutory Guidance, Defra, April 2012
- British Geological Survey website: www.bgs.ac.uk
- Environment Agency website: www.environment-agency.gov.uk
- Communicating Understanding of Contaminated Land Risks, Scottish and Northern Ireland Forum For Environmental Research (SNIFFER), 1999.
- Historic England: https://historicengland.org.uk/images-books/publications/land-contamination-and-archaeology/heag096-land-contamination-and-archaeology/

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Working for a brighter future together

Environment and Communities Committee Report

Date of Meeting:	17 July 2021
Report Title:	Draft Sustainable Urban Drainage Systems Supplementary Planning Document
Report of:	Frank Jordan; Executive Director of Place
Report Reference No:	EC/03/21-22
Ward(s) Affected:	All

1. Executive Summary

1.1. This report seeks approval to carry out four weeks of public consultation on the draft Sustainable Urban Drainage Systems Supplementary Planning Document ("SUDS SPD").

1.2. SUDS are design and engineering solutions to manage the surface water of a development site. The approach that can be taken to manage such water can vary significantly from multiple small scale, landscape and design led solutions that work with green space and habitats to delay and manage run off, to 'hard' engineering projects that store excess water to release into the mains water system. This SPD provides guidance on the preferred approach for development in Cheshire East and sets out the ways in which development sites are expected to work with water and manage drainage on site.

1.3. The preparation of an SPD involves two stages of public consultation. This first consultation stage will be followed by another opportunity to comment on a final draft version of the SPD. The final draft of the SPD will be accompanied by a consultation statement setting out the feedback from stage one and how the document has been altered in response to that feedback. Having also considered comments made at stage two, the SPD may then be considered for adoption by the Council.

1.4. Once adopted, the SPD will provide additional planning policy guidance on the implementation of Local Plan Strategy policies SE13 'Flood Risk and Water Management', and the Site Allocations and Development Policies

Document (SADPD) Policy ENV 6' Surface Water Management and Flood Risk'. The SPD, once adopted, will be a material consideration in decision making and support the delivery of key policies in the Development Plan.

2. Recommendations

2.1. To approve the draft SUDS Supplementary Planning Document (Appendix A) for four weeks of public consultation.

2.2. To publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report ("SEA") (Appendix B).

2.3. To publish the associated Equalities Impact Assessment Screening Report ("EQIA") (Appendix C).

3. Reasons for Recommendations

3.1. An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications in the borough.

3.2. Providing clear guidance up front about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.

4. Other Options Considered

4.1. The Council could choose not to prepare an SPD on SUDS. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance on this matter or give clarity to the approach that should be employed by all parties in a consistent way that gives certainty to applicants and decision makers.

4.2. Providing improved guidance on SUDS, particularly through the toolkit contained in the SPD allows site promoters to select a range of policy compliant approaches to managing surface water and improves the ability of the Council to secure positive solutions that improve the local environment.

5. Background

5.1. Cheshire East Council's Corporate Plan sets out three aims. These are to be an open and enabling organisation, a Council that empowers and cares about people, and to create thriving and sustainable places. In striving to create thriving and sustainable places, a key objective is to protect residents and improve our environment. As such, this SPD sets out guidance on policies contained in the Local Plan Strategy (LPS) and SADPD that will support these objectives by setting out clear expectations

on how surface water can be managed in new development in a way that benefits the natural environment and works within the landscape, providing multifunctional benefits and better outcomes for design, biodiversity and flood risk management.

5.2. One of the key objectives of the LPS is for the Plan to protect and enhance environmental quality through a range of measures including the management of water, and to promote measures that reduce the impact of climate change, including flooding.

5.3. CELPS policy SE13 'Flood Risk and Water Management' sets out the preferred approach to managing water and flood risk in new development and requires proposals to integrate measures for sustainable water management.

5.4. Policy ENV 6 'Surface Water Management and Flood Risk' of the SADPD provides further detail and requires that sites adopt a SUDS approach unless it can be demonstrated this cannot feasibly be achieved. This SPD provides guidance on how SUDS can be achieved through a range of solutions.

5.5. This SPD provides greater clarity to developers, landowners, communities and decision makers on the approach the Council will take to securing SUDS in new development and provides additional guidance to applicants on how they should respond to the policy requirements in the LPS and SADPD. It also 'signposts' sources of information, including relevant documentation and Council services and sets out expectations in relation to issues such as maintenance and management after schemes have been completed.

5.6. The draft SPD has been prepared by the Environmental Planning Team with assistance from the Strategic Planning Team.

5.7. Subject to the approval of the recommendations in this report, the SPD will be consulted on in accordance with the Council's Statement of Community Involvement for a period of four weeks.

5.8. The process for preparing an SPD is similar in many respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are several stages in their production:

5.8.1. Publish the initial draft SPD for four weeks public consultation;

5.8.2. Consider feedback received and make any changes necessary;

5.8.3. Publish the final draft SPD, along with a consultation statement setting out who has been consulted in its preparation, the main

issues raised in feedback and how those issues been addressed in the final draft SPD;

5.8.4. Having considered representations, the SPD may then be adopted;

5.9. Following adoption, the SPD must be published and made available along with an adoption statement in line with the 2012 Local Plan Regulations. The adoption of the SPD may be challenged in the High Court by way of judicial review within three months of its adoption.

5.10. Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

6. Consultation and Engagement

6.1. It is proposed that the draft SPD will be subject to four weeks consultation. Following this, all comments will be considered, and changes made to the SPD, as appropriate, before a final version of the SPD is prepared for approval and further consultation.

7. Implications

7.1. Legal

7.1.1. The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.

7.1.2. Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.

7.1.3. The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.

7.1.4. SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

7.1.5. Strategic Environmental Assessment

7.1.6. Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

7.1.7. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal ("SA"), which is a requirement for development plan documents.

7.1.8. There is no legal requirement for SPDs to be accompanied by SA, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008- 20140306). However, "in exceptional circumstances" there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the local plan.

7.1.9. A screening assessment has been undertaken (in Appendix B) which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required for the SPD.

7.2. Finance

7.2.1. There are no significant financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.

7.3. Policy

7.3.1. The SPD will expand and amplify existing development plan policies related to the provision of funding for infrastructure. An SPD will give additional advice to applicants on how they can demonstrate they have complied with relevant policies of the development plan related to this matter.

7.4. Equality

7.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; foster good relations between persons who share a "relevant protected characteristic" and persons who do not share it.

7.4.2. The draft SUDS SPD provides further guidance on the approach that is expected from developers on this matter. The SPD is consistent with the LPS which was itself the subject of an Equalities

Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal. A draft EQiA on the draft SUDS SPD has been prepared (appendix C) and will be published alongside the draft SPD for comment.

7.5. Human Resources

7.5.1. There are no implications for human resources.

7.6. Risk Management

7.6.1. The subject matter of the report does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

7.7. Rural Communities

7.7.1. The draft SUDS SPD seeks to provide further guidance on implementing surface water management in new development. Whilst most major development is expected to take place in, or adjacent to urban areas the guidance will apply to sites in rural areas too, where relevant, and therefore communities directly or indirectly from improved water management on such sites.

7.8. Children and Young People/Cared for Children

7.8.1. The draft SPD does not have implication for children and young people or cared for children.

7.9. Public Health

7.9.1. The draft SPD does not have any specific public health implications but will generally improve the environment which can create a positive impact on a range of health indicators.

7.10. Climate Change

7.10.1. The draft SPD will help the council to manage the impact of climate change and reduce surface water run-off from new development sites, therefore helping to reduce the overall risk of flooding in the borough

Access to Information	
Contact Officer:	Tom Evans, Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 01625 650023
Appendices:	Appendix A: Draft SUDS Supplementary Planning Document Appendix B: SEA / HRA Screening Report

	Appendix C: Draft Equalities Impact Assessment Screening Report
Background Papers:	N/A

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SuDS Guide

Sustainable Drainage System design guidance for Cheshire East

Cheshire East Council

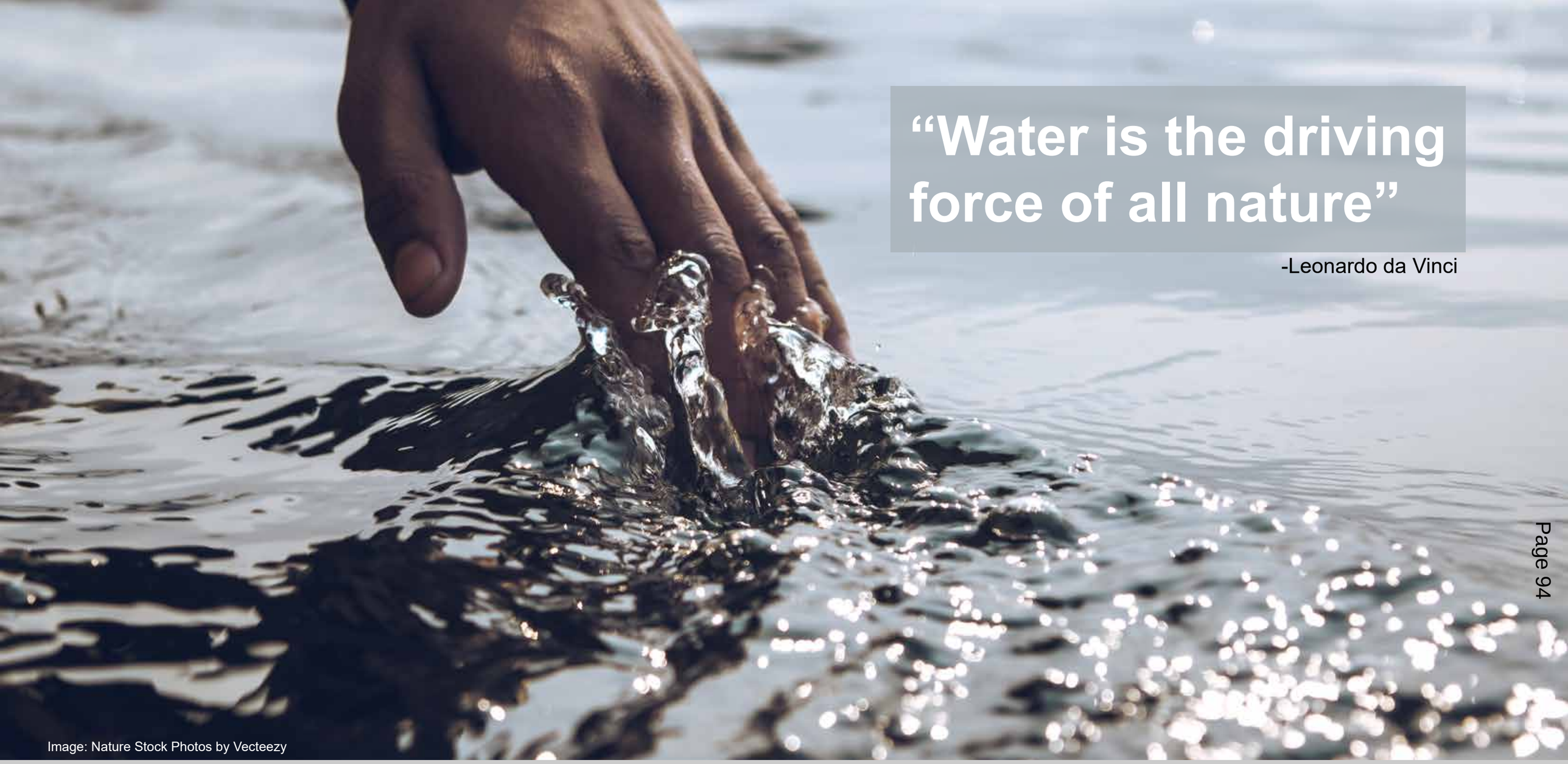


Image: Nature Stock Photos by Vecteezy

Acknowledgements:

Cheshire East Council would like to acknowledge the following for their assistance in the preparation of this guide:

- United Utilities
- Warrington Borough Council
- Cheshire West and Chester Council
- Halton Borough Council
- Peak District National Park
- JBA Consulting (authors of initial combined-authority draft)
- Environment Agency
- Manchester City of Trees
- Ringway Jacobs
- Green Blue Urban
- Polypipe Ltd
- Timberplay Ltd
- Deeproot Urban Solutions Ltd

Cover Photo:

Caroline Benzies Photography

Foreword

Water has always influenced the location and growth of human settlement - our villages, towns, and cities. Water is a positive force in shaping places, but it can become a destructive one if not given sufficient space and consideration in development.

Climate change is creating more serious and unseasonal weather and, with this, flooding incidents are becoming more commonplace and unpredictable. We must act now to manage water more effectively and reduce the risk to people and property both now and in the future. There is a social and commercial imperative to address this.

This challenge is also an opportunity. Waterscapes are an important and positive aspect of our local landscapes, both urban and rural. Water significantly improves the quality of our environment and our sense of belonging.

In the face of the limitations of traditional drainage systems and continued climate change, sustainable drainage systems (SuDS) provide a solution to the issue of water management as a key element of sustainable growth.

The national and local design agendas promoting beautiful and healthy places provide further impetus to enable creative, well-designed SuDS to play a significant part in shaping places. SuDS can enhance the opportunities for leisure, play and education, improve health and wellbeing and promote high quality environments for home, work and leisure.

This guide will assist developers and designers to help achieve these joint objectives: to reduce climate change and enrich people's lives.

Water is our lifeblood. We should manage it creatively to make our places better and improve quality of life for our communities and for future generations.

Political representatives of Cheshire East tba

PORTRAITS OF LOCAL REPRE-SENTATIVES NEEDED

PORTRAITS OF LOCAL REPRE-SENTATIVES NEEDED

The positive effects of water on our environment, health and well-being (Image: L.Long)

The negative effects of unsustainable drainage (Image: I.Dale)

Primary Purpose

The primary purpose of this Supplementary Planning Document (SPD) for Sustainable Drainage Systems (SuDS) is to provide guidance on the ways and means that planning approval applicants can achieve compliance with policy requirements set out in the NPPF and the Cheshire East Local Plan.

By working with the landscape of a site, a holistic and integrated approach to drainage can be achieved that builds-in a range of surface-level SuDS solutions to deliver multiple benefits and higher quality development. This SPD is a tool to help applicants achieve this objective and to demonstrate how they can do so through the planning process.

Planning proposals that use this SPD to achieve the objectives of the Local Plan will demonstrate policy compliance. Where schemes ignore opportunities to positively work with water on site, planning permission may be refused.

The objective of the policies in the Local Plan is to realise the multiple benefits of positive on-site water-management, that can improve biodiversity, and enhance landscape character and quality of place.

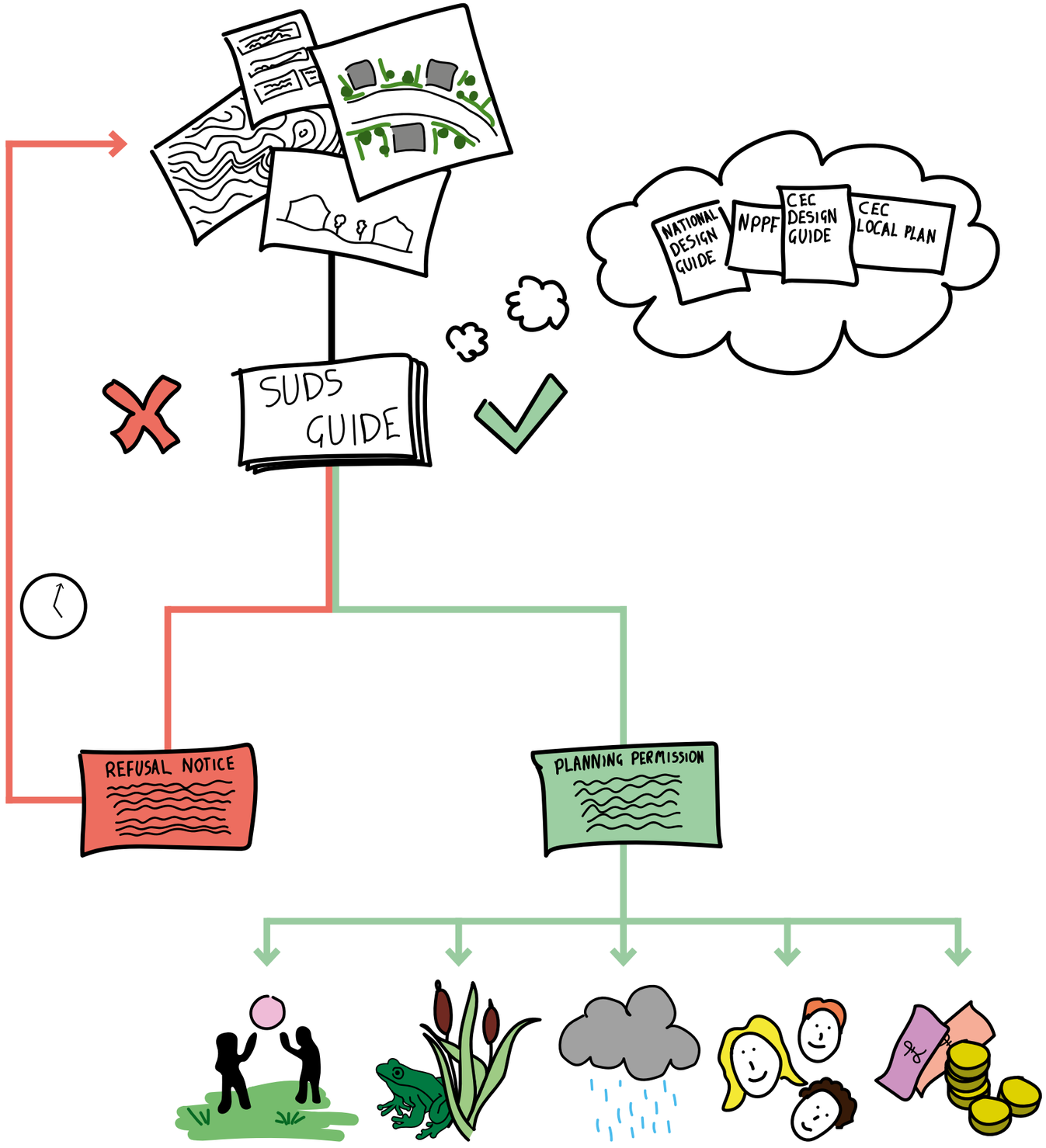
Hard engineering solutions are not the preferred approach and are unlikely to deliver integrated environmental and design benefits. Instead, the Local Plan requires applicants to **incorporate surface level SuDS with multifunctional benefits**. Only where this is not possible will hard engineering solutions be acceptable as part of a surface-water management strategy.

This SPD aims to assist all those involved in the design and development process to achieve well designed SuDS, as part of high-quality development proposals. Doing so will ensure that relevant drainage and design policies are met, and can create opportunities to meet other requirements related to greenspace and recreation, community wellbeing and climate change.

To demonstrate compliance with Local Plan policies, applicants should run through the SuDS Component Selection Matrix and SuDS Suitability Matrix (pg.61-62) and follow the guidance set out in sections 5 and 6 - demonstrating how SuDS have been fully considered and addressed throughout the design process.

Key planning policies

Supporting planning policies and guidance



Contents

Appendices

How to use this document

EXAMPLE WAY MARKER

Information on Way Markers

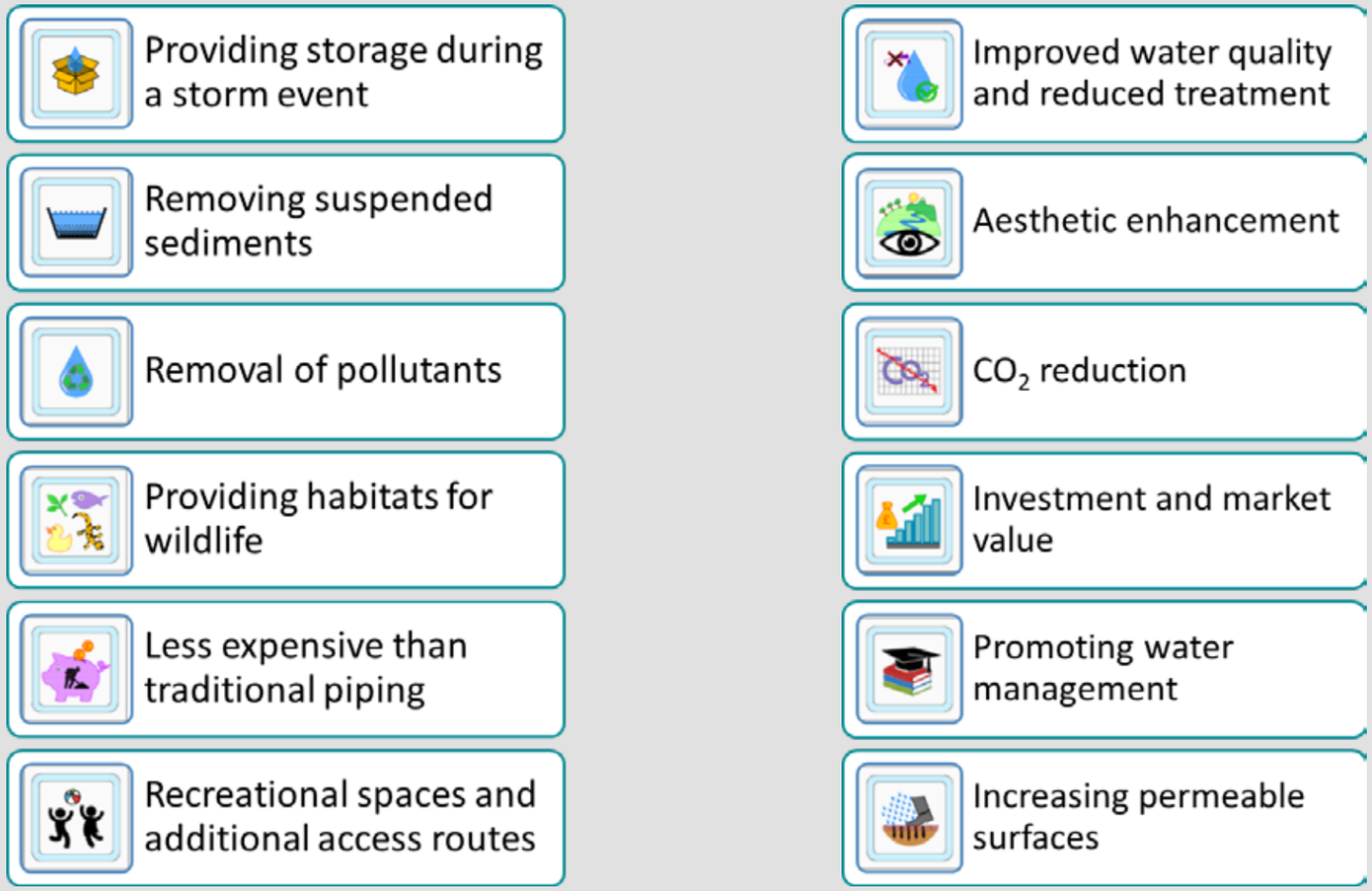
Throughout the document there will be Way Markers similar to the one shown here. These Way Markers will provide additional information on specific topics, often providing links to external websites/information.

There are also hyperlinks not contained within waymarkers which link to external websites and specific sections of this document.

HYPERLINKS NOT ACTIVE CURRENTLY

Icons

Throughout this document, the following icons have been used to highlight the economic, environmental and social benefits and opportunities of each SuDS method. These can be used to identify and realise the maximum potential of incorporating SuDS within development.



1
INTRODUCTION TO SuDS

1 Introduction to Suds

1.1 The Bigger Picture

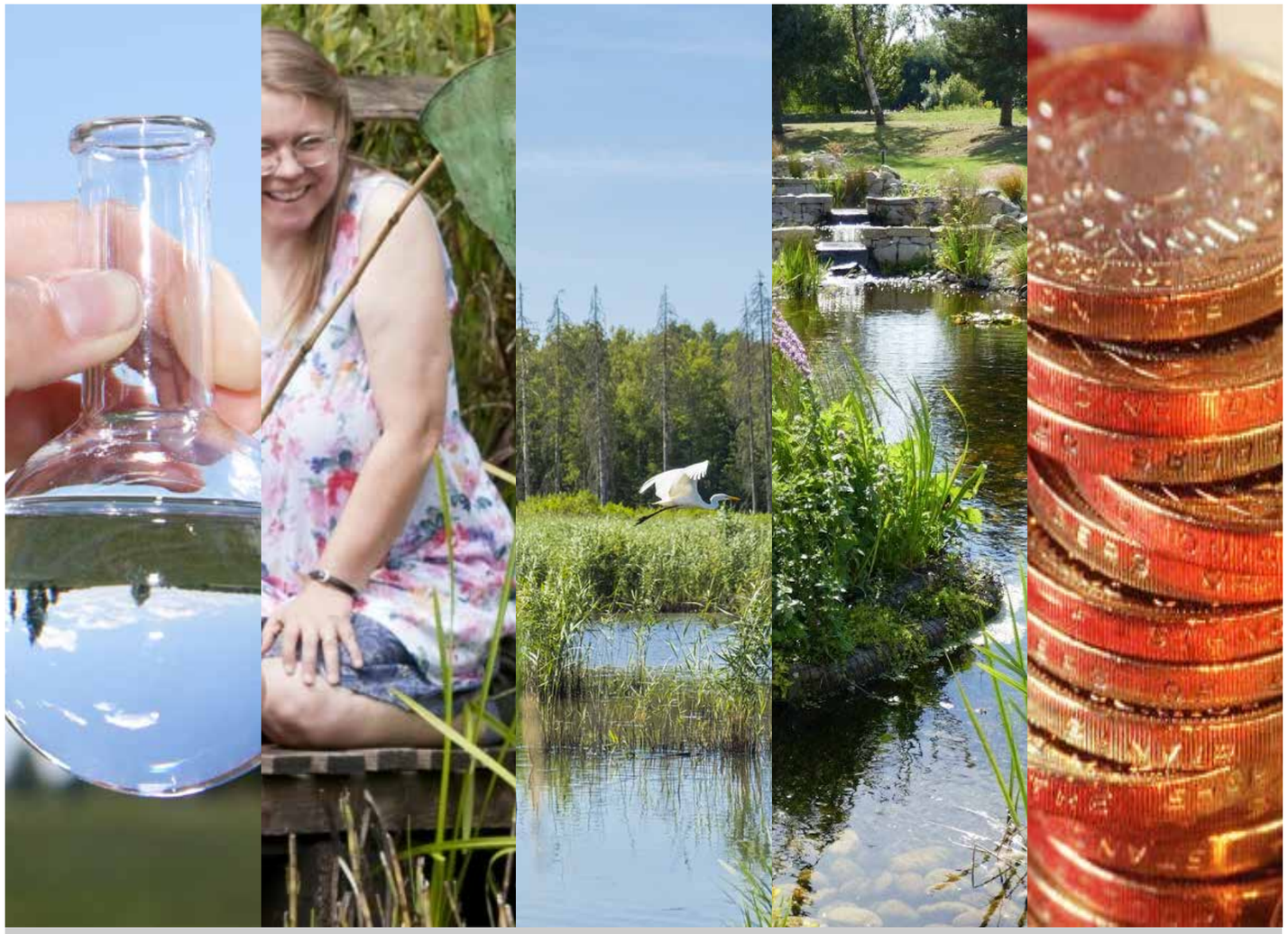
Cheshire East, like numerous Councils across the country, has declared a state of climate emergency. In essence, this means that in everything we do, we have to consider the impacts upon the environment. The Council's Corporate strategy focuses heavily upon the protection and enhancement of the environment and achieving sustainable development. One of the major impacts of climate change is more extreme and altered weather patterns and, consequently, the increased risk of flooding.

Growth will continue to be a major pressure upon the environment, therefore it is important that we design in ways which improves the quality of places and reduces the impact that new development has on the environment. Creatively designed SuDS provide a real opportunity to enrich both new development and existing areas, reducing the pressure on drainage systems and creating more attractive, nature rich, and enjoyable places within Cheshire East.

1.2 Who is This Guide For?

This guidance is primarily aimed at developers to assist in designing SuDS as part of new developments and to explain the information needed to enable the assessment of SuDS proposals by the Council as the Lead Local Flood Authority (LLFA) and by other Statutory Consultees. This guidance is intended to provide an informed approach to SuDS design. To achieve this, it is intended that this guidance be used by:

- Developers
- Architects and Urban Planners,
- Drainage Engineers,
- Landscape Architects,
- Local Authority Departments and internal stakeholders such as Planners, Building Control, Highways Maintenance and Design Engineers
- The Lead Local Flood Authority (LLFA) as a Statutory Consultee in their assessment of SuDS proposals.
- Local communities and householders
- Maintenance and management professionals
- Other Statutory Consultees involved in the assessment of SuDS proposals.



1.3 What are SuDS?

Water is a defining feature of the landscape, from the large rivers and estuaries to the man-made canals and smaller watercourses that drain to them.

As urban areas grow, and impermeable areas increase, we face challenges in making space for water and ensuring effective management of surface-water run-off and drainage.

These challenges include:

- reduction in green spaces,
- increased pressure on existing infrastructure,
- increased risk of flooding and erosion,
- effective management of soils.

Development, and redevelopment of land, can lead to increased flood risk. The cumulative impacts of development, if left unmanaged, could lead to harmful impacts on the local environment.

Most twentieth-century development employed artificial drainage systems which do not mimic the drainage patterns of undeveloped land leading to faster rates and volumes of run-off. This is unsustainable as increased volumes and flow-rates stress our Water Services Infrastructure and increases the risk of flooding.

This is further exacerbated by the cumulative loss of natural habitat which contributes to the acceleration of climate change, leading to more extreme rainfall events.

The extent of built development and the effects of climate change demand a new, sustainable approach to drainage.

A **Su**stainable **D**rainage **S**ystem (**SuDS**) reduces, slows and controls run-off rates and volumes by emulating natural drainage systems. The effective use of SuDS is an essential aspect of all new development proposals to manage and reduce surface-water run-off.

SuDS provide an approach to surface-water management where water is drained in a more sustainable way than traditionally engineered methods, by controlling surface-water run-off close to where it falls, slowing the rate of run-off and improving infiltration. SuDS reduce the risk of flash-flooding which can occur when rainwater rapidly flows into the public sewerage and drainage systems.

1.4 When Should SuDS be Considered?

The revision of SuDS National Standards (November 2015) provides the opportunity to address pressures on the water environment by establishing systems which aim to mimic the natural processes of interception, infiltration and conveyance to the ground and existing rivers and streams whilst also realising the additional benefits which SuDS can provide.

The National Planning Policy Framework (NPPF) sets out the requirements for SuDS based on development type, size, and location. This is further explored in Section 1.9 which explains the policy context for SuDS.

Developers and stakeholders should use the SuDS Submission Application and Approval Checklist (the Checklist) and processes outlined in this guidance as the basis for SuDS design and subsequent approval.

SuDS provide valuable opportunities to:

- Reduce the causes and impacts of flooding,
- Remove pollutants from urban run-off at source,
- Combine water management with green space benefits for amenity, recreation and wildlife`.

Example in Llanelli, Wales of retrofit SuDs
Permission granted by owners to use the image.

https://www.ice.org.uk/news-and-insight/the-civil-engineer/february/how-suds-are-being-retrofitted-to-a-whole-town

Making space for water is an important consideration for developing safe, sustainable and desirable places to live.

WAY MARKER
SuDS
(Sustainable Drainage Systems)

An approach to water management designed to drain surface water in a more sustainable way than traditional methods.

CIRIA SuDS Manual (C753)
Additional guidance on the design and implementation of SuDS can be found in the CIRIA SuDS manual.

http://www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx

WAY MARKER

Non-statutory technical standards for SuDS:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf

WAY MARKER

The **SuDS Submission Application and Approval Checklist (the SuDS Checklist)**

Checklists can be found on the Susdrain website below:

https://www.susdrain.org/resources/SuDS_Manual.html

This **SuDS Checklist** identifies the requirements for SuDS to be submitted as part of a planning application to the Council in line with the National Standards, Local Policy and these guidance documents.

1.5 What is the purpose of this SuDS Guide?

This Guide aims to provide continuity of approach within Cheshire East (with the exception of the Peak District National Park which is specifically covered by its own planning policy and legal framework) and to establish best practice for the design and implementation of SuDS.

The Council is encouraging SuDS design for developments of all sizes and settings, including new development and redevelopment, incorporating SuDS at stages from masterplanning to pre-application and application submission. The council also advocates a range of SuDS components suited to urban, urban fringe and rural settings.

This guidance will help developers to design SuDS schemes as part of the wider place design and to meet the necessary standards.

When undertaking a SuDS design using this guidance, developers should be mindful of the following:

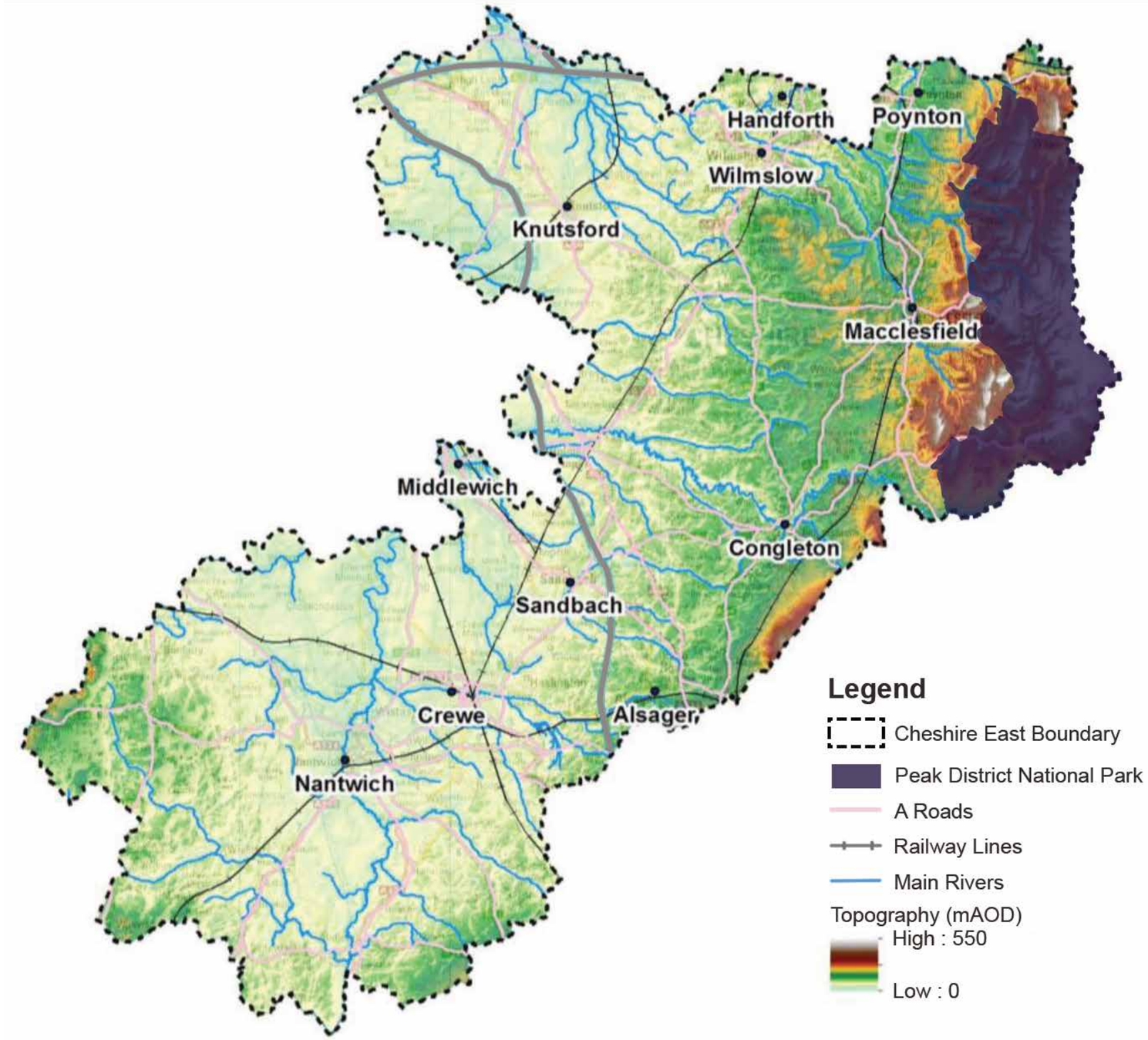
- Pumping stations are not covered in this document
- If your surface-water drainage strategy requires a pumping station, you will need to gain approval from Cheshire East's Lead Local Flood Authority

Figure 1-2

This guidance will:

- Provide a clear and consistent approach to implementing SuDS within the administrative area of the Local Authority
- Enable developers to complete efficient site assessment, SuDS selection and detailed design
- Provide an organised structure for developer applications to the LPA
- Enable planning/engineering officers to identify the key design specification requirements and legislation issues
- Allow efficient assessment of submitted SuDS proposals through the planning process
- Facilitate successful operation and maintenance

Figure 1-1



1.6 A new context for SuDS design

There is now a much stronger focus on the quality of new development. The 2017 Housing White Paper "Fixing our broken housing market" formalised the debate. It identified areas of weakness across many aspects of housing delivery, including the quality of design in new development. As a consequence, it advocated stronger neighbourhood planning and design including use of a recognised design standard such as Building for Life, as well as use of local design tools.

Subsequently, the Building Better, Building Beautiful Commission (BBBBC) developed practical measures to ensure better quality in new development. The commission's final report "Living with Beauty" provides a blueprint for creating well-designed places and the concept of ensuring all aspects of place-making are considered in an integrated and co-ordinated way.

BBBBC (website): https://www.gov.uk/government/groups/building-better-building-beautiful-commission

The National Design Guide produced in late 2019 identifies how to achieve well-designed places that are beautiful, enduring and successful – in support of the Policy set out in the updated NPPF. The aim of the guidance is to set out the ingredients, namely ten key characteristics of well-designed places. A number of these are applicable to SuDS, if well-designed and integrated within high quality new development.

The Government's intends these essential requirements to be translated within local design guidance, to meet specific priorities whilst maintaining the "golden thread" in relation to achieving well-designed places.

National Design Guide (pdf file):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf

A National Model Design Code is also in production. Its purpose will be to set a structure that local design codes should follow, founded on the principles set out in the National Design Guide.

1.7 Evidence supporting place quality

Significant research has been undertaken to gauge the positive benefits of nature, green space, landscaping and water upon our wellbeing and the impact this can have on place quality. The Place Alliance, a body working for the collective aim of better place quality, has recently reviewed extensive past research identifying the virtuous loop between place quality and value, and its impact upon key aspects of national and local policy and governance.

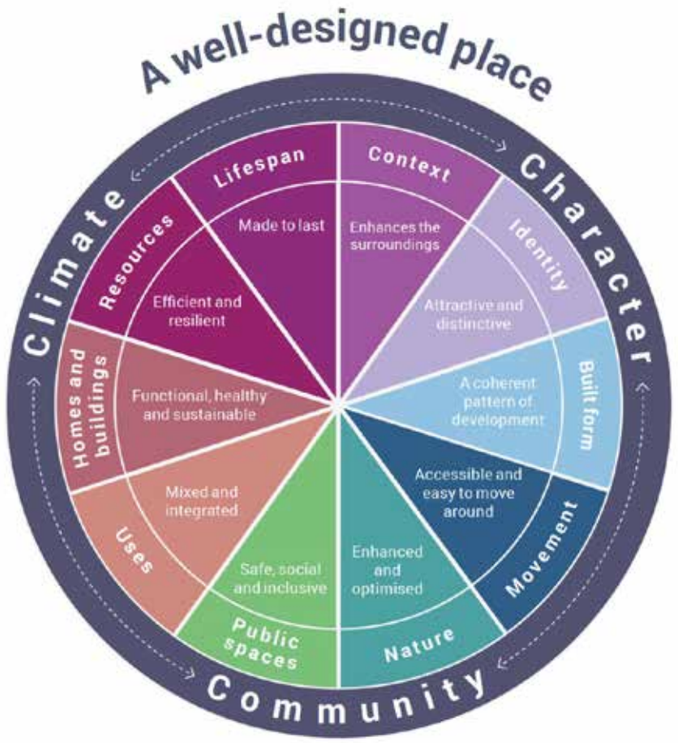
Their report entitled "Place Value and the Ladder of Place Quality" summarises place attributes, both positive and negative, within the "ladder of place quality" – with the upper rungs demonstrating positive attributes that should be essential/aspirational elements, and lower rungs demonstrating negatives ones which should be avoided. Unsurprisingly, greenness in the built environment (trees, grass, water and high-quality open space) is at the top of the list of required elements.

The recent pandemic and the impacts of confinement on people's sense of wellbeing has also served to highlight the importance of accessible and attractive landscape, waterscape and open space.

This SuDS Manual provides the ideal opportunity to develop a much more creative design and management approach, to help deliver place quality, and secure enhanced wellbeing and resilience across our Borough.

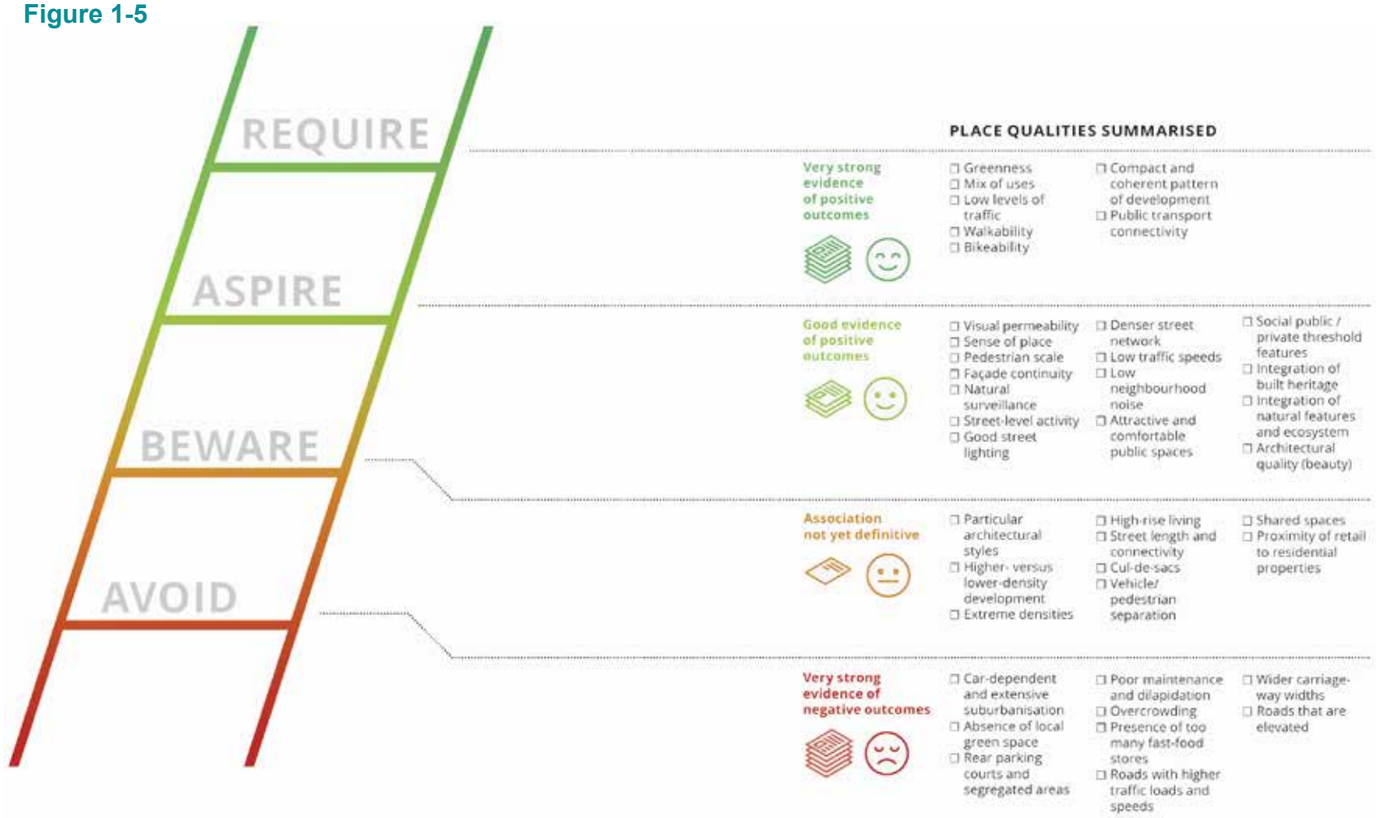
Place Alliance "Place Value" (website): http://placealliance.org.uk/research/place-value/

Figure 1-4



Extract from the National Design Guide page 8

Figure 1-5



Extract from the Place Alliance: "Place Value and the Ladder of Place Quality" (pp 14/15)

1.8 How SuDS can help achieve a well-designed place

Place design should be a multi-disciplinary process of knitting together a variety of interconnected elements when planning for change in the built environment to achieve a successful, attractive and enduring place.

CEC Residential Design Guide Parts 1 & 2 found at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/design-guide-supplementary-planning-document.aspx

It is important to think more widely than the red line of a site. Only by properly appreciating an area's positive and defining qualities and characteristics, its opportunities, and its limitations, can a successful place be achieved, as set out by the Cheshire East Residential Design Guide. Whilst there are differences in character across Cheshire East, new development must build upon the inherent qualities of the area.

The green and blue infrastructure for a site and its surroundings should be the foundation for any new development. Thinking positively about this could help to achieve maximum social, environmental, and economic value for a development.

SuDS provide an opportunity for habitats within and around a development. The incorporation of open water, both permanent and temporary, and associated reedbeds, wetlands and ditches provides a range of habitats for wildlife increasing the biodiversity value of a scheme.

Creatively designed SuDS, designed as a system (or train) of positive components, can be a major structuring element for new development - even on a site that has few pre-existing features or which is quite heavily constrained. They can build upon and cement the existing character of a place or help to build a new, positive identity. They can also help to educate on the environment and climate change and promote social interaction and a sense of community.

A positive example on a neighbourhood scale is Upton in Northampton where, as part of the Masterplanning and design coding for a new community, SuDS were integral elements of the place infrastructure. This fulfilled a practical need but did so in a way that also brought a distinctive townscape quality.

Images: e*SCAPE Urbanists

On a smaller infill scale, the Riverside Court scheme, at Stamford, demonstrates a different approach to SuDS as part of a creative urban design approach for a very constrained site. A full management train including canalised SuDS has enriched the townscape, and softens what could otherwise have been a hard, and somewhat featureless, development.

Images: D.Hallam

1.9 National SuDS Standards

The non-statutory technical standards for SuDS (March 2015) provide guidance for Councils to define their own standards for approval of SuDS proposals within planning applications to ensure developments suit local requirements and address common site challenges for SuDS.

Ideally, SuDS should be designed with the minimum amount of underground or traditional piped linkage as possible. The designer should always aim to use easily accessible features to connect SuDS features wherever possible.

SuDS should therefore be designed with these needs in mind: design, construction, maintenance, and operation. The following criteria should also be considered:

- **Function** - as well as treating and attenuating run-off, SuDS should be designed with multiple benefits in mind such as public-friendly spaces, enhanced and new landscape features, habitats encouraging wildlife to flourish, which in turn create better places for people.
- **Maintenance** - all SuDS components should have suitable access provisions included and component design should enable safe and easy maintainance.

1.10 Planning Policy

National and local policies provide a positive framework in relation to sustainable drainage. In addition, Cheshire East Borough Council has a residential design guide, which sets out the integration of SuDS as part of achieving sustainable development, but it isn't specific about the process of design SuDS systems or their management. This manual seeks to build upon that policy and design guidance, specifically focusing on SuDS system design, with a strong focus on place-making and creative design as part of new development. It also considers the practical matters of SuDS design to show how creative SuDS design can be delivered and managed effectively and deliver a wide range of benefits.

This section outlines the key policies in the national and local planning policy framework, whilst other relevant policies and guidance are set out in Appendix B.

National Policy

The National Planning Policy Framework (NPPF)

The framework presumes in favour of sustainable development, i.e. development that meets interdependent social, environmental and economic objectives, as set out in its various chapters.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Establishes principles in relation to, water management, the need to plan for climate change and coastal impact from rising sea levels. In regard to water management and flooding, it requires a rigorous approach to assessment of flood risk. Paragraph 165 identifies the requirement for major development to include SuDS, stipulating specific requirements including, where possible, that they provide multifunctional benefits.

Chapter 12 Achieving well designed places

Describes the importance of achieving high quality design by creating beautiful and characterful places, influenced by an area's existing qualities and the opportunities presented by a site and its surroundings. It also emphasises the importance of design that functions well and which is responsive and resilient to change. Explicitly it requires that planning permission should not be granted where these are opportunities are not realised.

Cheshire East Local Policy*

Cheshire East Local Plan Strategy (CELPS):

SE 13 Flood risk and water management

Requires a sequential approach to site selection to ensure development in areas of lower flood risk, whilst ensuring that all schemes have appropriate flood risk assessment, also accounting for climate change. It also requires that all developments seek improvement to the surface water drainage network, including appropriate forms of SuDS that seek to reduce the run off rate.

SE1 Design

Aims to ensure new development is well designed and makes a positive contribution to its surroundings by achieving sense of place, achieving sustainable design solutions, ensuring design quality is managed throughout the development process and, to achieve a high quality of life, in our living, leisure and working environments.

Emerging Policy

Cheshire East Site Allocations and Development Management Policies (SADPD) Draft:

The SADPD will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.
A revised publication draft version of the SADPD was published for a period of public representations between the 26 October and the 23 December 2020.
Although the SADPD is in draft and has a few stages to go through before adoption, this draft SPD has been prepared in a way to be consistent with emerging planning policies. Whilst this is not a legal or national planning policy requirement, this approach provides opportunity for this SPD to complement and support the implementation of future development plan policies too.

ENV16 Surface water management and flood risk

The principal detailed Development Management policy in relation to sustainable water management and overlays policy SE13 of the CELPS requiring sustainable urban drainage systems (SuDS). With a preference to incorporate surface level SuDS with multi-functional benefits for the management of surface water.

GEN1 Design Principles

This reinforces policy SE1 of the CELPS to achieve well designed new development through place identity, creating sustainable and responsive developments that can adapt to climate change and other changing circumstances, that create active lifestyles and promote health and wellbeing, and which integrate positively with the natural and built environment.

*Excluding that part of the Peak District National Park within its area

2
EXISTING SITE DRAINAGE

2.1 Working with existing site drainage

An understanding of a site's existing drainage system is needed prior to designing development proposals, especially with regard to appropriate site use, scale of built development and site layout. The physical landscape characteristics of a site, and of its local and regional setting, have a major effect on its drainage. This applies to both natural and built environments.

Natural environments include visible **natural drainage system components** on the land's surface. Some of these components are indicators of water conveyance, such as streams and rivers, and others indicate water storage, such as ponds and lakes. There may also be less obvious natural drainage system components such as reed-beds which filter water and slow run-off rates, or peat-bogs which store water. Other evidence of natural drainage includes erosion which indicates areas with high run-off speeds and/or volumes, and reveals the direction of travel in its soil-scraping and silting patterns. Seasonal flooding can also be seen and can indicate areas with low and/or slow infiltration. Below ground there are hidden components including bedrock and groundwater aquifers (underground water-stores).

In built environments, **traditional artificial drainage components** accelerate drainage. Some traditional artificial drainage components may be obvious, such as hard-surfacing, hard roofs, down-pipes and gutters, however artificial routes for conveying water away from roads and hard-standings may be less obvious as they are often pipes buried underground. Identifying buried artificial drainage components usually requires site-history investigation, and/or targeted exploratory site-excavation. Traditional artificial drainage components take water more swiftly into our natural drainage system.

A **sustainable drainage system** works with natural site drainage and reduces run-off rates by emulating natural water-movement. Before a sustainable drainage system can be designed, an understanding of the site's natural drainage is needed.

Characteristics which determine your site's natural drainage

The physical landscape characteristics of your site and its surroundings determine its natural drainage. The key characteristics include:

- Geology (the underlying bedrocks)
- Topography (the lie-of-the-land, its surface-shapes and textures)
- Soils (natural subsoils and topsoils, and any imported soils or soil-forming materials)
- Vegetation (from mosses & liverworts through to high canopy woodland)

It is important to identify and understand the effects of the characteristics of surrounding land as these will influence your site, for example, higher ground to the west will prevent surface flow in that directions, and will introduce additional surface water onto your site.

Figure 2-1

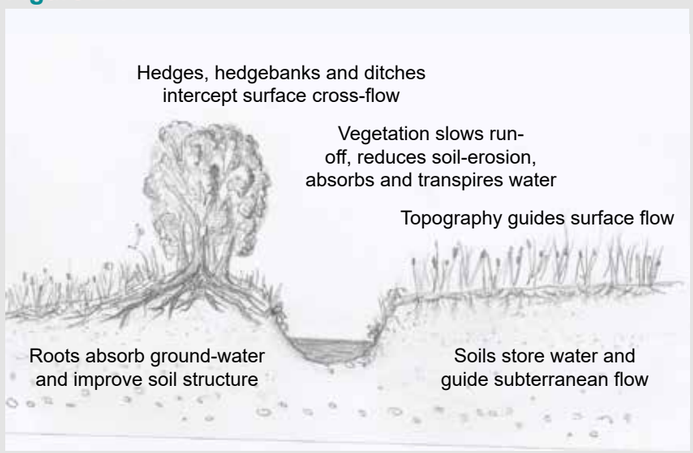
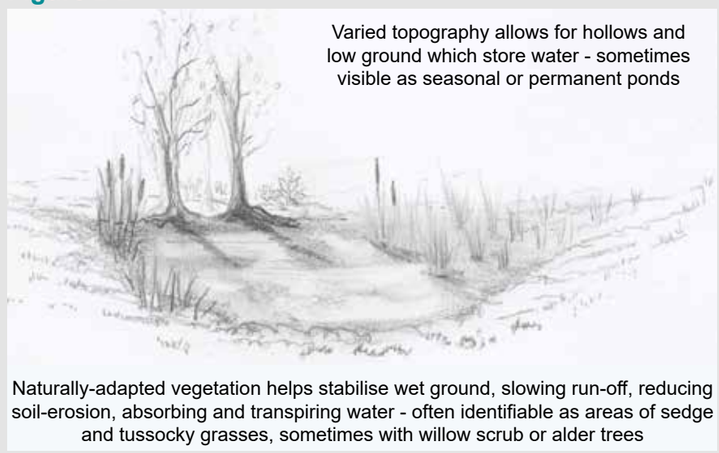


Figure 2-2



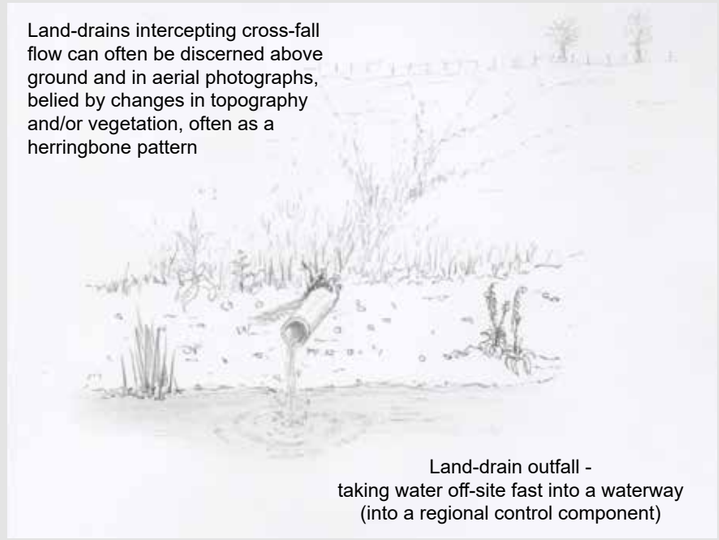
Naturally-adapted vegetation helps stabilise wet ground, slowing run-off, reducing soil-erosion, absorbing and transpiring water - often identifiable as areas of sedge and tussocky grasses, sometimes with willow scrub or alder trees

Examples of Visible Surface Components of a Natural Drainage System

Figure 2-3

Inspection chamber - where directions and rates of flow can be seen

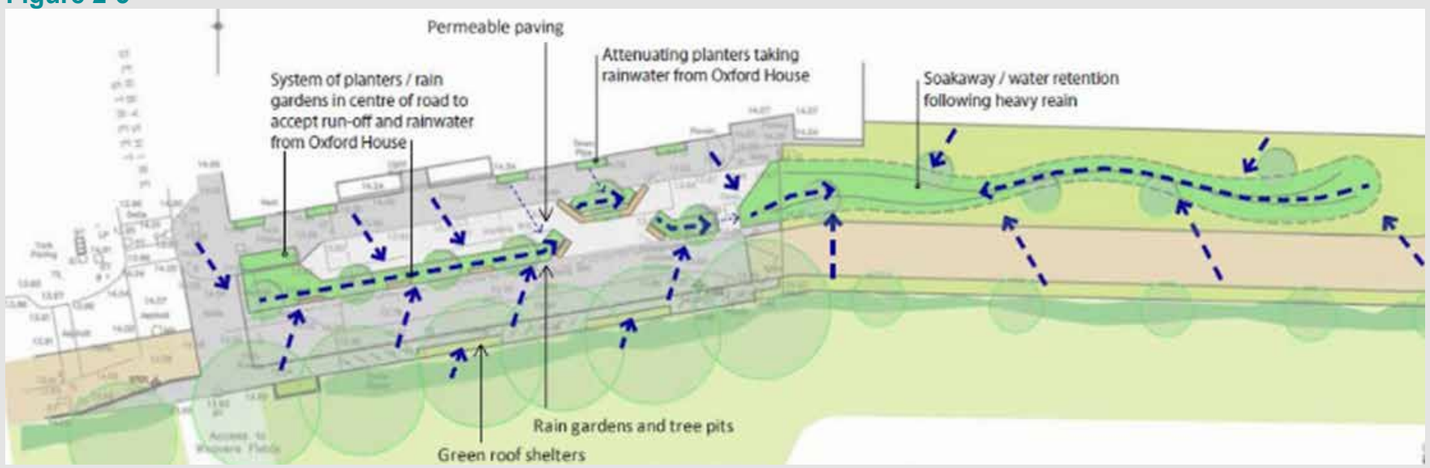
Figure 2-4



Land-drain outfall - taking water off-site fast into a waterway (into a regional control component)

Examples of Visible Surface Components of a Traditional Artificial Drainage System

Figure 2-5



Examples of Visible Surface Components of a Sustainable Drainage System

Image: Susdrain.org

2.2 Working with Geology

The geology of your site's local area will influence your site's ability to store and convey water, and determine its links to groundwater aquifers (natural underground water-stores). The types of bedrock under and around your site will affect the direction and speed of water flow, both into and out-of the site.

WAYMARKER

You can find baseline information for hydrogeological mapping from the British Geological Society (BGS) at:

https://www2.bgs.ac.uk/groundwater/datainfo/hydromaps/home.html

WAYMARKER

Ground investigation should be undertaken to understand site-specific hydrogeology. Specialist surveyors can be found through:

https://www.hydrogroup.org.uk/

The general geology of Cheshire East is dominated by Triassic rocks of the Mercia Mudstone Group, interspersed with smaller areas of more variable rocks, including siltstones, limestone and coal, and areas of Sherwood Sandstone to the north. The north-east of the borough is dominated by the Carboniferous Millstone Grit of the Peak District National Park.

Mercia Mudstones have a generally weak structure which has led to the formation of extensive low-lying flatter land of the Cheshire Plain. The Cheshire Plain is bisected by a ridge of Triassic sandstone, running in a generally south-north direction from Peckforton and Beeston up to Runcorn Hill, with another sandstone outcrop at Alderley Edge.

The properties of different bedrocks are very variable. The bedrock properties which are particularly relevant to drainage include permeability, angles of slope, density and hardness. These properties affect the bedrock's rate of erosion, ability to store or convey water, and its effects on the directions of underground ('groundwater') flow.

Geological faults can affect aquifers and groundwater flow in a range of ways, with faults sometimes acting as barriers to flow, or, where they have a high permeability they may form a preferential flow-path.

Figure 2-7

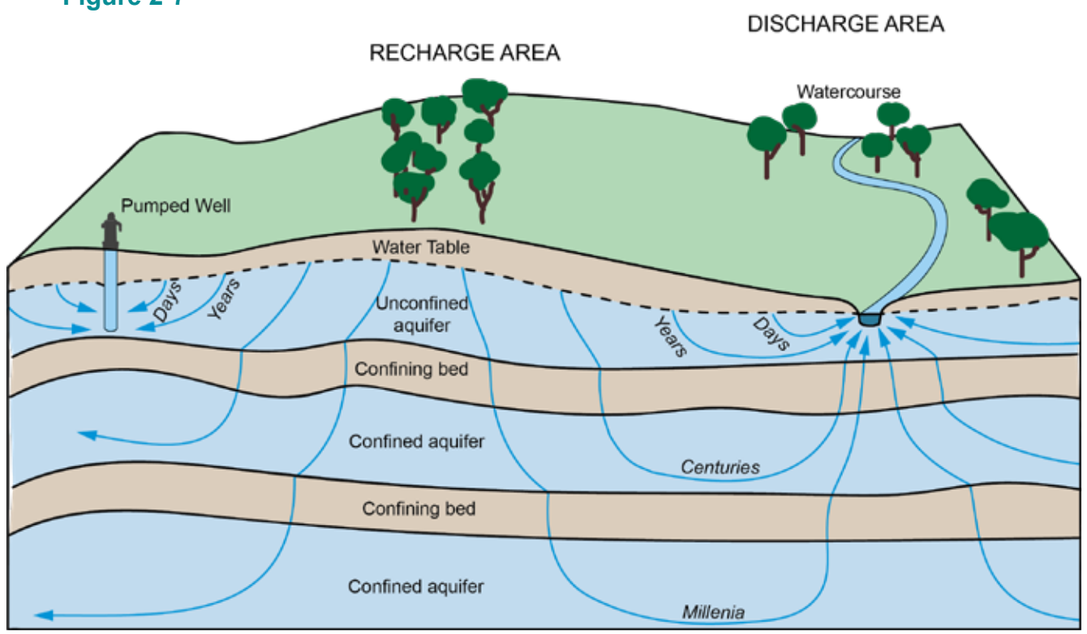


Diagram illustrating the influence of different-permeability bedrocks on underground water-movement

The Sherwood Sandstone which dominates the north and west of Cheshire is an example of an aquifer - an underground water-store. Groundwater abstraction from the Sherwood Sandstone is important in this region for public water supply, and for industry and agriculture.

Figure 2-7

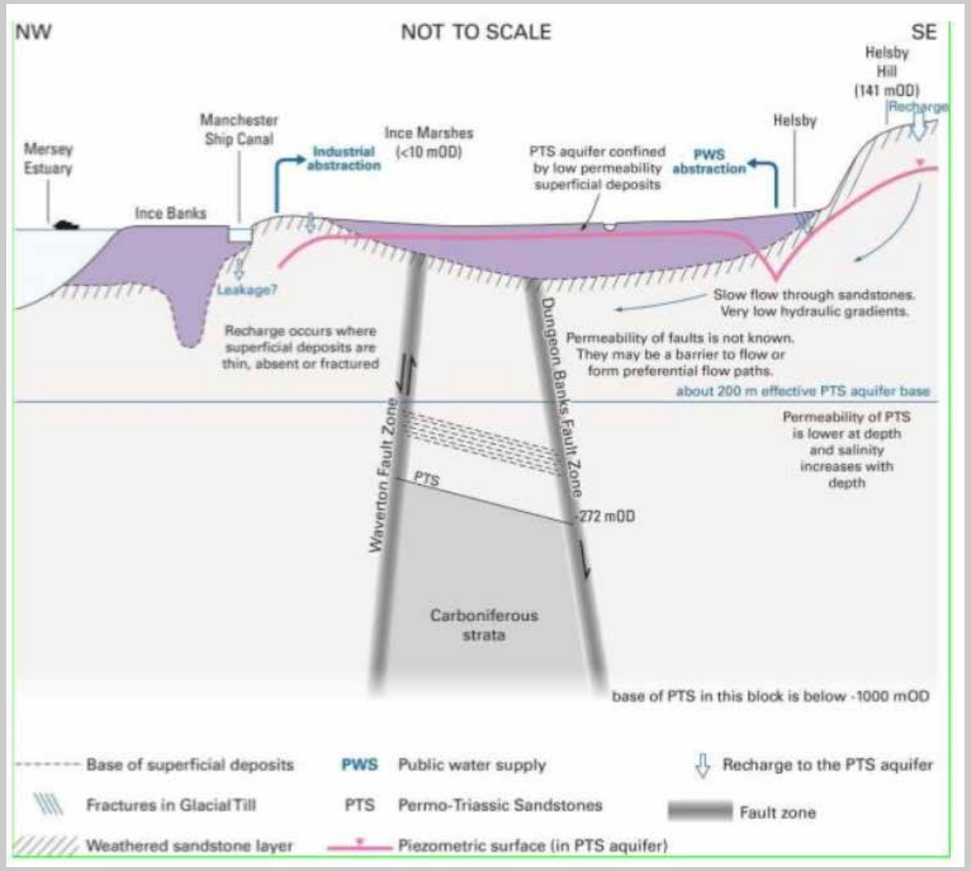


Diagram illustrating hydrogeological cross-section where the Weaver and Mersey rivers conjoin.
(SEEK PERMISSION https://www.ukgeos.ac.uk/cheshire/geological-and-hydrogeolocal-context#hydrogeology)

Figure 2-8

The inundated floodplains of the Weaver and Mersey rivers over low permeability sandstones (Image:LLong)

2.3 Working with Topography

An area's topography is primarily shaped by its geology (underlying rock) and hydrology (water movement), and to a lesser degree, wind. Topography includes the land's slopes (steepness), aspects (angles in relation to the sun) and relief (surface texture).

Harder bedrocks can resist erosion more than softer bedrocks so different bedrocks lead to different types of topography. Although localised differences may be found due to unusual events, such as glacier movement or quarrying, harder bedrocks often lead to more angular and dramatic topography.

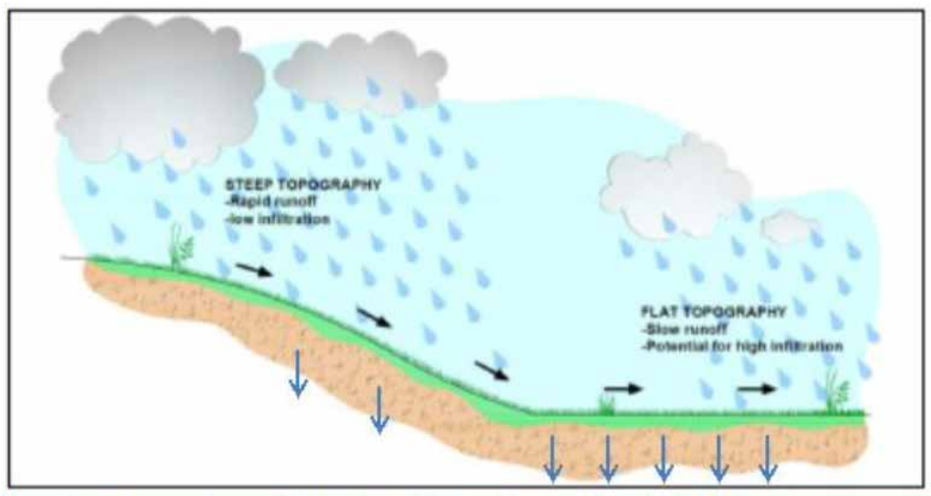
Assessing topography:
Steeper slopes where harder bedrock has resisted erosion and run-off will be faster

Assessing topography:
Flatter land where geological layers have succumbed to erosion and run-off will be slower.

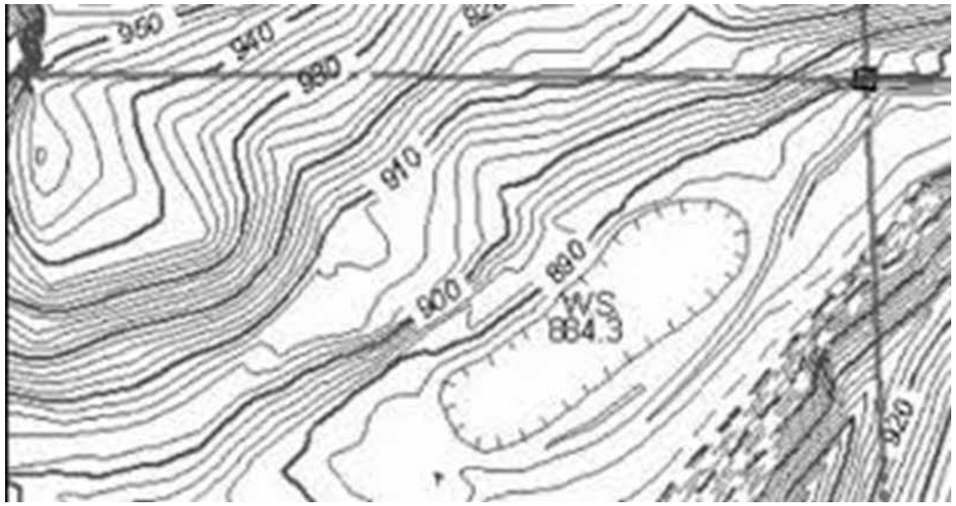
Assessing topography:
Undulating land where water run-off has accumulated on lower ground and is stored until it infiltrates or evaporates.

The topography of your site and its surrounding land will affect drainage patterns. Steeper slopes create faster water-flow, whereas shallow slopes allow gentler flow and a flatter area may slow the flow almost to a stop, encouraging the formation of water-storage areas, such as bogs or fens. Hollows, ponds and ditches all add water-storage capacity, prolong infiltration opportunity and mitigate run-off speeds and volumes.

Existing watercourses must be accommodated and appropriately managed in development proposals. In Cheshire East, CEC Byelaw 10 prevents building within 8m of a watercourse without prior consent, and 'daylighting' is encouraged, meaning any culverted watercourses should be opened-up where possible, and any existing open watercourses should not be culverted.



Speed of run-off and potential for infiltration are affected by angle of slope



A topographical survey is essential for understanding site context

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Guidance from Topographical surveys:
Royal Institute of Chartered Surveyors (RICS)

https://www.rics.org/globalsets/rics-website/media/upholding-professional-standards/sector-standards/land/measured-surveys-of-land-buildings-and-utilities-3rd-edition-rics.pdf

Responsibilities relating to Watercourses include local byelaws and national legislation:

Owning a watercourse - (www.gov.uk)

2.4 Working with Soils

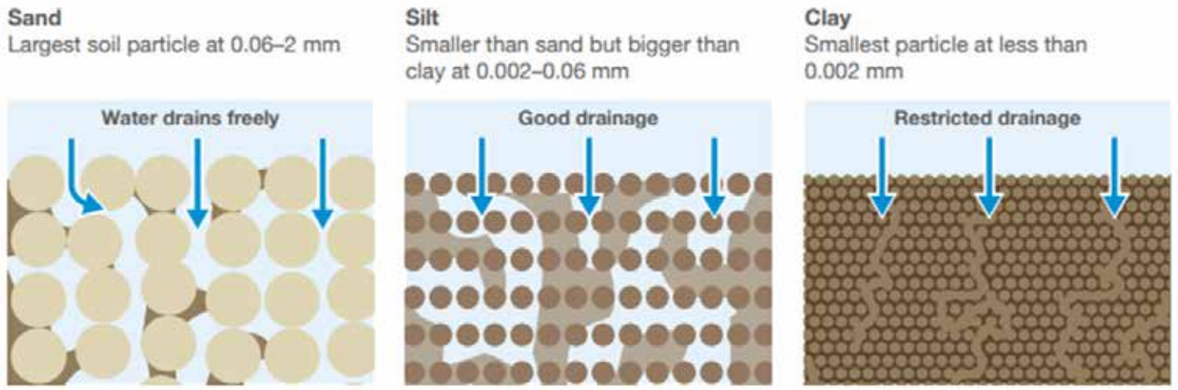
The capacity of your site to store or convey water is heavily dependent upon soil structure.

The types of soils you have will also affect your site's drainage. The grain-size of soil particles (or aggregated particles) affects the ability of a soil to retain and transport water. Fundamentally, the larger the **pore size** the more space there will be for water to move.

A soil's **porosity** determines its capacity to store water. Soil water-storage capacity increases as soil texture becomes finer because it becomes more capable of trapping water. Small pores not only restrict the passage of water but they also keep it closer to the particle surface where chemical-bonding can further slow its movement.

A soil's **permeability** determines the ease of movement of water through that soil. Soil-permeability increases as soil texture becomes coarser as soil pores are larger and water can flow through more easily.

Clay and humus affect both porosity and permeability by binding soil grains together into aggregates, thereby creating a network of larger pores, 'macropores', that allow water to move more easily.



Soils with smaller gaps between particles will hold water for longer.

Groundwater and Percolation testing should be undertaken to BRE365 / CIRIA C753 to determine suitability for site drainage/infiltration.

Well-structured and deeper soils decrease surface run-off and have greater water-storage capacity (depth limits to ensure good soil health are discussed to the right).

Compacted and shallower soils increase surface run-off and increase the site's susceptibility to erosion and flooding.

1 - James Hutton Institute; STARS; British Geological Society; CIWEM; British Ecological Society; Dr Tim Harrod; Prof Mark Hodson; Institute for Global Food Security; Lancaster Environment Centre; Microbiology Society; Soil Security Programme; Robert Palmer; Soil First Farming

Soils Management to improve or maintain Health, Depth and Structure

Soils are created by a combination of weathering of bedrock and decomposition of organic matter by soil-ecology. Soil-ecology counts for a quarter of the earth's biodiversity including earthworms, fungi and bacteria.[1] One hectare of healthy topsoil can contain up to 5 tonnes of living organisms. Potential pollutants carried-by or dissolved in water entering soils must be considered and managed.

Soil Quality

Soil movement leads to loss and deterioration of its structure and health and should be avoided where possible. Where soils require movement, whether those are in-situ site-soils or imported, SuDS proposals should show compliance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. This code of practice provides guidance for soil surveys, soils management plans and methodologies for soil stripping, storage and re-laying).

Where site soils have to be relocated to planting areas or where imported soils are required:
subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use
topsoil must meet BS 3882:2015 Specification for Topsoil.

Soil Depths

Existing in-situ site-soils must be re-used where suitable and possible to prevent loss of natural resources, prevent unnecessary transportation and prevent transit-damage to soil structure.

Soil-depths required for new planting are:

	Minimum Topsoil Depth	Maximum Topsoil Depth*	Minimum combined depth of Topsoil + Subsoil**
Grass and herbaceous species	150mm	400mm	450mm
Shrubs and hedgerows	200mm	400mm	600mm
Trees (including hedgerow trees)	300mm	400mm	900mm

*Due to particle-size and compaction, topsoil depths exceeding 400mm can lead to anaerobic conditions so subsoil should be used below 400mm depth to create suitable conditions for rootzones.

**For example: for trees 350mm topsoil to BS 3882:2015 could be laid over 700mm subsoil to BS 8601:2013 giving a rooting-depth of 1050mm.

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Code of Practice for the Sustainable Use of Soils on Construction Sites - DEFRA (includes advice for Soil Resource Surveys and Soils Management Plans):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf

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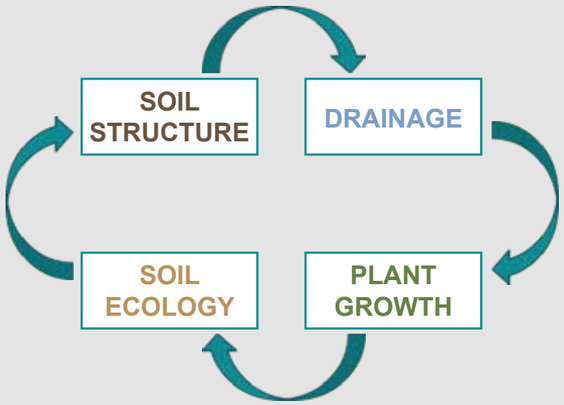
BS 8601:2013 Specification for subsoil and requirements for use
https://shop.bsigroup.com/ProductDetail?pid=000000000030209662
BS 3882:2015
Specification for topsoil
https://shop.bsigroup.com/ProductDetail/?pid=000000000030297815

2.5 Working with Vegetation

Plants are an essential component for the natural drainage system.

Plants provide the food necessary for the development of healthy soil ecology, which in turn develops good soil structure, which in turns helps with the storage and conveyance of water.

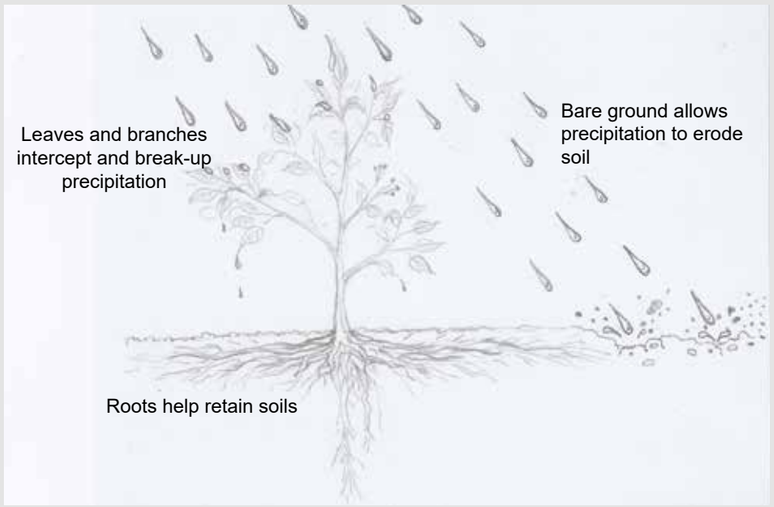


Natural vegetation cycling needs to be employed to effect sustainable drainage systems. When deciduous leaves are dropped or plants die, plant material (humus) feeds soil organisms and improves the structure of the soil, creating a less dense structure which can store or convey more water. The movement of soil organisms increases this process, helping soil pores to enlarge to macropores. As soil organisms digest and decompose humus, they release nutrients back to the soil which in turn feeds new plants.

Living plants perform other key drainage tasks:-

As plants grow, their roots open pores between soil particles, enabling increased storage and movement of water.

The growth of plant roots also helps to physically bind soil and resist erosion.

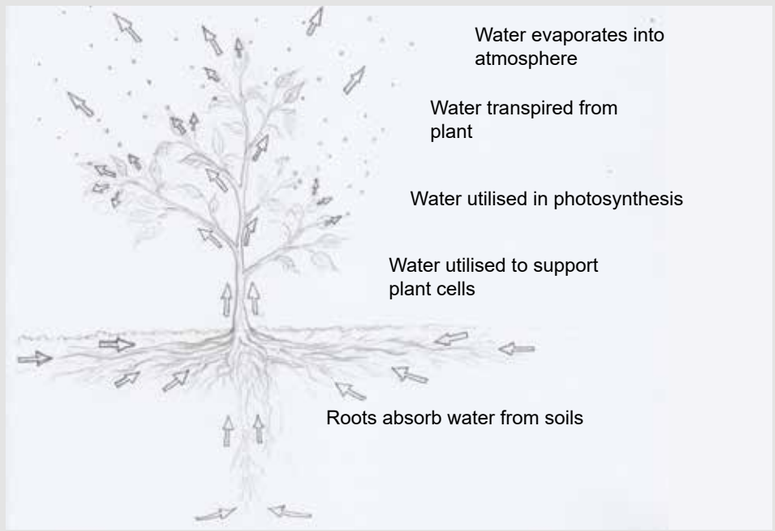


Schematic Diagram of Roots Increasing Erosion Resistance

Vegetated land showing better erosion resistance during flood conditions

Attibution: Image from: https://www.frontierag.co.uk/blog/protecting-soil-from-erosion

Plants also transpire - removing water from the ground and releasing it back into the atmosphere. Root hair cells absorb water from the soil by osmosis, some of that water is used for photosynthesis to feed the plant, some gives plant cells their rigidity, and some is released through leaf stomata.



WAYMARKER
Surveying vegetation: Joint Nature Conservation Committee (JNCC) Handbook for Phase 1 Habitat Survey
https://data.jncc.gov.uk/data/9578d07b-e018-4c66-9c1b-47110f14d-f2a/Handbook-Phase1-HabitatSurvey-Revised-2016.pdf

A Phase 1 Habitat Survey of your site will provide you with a summary of the existing vegetation coverage on your land, and may suggest areas for improved vegetation-density and vegetation-diversity.

It is important to record and consider all vegetated surfaces, including vegetation that survives on man-made structures, such as climbing plants, succulents, ferns and mosses.

Single species vegetation:

water uptake will be restricted to the limited rootzone

Image from https://www.pennington.com/all-products/grass-seed/resources/erosion-control-planting-slopes-and-hills

Diverse vegetation:

rooting at different soil levels extends ability to absorb water

Image attribution: https://www.treeworks.co.uk/where-are-the-roots/

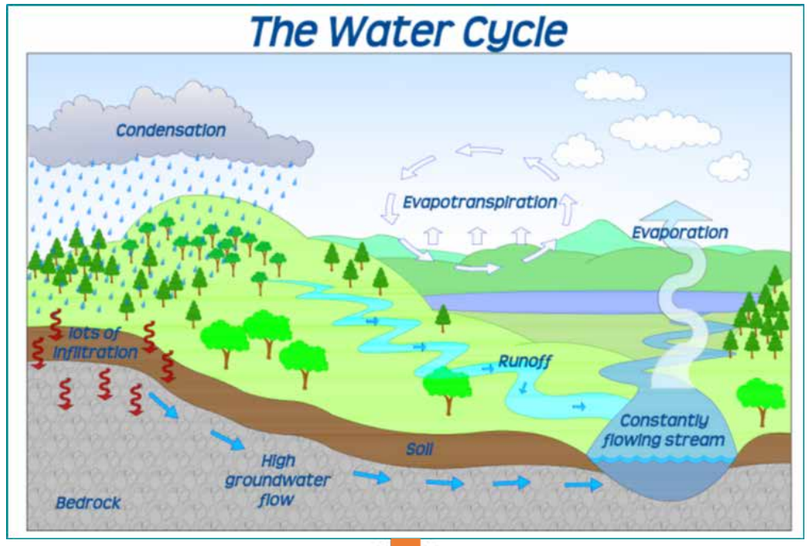
All vegetation will help to absorb and transpire water, reduce run-off volumes and slow run-off speeds.

Higher vegetation density will help provide a higher quantity of drainage benefits.

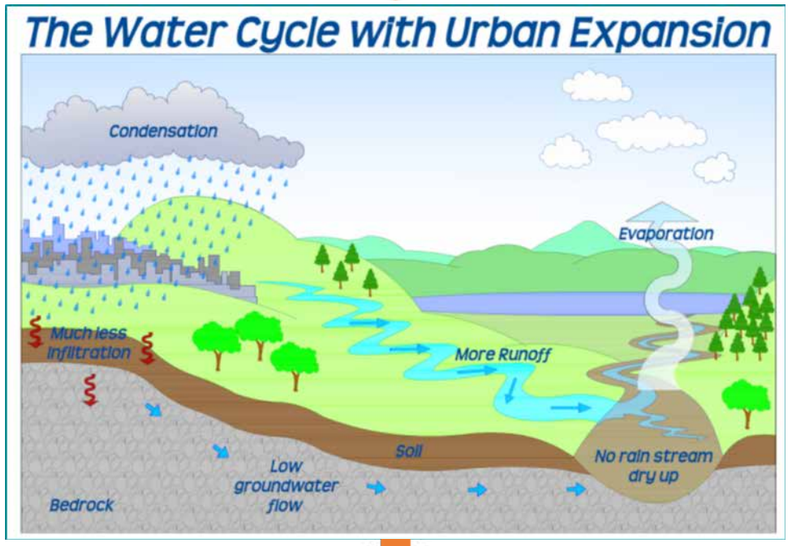
- more diverse rooting depths
- more diverse plant heights for transpiration
- greater opportunity for filtering
- greater sustainability of the natural water-cycle

2.6 Why use SuDS?

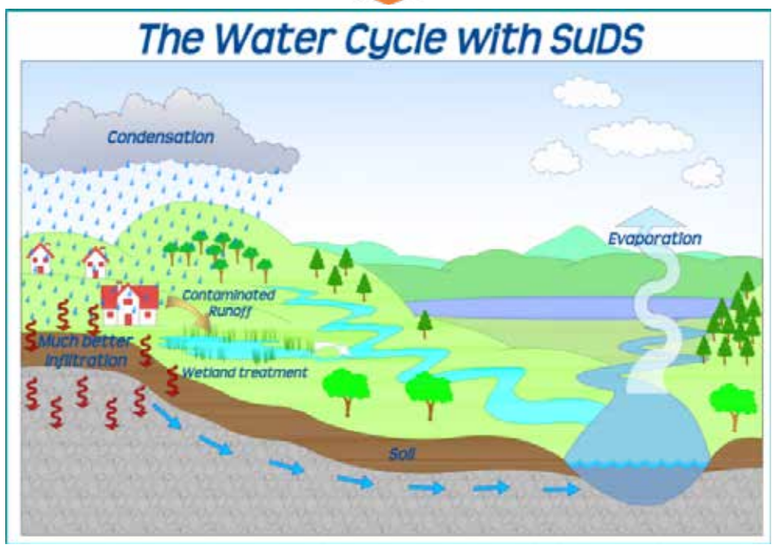
Impervious areas such as roads, footpaths, roofs, and car parks are traditionally connected to sewer systems that transport run-off away from urban areas quicker than natural, vegetated conveyances.



This can cause disruption to the natural water cycle as flows in downstream waterways can peak faster and in greater quantities than pre-developed conditions. This can exacerbate, or create new, surface water flood risks and can also increase pollution in our waterways.



SuDS aim to manage rainfall and surface runoff by allowing rainfall to be intercepted or absorbed into the ground through vegetation and specially designed landscape features. SuDS also convey any additional flows to the nearest surface waterbody (for example, groundwater, stream, river or drain) where it is discharged at the same rate and, where feasible, the same volume as would occur if the site was undeveloped. SuDS can also be used to provide biodiversity improvements to developed areas.



There are several proven benefits which can be derived from employing SuDS components, for both new and existing built environments. These include water-management benefits, such as temporary storage during a storm event to reduce flooding, improved run-off water quality and removal of sediments (an accumulation of sediments can reduce storage capacity and contribute to flooding).

SuDS can also have indirect social benefits for an area and community. SuDS components can be designed to create green areas used for recreation which also enhance the aesthetic qualities of the locality. In turn, these measures can improve the appeal of the area, and may also encourage investment in an area leading to economic benefits such as increased prices in the property market.

The implementation of SuDS within new developments may have the following benefits:

Management of increased water quantity / extreme events

- Increased precipitation, as climate change occurs, is likely to lead to wetter winters and therefore more water within the drainage system

Management of more frequent extreme rainfall events

- SuDS can help reduce surface water discharge rates and therefore prevent drainage systems being overwhelmed

Management of brownfield sites

- SuDS can provide betterment to drainage at brownfield sites and improve a particular problem or enable re-development (e.g. reduced extents of hardened surfaces)

Assistance with the protection of all water bodies from the effects of pollution and enabling the implementation of law, policy and management

- The Water Framework Directive (WFD) (Directive 2000/60/EC)
- North West River Basin Management Plan 2009
- Environment Agency 2013: North West River Basin District: Challenges and Choices

Increase in green spaces and vegetated areas and general improvement of landscapes and townscapes

- SuDS can provide an array of biodiversity benefits and help to reduce the urban heat-island effect, and provide key links in Green Infrastructure networks
- To improve visual amenity
- SuDS can contribute to the aesthetic improvement of the landscape by softening man-made environments with more naturalistic features.

Increase recreational areas and improve social wellbeing

- Planning policy encourages the provision of opportunities for access, outdoor sport, and recreation and SuDS can contribute to the quality of that outdoor leisure opportunity
- SuDS can be designed as community assets to support social cohesion and enhance communities' quality of life e.g. wetlands can be wildlife parks with stepping stones and islands.

Understanding about sustainability and functionality of SuDS

- Education of the public about the environmental importance of SuDS and the positive impact they have on the environment and people's wellbeing

Perceived improvement of an area

- The visual attractiveness of a development can help to increase developer confidence and the value people place on the area in terms of quality of life and sense of community
- SuDS can link public open spaces with green infrastructure and provide habitat corridors, helping to make areas feel more accessible and walkable

3
INCORPORATING SUSTAINABLE DRAINAGE

3 Sustainable Drainage Design Process

3.1 SuDS design - the need for a holistic approach

Until now, SuDS have often been designed in parallel with, rather than as an integrated part of urban and landscape design. Along with other positive aspects of place quality, such as GI and natural features, the place making has been secondary to commercial and other technical considerations. This has led to very few examples where SuDS have genuinely added to and enriched the place.

A more creative and joined up approach to SuDS design is essential, as advocated in national policy and guidance. This requires a much more collaborative design philosophy to ensure SuDS are integrated into the wider design to add to the quality of place. Land promoters and developers need to ensure SuDS potential is considered from the outset, and a collaborative design team is brought together from inception of the project.

Alongside this, engagement with communities and the local planning authority and drainage teams will be fundamental as part of early place-shaping work. SuDS design needs to be inbuilt into the process and timeline for community engagement, pre-application discussion and planning performance agreements (where they are entered into).

Early consideration of SuDS is is essential in the preparation of development briefs, masterplans and design codes.

3.2 Design Team for SuDS

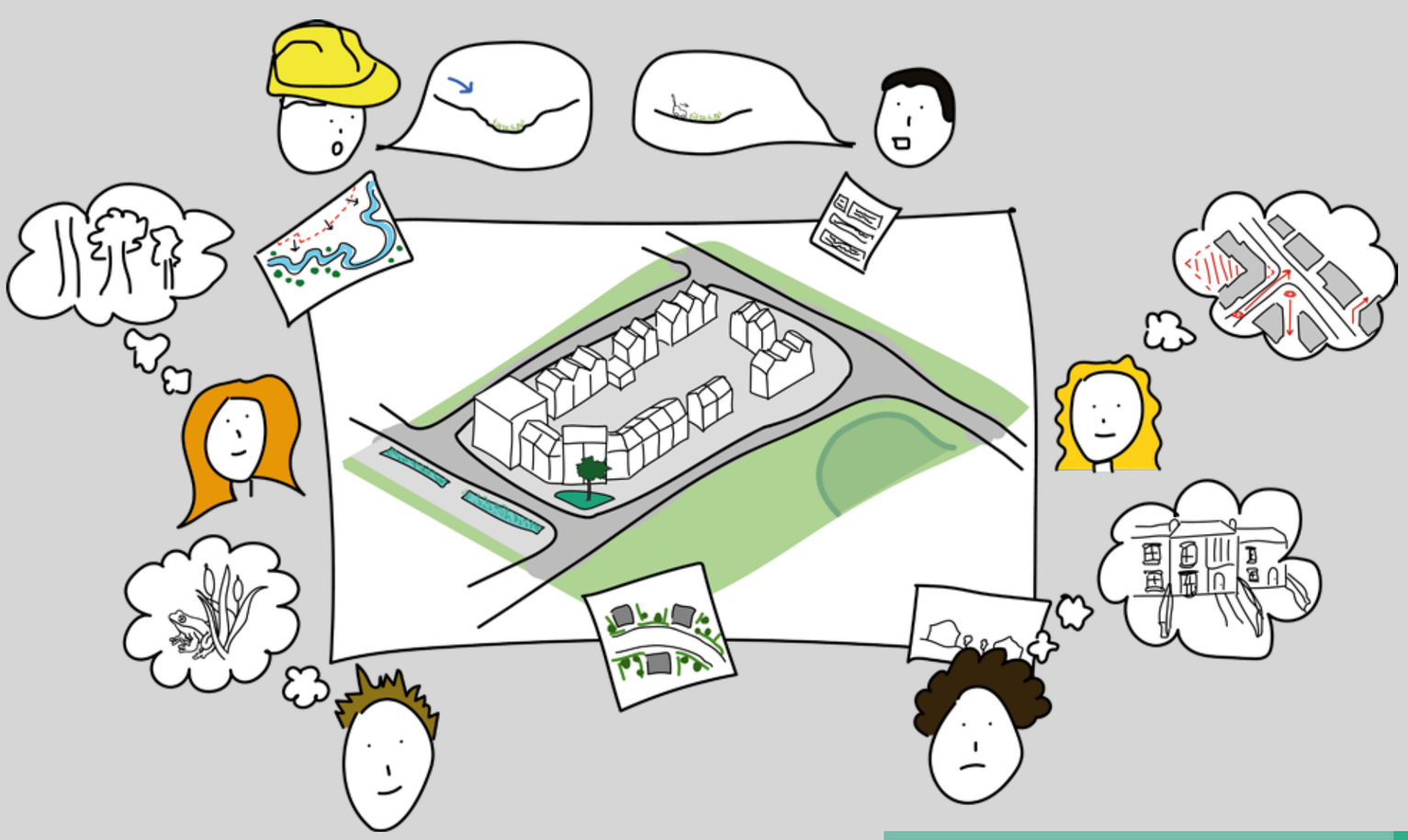
A SuDS design team should be multidisciplinary to promote a holistic approach to the design process. Identifying considerations for SuDS early on will avoid potential delays and budget issues.

Your design team should have experience of designing SuDS and should include:

- Drainage Engineer
- Landscape architect
- Ecologist
- Arborist
- Urban designer
- Architect
- Maintenance Engineers
- Town planner
- Highways Engineer
- Land developer

The Construction, Design and Management Regulations (CDM) (HSE, 2007) must be applied to the planning, design, construction, and long-term maintenance of SuDS. CDM regulations apply to all construction projects, though the scale of the project and duration of its construction period will determine whether the project is notifiable to the Health and Safety Executive.

Image:SDS Water Infrastructure systems



3.3 The SuDS Design Process

The SuDS Design Process can be broken down into the following four Stages:

1. Strategic Objectives 2. Concept 3. Outline Design 4. Detailed Design

The flowchart diagrams that follow describes best practice for the SuDS design process based on the **CIRIA SuDS Manual**.

Figure 3-1: Design Stage 1. Set Strategic Surface Water Management Objectives Discharge Hierarchy

Figure 3-2: Design Stage 2: Conceptual Design – Initial Design and Layout

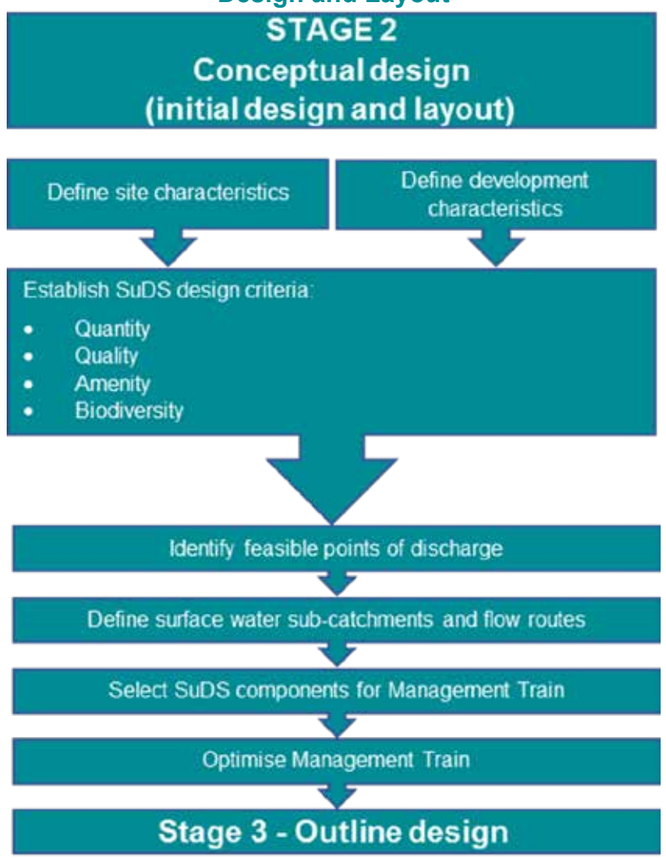


Figure 3-3: Design Stage 3: Outline Design – Including Sizing and Optimisation

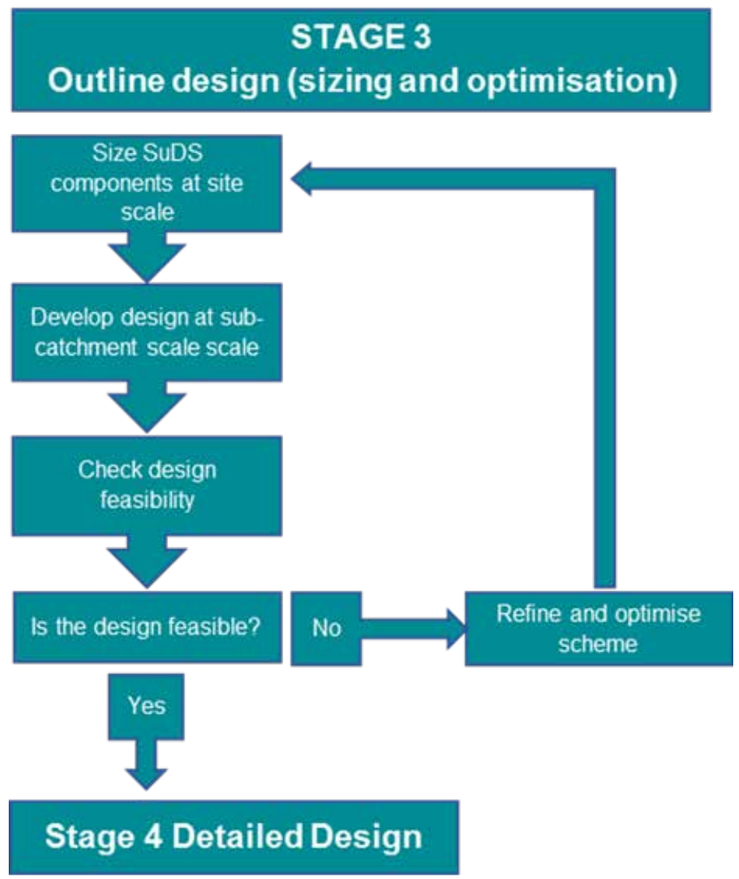
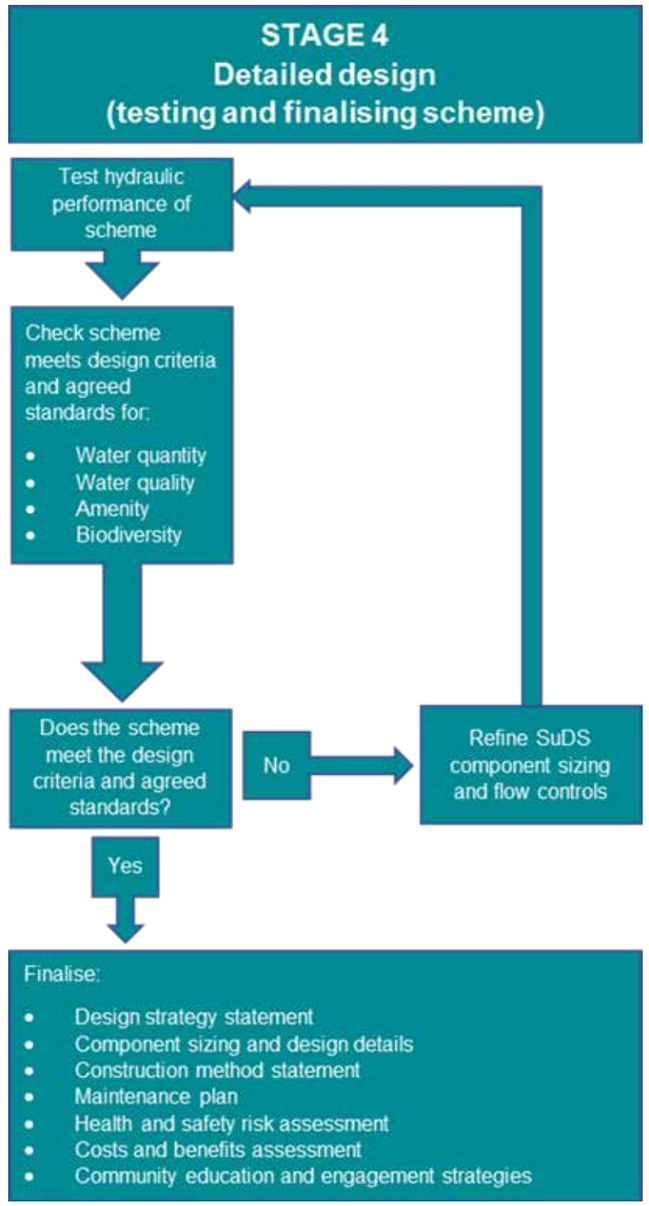


Figure 3-4: Design Stage 4: Detailed Design - Including Testing and Finalisation of the Scheme



3.4 Design considerations

There are a variety of SuDS components which may be used independently or as a combination to fit into a SuDS management train.

The list below summarises the actions and considerations which should be made when designing SuDS.

- Plan SuDS at development proposal inception,
- Enhance landscape through SuDS design,
- Ensure access and maintenance is feasible,
- Promote and encourage biodiversity,
- Reduce waste produced from SuDS,
- Replicate natural drainage and avoid pipes / pumps,
- Promote water re-use,
- Maximise benefits and multi-use features,
- Ensure iterative design process.

3.5 The Sustainable Drainage System Management Train

Sustainable drainge systems for both public and private areas should utilise a management train of components to follow and reinforce the natural pattern of drainage. The train of components should be designed to reduce the adverse effects that additional runoff from a development would have on land and watercourses.

The SuDS Management Train follows a hierarchy of techniques:

- **Prevention** – the use of good site design and housekeeping measures on individual sites to prevent run-off and pollution
- **Source control** – control of run-off at, or very near, its source
- **Site control** – management of run-off within the site
- **Regional control** – management of run-off in the locality

All developments must give priority to prevention to reduce the need for mitigative structures. **The requirements for drainage should be considered whilst determining the overall layout of the development because the site's natural features; geology, topography, soil types and existing habitats, will dictate some aspects of the drainage system design.**

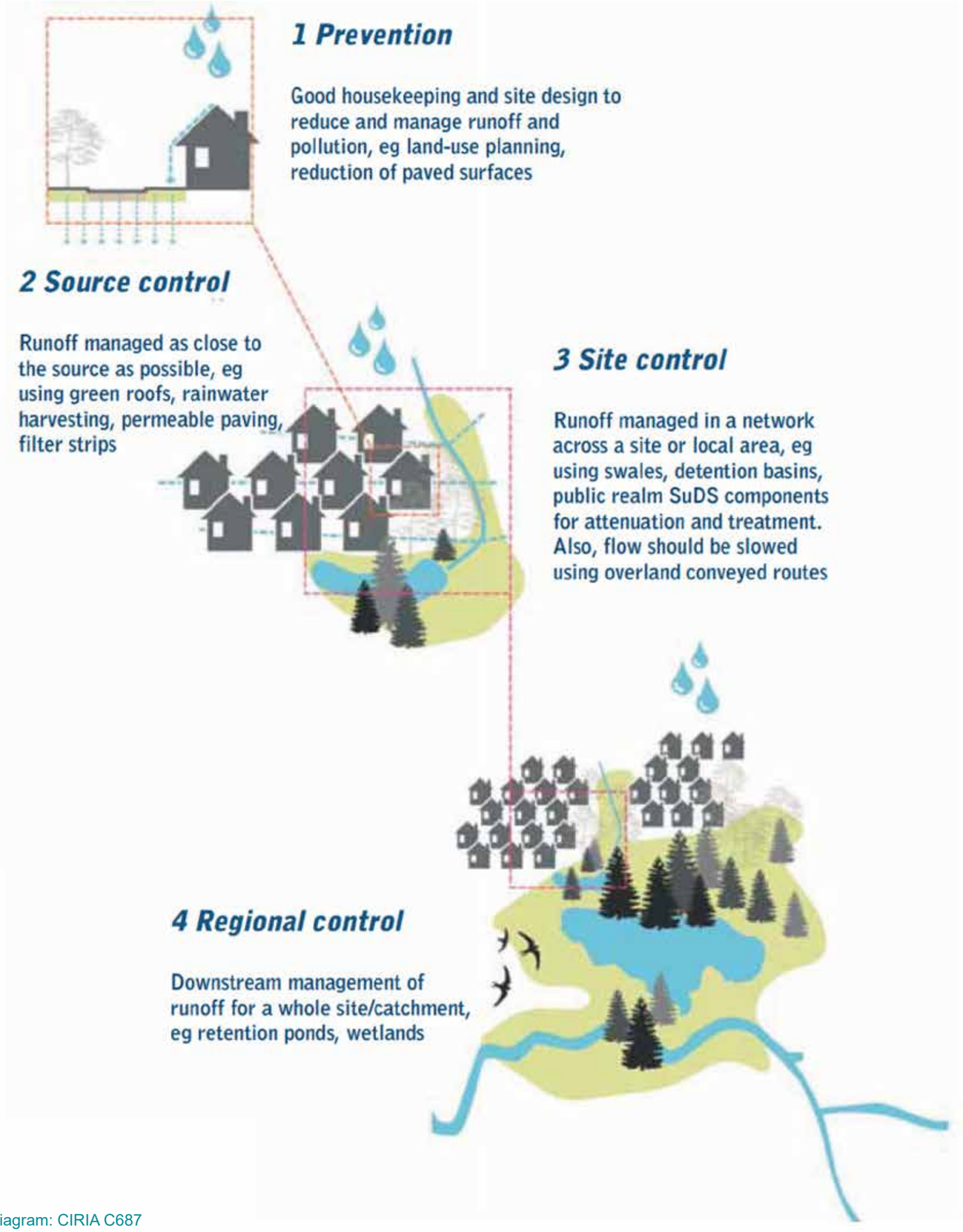


Diagram: CIRIA C687

3.6 Types of Drainage Control

3.6.1 Prevention

Preventing adverse impacts is the first priority when considering the sustainability of any development.

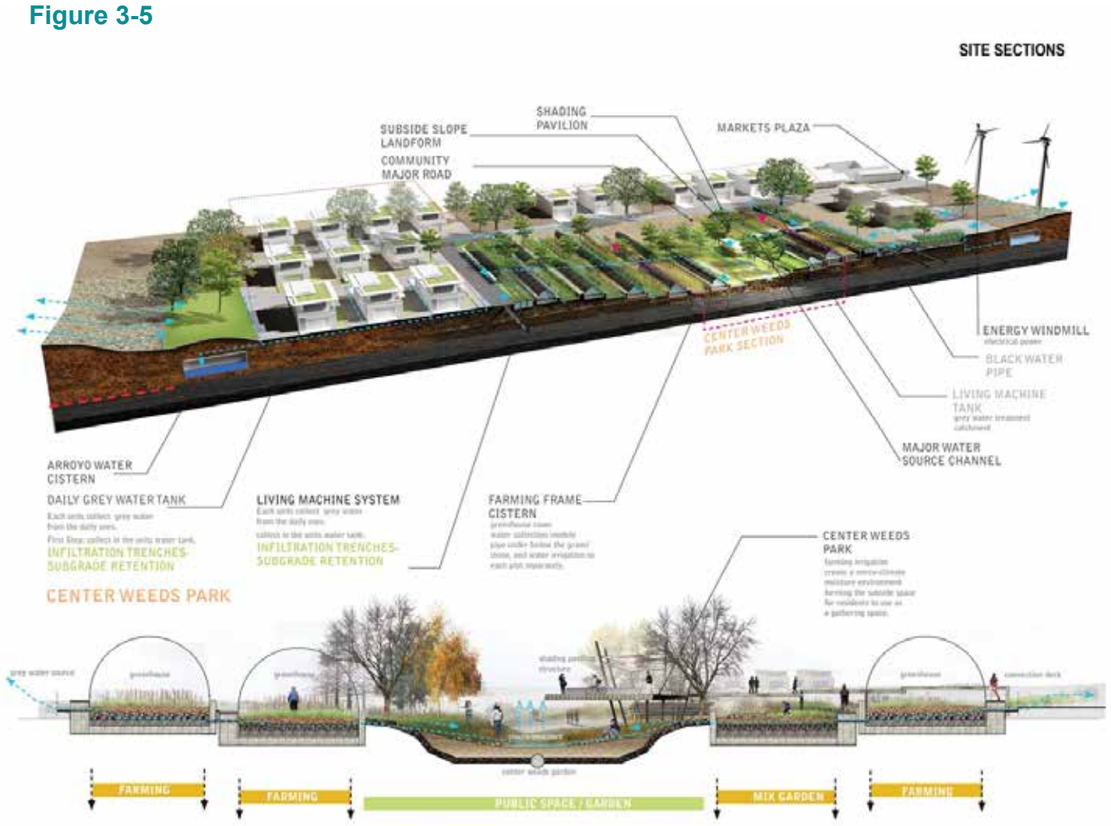
The first consideration for improving the sustainability of a drainage system for your site is preventing surface-water run-off is.

Preventing surface run-off reduces the pressure on water catchments, and on the sewerage system in times of flood. Prevention also reduces the need for SuDS components within your site.

To prevent or reduce surface-water run-off:

- **Assess and understand the natural drainage of your site and plan your layout to integrate with it**
- Minimise footprints for buildings - floor area should be a true reflection of need
- Utilise green roofs - technology is widely available and can also provide insulation, carbon absorption and visual integration
- Minimise the extent of hard-surfacing, e.g. use soft centrelines within wheel-strips for driveways and reduce paved-patio sizes
- Utilise softer surfacing, e.g. reinforced grass and grid-type vehicular surfacing
- Retain the maximum extent of natural soils
- Manage soils to preserve & improve their depths, porosity and permeability and long-term health
- Retain the maximum scale of existing vegetation on site
- Increase vegetation where possible and appropriate, e.g. hedges rather than fenced boundaries, trees where space allows, climbing plants and living walls

Figure 3-5



SuDS design teams should assess your site, integrate your development with its environment and maximise run-off prevention measures

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Directory link here for

Flood Consultants.

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Masterplanning with SuDS

https://www.kent.gov.uk/__data/assets/pdf_file/0007/23578/Masterplanning-for-SuDS.pdf

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Landscape Architects are trained in physical landscape assessment for all situations:
urban, peri-urban or rural
and can create an integrated masterplan for your site.

For masterplanning guidance refer to:
https://webarchive.nationalarchives.gov.uk/20110118111818/http://www.cabe.org.uk/files/creating-successful-masterplans.pdf

To find a Landscape Architect search the Landscape Institute directory:
https://my.landscapeinstitute.org/directory

Key Prevention Measures for All Sites:

Manage Soils: The effects of poor soil-management include death of soil-ecology and loss of soil-structure, which lead to waterlogging and flooding and an inability to support health vegetation.

Retain Vegetation: hedgerows and trees take decades to establish and develop as habitats and are essential elements of the natural drainage system, improving soil structure for infiltration and absorbing and transporting water

(downtoearth.co.uk)

Minimise Hard Surfaces:

To avoid and reduce the adverse impacts of hard surfaces, the scale of built development must be the minimum required, including roofs, approach roads, parking & turning areas and pedestrian paving.

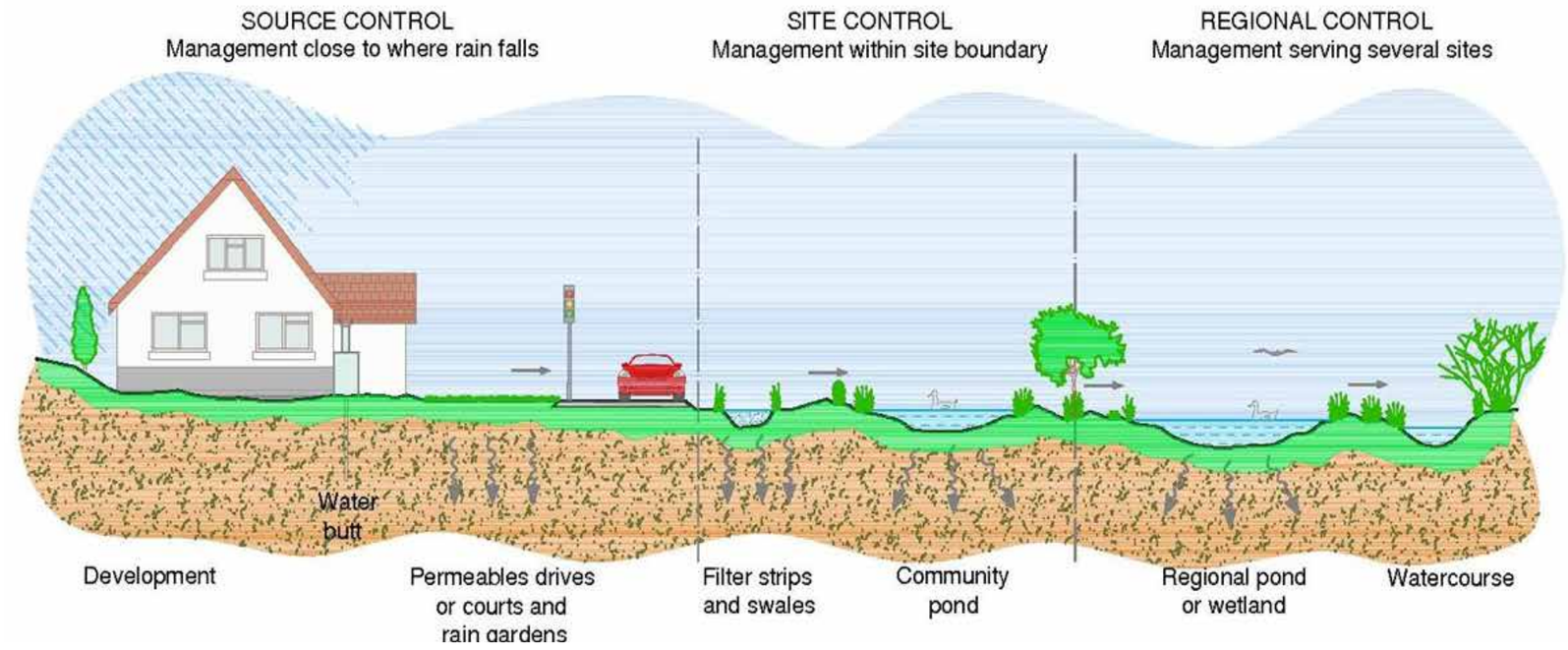
Royal Horticultural Society Research Project:
Greening Great Britain / RHS Gardening

Scott Mitchell, Bridgehampton
'Ribbon driveways' and access roads reduce hard-surfacing by 60-70%

Maximise soft-surfaces: retain soft ground and utilise alternative design, new materials and green technologies

Figure 3-6 Control Zones

Once all prevention opportunities have been explored and incorporated into your development's design, there are 3 zones of water control to consider: *Source*, *Site* and *Regional.*



An example of a SuDS Train scheme (Image: susdrain.org)

3.6.2 Source control

Source control uses sustainable drainage system components to manage your site's rainwater close to where it falls. Source control components effect the speed of run-off by helping to **intercept, capture and temporarily store water close to its fall-point**.

Source control components can also **reduce run-off quantity** and **improve run-off quality**.

Examples of source control components include:

- green roofs
- living walls
- permeable surfaces
- rainwater harvesting

Many source control components can be utilised for both new developments and retro-fitting to existing development.

Aberyswth University (Singleply.co.uk)

Green roof technology reduces run-off by retaining some infiltration, evaporation and plant-transpiration over the footprint of the building

Image courtesy of K. Swindells (2021)

Permeable paving reduces run-off by allowing infiltration on what would be an otherwise impermeable surface

3.6.3 Site control

Site control components can further **reduce run-off** from your site, **temporarily store excess water** and **guide the flow of any remaining run-off**. Site controls are also needed to **manage any run-on from neighbouring land**.

There are a variety of SuDS components which act as site controls and can be incorporated in any drainage system. SuDS components should be selected for their appropriateness in the context of your SuDS management train and should integrate with your site's context, considering land character and availability, maintenance needs and adoptability.

To reduce and control development run-off within your site, infiltration systems are encouraged. The following are examples of site control components:

- **swales and filter strips**
- **canals, rills and channels**
- **raingardens**

Where infiltration does not provide sufficient reduction of run-off, water-storage components should be incorporated in your SuDS management train. Subject to site constraints and the results of a risk assessment, ponds can provide the most effective water treatment. Underground storage does not provide water quality benefit and can only be used in conjunction with other SuDS.

In order of preference, storage components include:

- **attenuation basins**
- **underground storage**

3.6.4 Regional control

Regional control components **gather run-off from multiple local sites, guide the flow of regional run-off** and **temporarily store regional run-off.**

Regional controls also affect run-off **quality**, through sedimentation, filtration or sewage treatment. Regional control components include:

- **detention ponds**

Large-scale regional controls can have multiple benefits, including providing resources for wildlife and recreation

Larger-scale regional control components can become biodiverse habitats, including temporary or permanent waterbodies, wet woodland such as alder carr, extensive wet grassland, bogs and fens. Such habitats can benefit many priority species in local biodiversity action plans

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For further advice regarding providing resources for biodiversity and recreation, refer to the Royal Society for the Protection of Birds (RSPB) and Wildfoul and Wetlands Trust (WWF) publication 'SuDS: Maximising the potential for People and Wildlife'

https://www.rspb.org.uk/our-work/our-positions-and-casework/our-positions/land-use-planning/sustainable-homes-and-buildings/

The design of SuDS components for source, site and regional controls is described in Chapter 4.

3.7 Discharge and Run-off Considerations

The preference for the discharge of surface water run-off is to the ground via infiltration. However, this may not be entirely possible for all sites due to soil-permeability, contaminated land, topography of the area or quantity of sediments and contaminants within the surface water.

As shown in the run-off destination diagram (Figure 3-7), other options of discharging to a surface water body, to a surface water sewer, or a combined sewer (in that order of preference) should be explored where infiltration is not fully possible. Surface water should never be discharged to the foul sewer. Connections from developments are not permitted onto highway drainage unless they comprise solely water from highway gullies.

Considerations and actions that should be undertaken include:

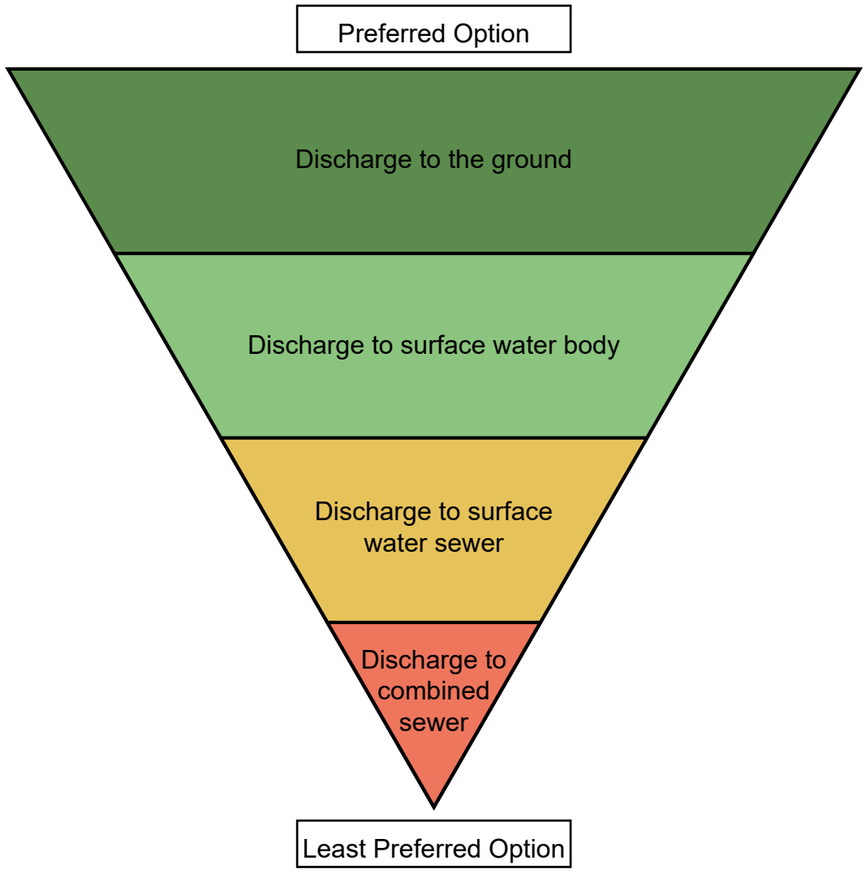
- Calculations of pre- and post-development run-off rates to ensure a neutral or better impact as appropriate.
- Consideration of the method of attenuation.
- Identification of whether the site lies within the coastal / tidal, fluvial or surface water (pluvial) flood outlines, or affected by groundwater.
- Consideration of the effects of climate change upon surface water volumes and flow pathways.
- Consultation with the relevant bodies depending on the location to which surface water is to be discharged:

    1. To the ground - consultation (where relevant) with the Environment Agency, National Coal Authority, British Geological Survey, Cheshire Brine Subsidence Compensation Board
    2. To surface water bodies - consultation (where relevant) with the Environment Agency or Council or Lead Local Flood Authority or Canal and River Trust for near / to canals or appropriate navigation authority
    3. To a surface water sewer or combined sewer - consultation (where relevant) typically with United Utilities, Dwr Cymru Welsh Water or the Highways Authority (for highway drainage only).

Once the preferred method of discharge has been decided, the following details are required to be included as identified on the **SuDS Checklist** detailed in **Appendix A** of this guidance:

- Peak run-off flows calculations and results to demonstrate pre- and post-development run-off rates in relation to greenfield run-off rates. For re-development sites, existing brownfield rates will be taken into consideration (See Section 3.8).
- Discharge volume calculations and results
- Simulation modelling of runoff (major applications)
- Flood risk (from surface water, coastal, river and groundwater sources)

Figure 3-7: Discharge Hierachy



Traditional Discharge to stream (Image: LLong)

WAY MARKER

The **SuDS Submission Application and Approval Checklist (the SuDS Checklist)**

Checklists can be found on the Susdrain website below:

https://www.susdrain.org/resources/SuDS_Manual.html

This **SuDS Checklist** identifies the requirements for SuDS to be submitted as part of a planning application to the Council in line with the National Standards, Local Policy and these guidance documents.

3.8 Site challenges for Designing SuDS

Attenuating flood flows and volumes

Addressing surface water runoff

- Proximity to sites with existing surface water issues
- Proximity to homes and other urban features
- Runoff caused by adopted highways and other impermeable surfaces

Consideration of groundwater

- Potential entry of pollutants to groundwater through infiltration of surface runoff
- High groundwater levels
- Additional restrictions of Groundwater Protection Zones

Topography

- Conveying water on ground without a gradient
- Conveying water on ground with a steep gradient

Conditions of the ground

- Highly cohesive soils restricting infiltration
- Contamination

Constrained space

- Limitations of space within site area

Existing / buried infrastructure

- Buried utilities - particularly water pipes that could come into contact with SuDS
- Predominantly impervious sites

An important criterion for all sites is the quantity of run-off. Storm flows can trigger combined sewer overflows, causing foul pollution and they can also overload wastewater treatment works, reducing treatment efficiencies. In exceptional circumstances the water authority might request that the run-off is detained completely and released only at night.

Brownfield sites

On uncontaminated brownfield sites, the water quality design criteria will depend on the existing sewerage infrastructure. If the water is discharged to a separate surface water sewer or directly to a watercourse, the site should be treated as an undeveloped site and the quality criteria will relate to the proposed land use.

If the site drains to a combined sewer that is unlikely to be converted to a separate system, the surface water should be treated with a single stage of treatment to remove grit and coarse solids. Foul sewage should be drained separately within the site.

(Image: LLong)

(Image: LLong)

Contaminated land

Where a contaminated land site is proposed for redevelopment, SuDS may still be used for drainage of surface water. However, the design of the drainage system will be site-specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to normal design considerations.

The developer will need to consult with the planning authority and demonstrate that the proposed drainage system will not cause re-mobilisation of contaminants resulting in exposure to the wider environment. Infiltration systems may not be appropriate without remedial measures, and most techniques will require the use of liners. Remediation and redevelopment of contaminated land is a complex subject that requires specialist knowledge. **The CIRIA publication SP164 (Harris et al, 1998)** should be referred to for further information.

WAYMARKER

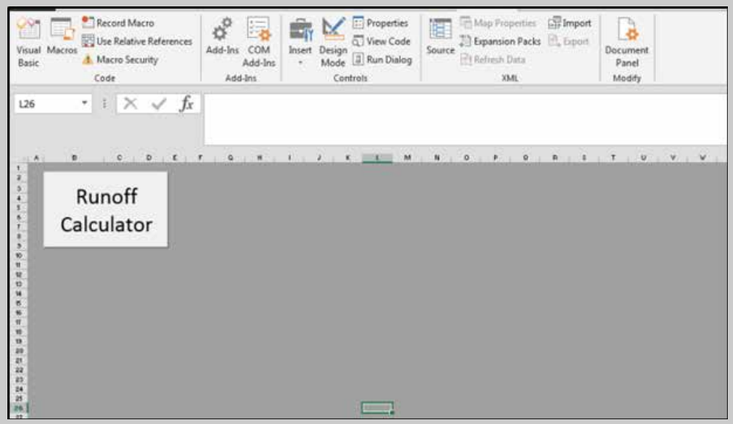
The gov.uk webpages contain extensive guidance regarding Brownfield and Contaminated Land. Here is a starting point for finding-out the condition of your land:

Performance standard for laboratories undertaking chemical testing of soil - brief guide for procurers of analytical services (publishing.service.gov.uk)

Run-off Calculator Guide

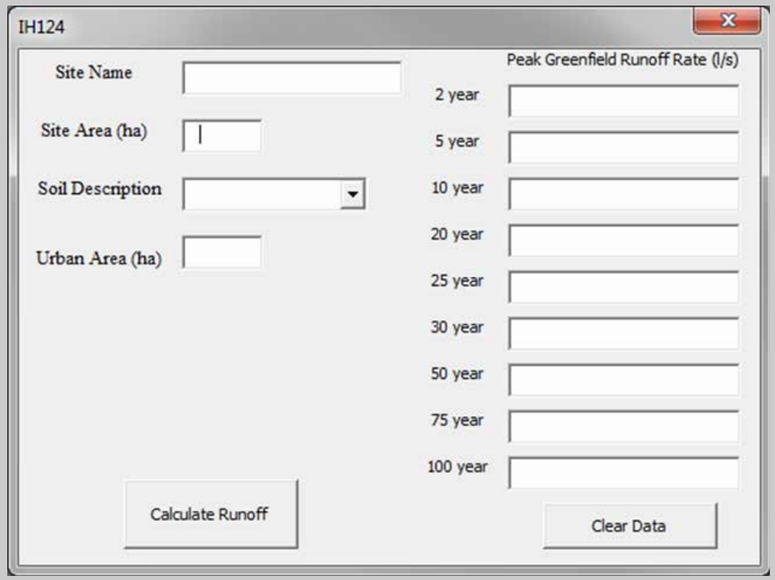
The Run-off Calculator is a programme constructed in Microsoft Excel. The run-off calculator can be downloaded from XXAdd URLTo use the programme, open the file “Run-off Calculator.xlsm” and ensure macros are enabled. When open, the file should look similar to Figure B-1.

Figure B-1



To use the Calculator, press the “**Run-off Calculator**” button. A window should be displayed similar to Figure B-2.

Figure B-2



This window in Figure B-2 should be completed as follows:

Site Name:	A name for the Site.
Site Area:	The area of the site in hectares.
Soil Description:	Select the best description of the prevailing ground conditions for the Site.
Urban Area	The area of impermeable surface within the site in hectares.

Once these have been completed press the “**Calculate Run-off**” button to calculate the peak Greenfield Run-off Rate in litres per second for the displayed return periods.

Effects of excess run-off: Landslip (Image: LLong)

Effects of excess run-off: Soils Erosion (Image: LLong)

4
COMPONENT DESIGN

4 Component Design

WHAT THIS SECTION WILL COVER:

- Choosing SuDS components
- The SuDS selection matrix
- Considerations for discharge
- Local SuDS zones
- Types of Permitted SuDS and technical requirements

4.1 Choosing SuDS components

SuDS design should focus on easy and efficient maintenance, to achieve low operation and maintenance costs and provide a safe operating environment for residents, visitors and the maintenance operatives.

One of the key elements of designing a site with SuDS is the decision about which components to use. As described in the previous chapter, there are a variety of SuDS components but not all will be suitable for all sites. It is therefore vital to have a comprehensive understanding about the nature of the site, particularly if there is contaminated ground and to ensure that a constant review is undertaken from project inception to SuDS operation. **Figure 4-2** describes the best practice for this decision-making process based on the **CIRIA SuDS Manual**.

Indicative schematic design layouts for the SuDS components described are included in **Appendix C**. Source control options are detailed in the SuDS Suitability Selection Matrix as detailed at the end of **Section 4.**

When undertaking a SuDS design using this guidance, developers should be mindful of the following:

- Pumping stations are not covered in this document
- If your surface-water drainage strategy requires a pumping station, you will need to gain approval from Cheshire East's Lead Local Flood Authority

Example of SuDS from urban to rural

Incorporating Amenity and Recreation

When designing SuDS solutions as part of place-making, there is an opportunity to celebrate water, to educate and engage both new and existing communities, to create opportunities for people of all ages to interact with water, to be playful.

Water can bring nature, movement, light, noise, drama, mark the changing seasons, add to the richness of a place and offer a more immersive experience to the user. People are drawn to water: looking at it, being near it, or even dipping fingers or toes into it. It can ignite the imagination, the senses, offer a sense of freedom and exhilaration or create places of calm reflection and playfulness. Its fluidity presents opportunities for self-initiated creative play and inclusion or creation of public art features.

As with all design, consideration of how people might use and respond to SuDS is a key consideration which should be taken into account from the outset of development planning. All ages benefit from a more creative, thoughtful integration of water and of SuDS into their environment, though particular consideration must be given to more vulnerable adults and children.

The CDM (Construction Design and Management) Regulations help all project managers, clients and designers to ensure all foreseeable risks are assessed. Any unacceptable risk should then be removed through design (designed-out) and where this is not achievable, remaining risks must be mitigated and managed. A Health and Safety file must be produced and a copy submitted to the Local Planning Authority.

SuDS should positively contribute to the amenity of developments and, whilst there are risks involved with water, with careful design, risk management and appropriate maintenance, SuDS could incorporate opportunities for community recreation, fun, and add distinctiveness and character.

Currently, the majority of drainage solutions proposed for residential developments in Cheshire East comprise pipes to detention basins. This solution can present a high risk in terms of amenity and recreation due to their potential flow-rates and depths of water and, as a consequence, these areas are often fenced off.

Image:J.Taylor

One of the objectives of this SuDs guide is to help developers move away from a 'one component fits all' solution, towards the design of an integrated, site-wide SuDS train of that combines a number of components to negate or mitigate the need for large detention-basins.

In emulating the way the natural environment absorbs water, the SuD System should naturally reduce the risks associated with recreation and spreads it across the site. Thoughtfully-designed and well-managed solutions should open-up opportunities to include safer amenity and recreational elements for all sectors of our communities to enjoy. It should be supported by engagement with new and existing communities, by materials that creatively explain their purpose and presence and be clear about the required and specific maintenance they will receive.

Increasingly, water-play opportunities are incorporated into urban play-schemes, however the most common route has been through the use of mains-fed features such as jets, fountains or paddling pools.

Mains water is an expensive and unsustainable resource. Mains-fed play features tend to be seasonal and predictable, simply spraying or wetting people during the summer months. These could be considered as part of larger public realm schemes where the increased installation costs, management and maintenance are sustainable and the use of an increasingly important resource justified. Using rainwater and SuDS for play offers more diverse opportunities. It can also be simple, cost effective and easy to implement provided it is designed-in from the outset and as part of a well-considered masterplan.

SuDS must remain safe and accessible for the life-time of the developments they serve. Cheshire East Council will only approve and adopt SuDS where the risks have been formally assessed by a suitably-qualified person, taking into account future amenity and maintenance requirements of all components of the system.

"A paddling pool, even if shallow, involves a low but inevitable risk of drowning but this [risk] is normally tolerable. The likelihood is typically extremely low, the hazard is readily apparent, children benefit through the benefit of water play and finally, further reduction or management of risk is not practicable without taking away the benefits" - *Health and Safety Executive*

Water can provide formal and informal play and learning opportunities, ranging from naturalistic exploration akin to the understanding of risk taught at forest schools, to more contained experiences, such as dipping hands in rills and channels. SuDS systems and nature ponds should be considered within every new school or educational facility where the learning opportunity is maximised.

WAYMARKER

Further advice regarding designing-out and managing risk should be sought from current national guidance which includes:

hyperlink to HSE

hyperlink to ROSPA

hyperlink to CDM Regulations

4.2.1 Source Control - Green Roofs / Living Walls

Green roofs consist of a multi-layered system including an impermeable layer, a drainage layer and a growing medium. They are designed to mimic predevelopment hydrology by intercepting and collecting precipitation; attenuating peak flows and decreasing surface water run-off. The main advantages of green roofs are high value local biodiversity, treatment of rainwater, increase in local air quality, and increased economic and aesthetic value of development (for full list of benefits please see page 233 of CIRIA SUDS Manual).

WAYMARKER

SEE MATRIX ID 9

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

- Green roofs and walls are very effective as part of a comprehensive SuDS approach
- Potential to add significantly to ecological framework for a development
- Vaiety of options to create living surfaces
- Loadings upon structures for living roofs, need to be purpose designed
- Certain types of living wall need specialist design to enable maintenance and irrigation

Main Considerations

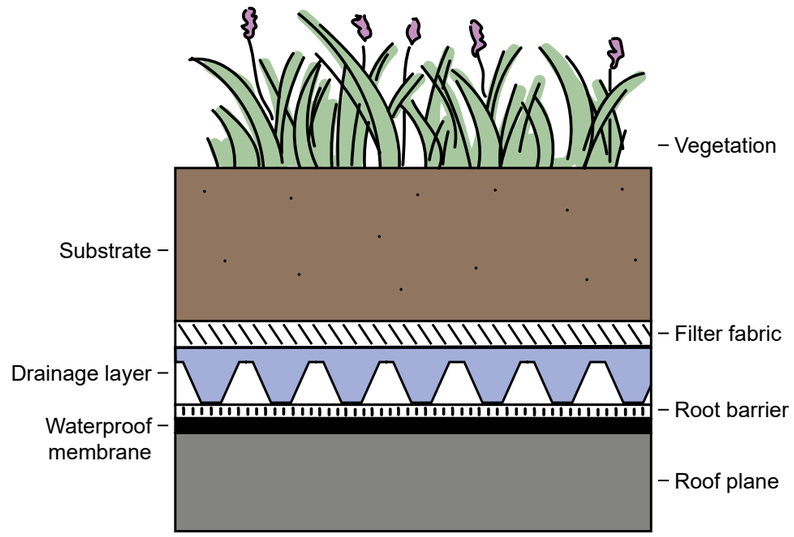
- Solar aspect important for determination of planting specification
- Choice of growing mediums will effect water storage capacity and planting choices

Key Benefits

- Can significantly reduce run-off and improve biodiversity for all types of new built developments
- Can be retro-fitted to existing built development
- Multi-functional: also providing the amenity and place-making benefits of additional living surfaces
- Scope for these to be included within functional structures associated with development and within the public realm (e.g. bus stops, toilet-blocks etc.)
- Green-roofs and living-walls are also supported in the CEC Design Guide Volume 2 Chapter 4 (p.63)

https://www.urbanplanters.co.uk/blog/new-breeam-scheme-set-reward-addition-green-roofs-walls/

Image: S.Cottle



Example Green Roof Cross-section (not to scale)

Technical Requirements: Green Roofs

There are two key categories of green roof available for installation:

Extensive Green Roofs - These generally have low loadings on the building structure due to shallow substrate depths. They typically feature a 20-150mm thick growing medium. They include resilient, slow growing, low maintenance plants e.g. succulents, herbs, mosses and grasses.

Intensive Green Roofs – These generally have deeper substrates and therefore heavier loadings on the building structure. They typically feature a deeper substrate (150mm plus). They can support an advanced landscape environment that can provide high quality amenity and biodiversity benefits.

Siting: can be suitable for:

- Residential (including high-density residential)
- Commercial
- Retrofit (providing there is sufficient structural capacity for the roof to support them).
- Contaminated Land
- Vulnerable groundwater

Design Considerations

Hydraulic design of green roofs should be focused on two aspects of performance:

- How the roof is expected to perform during an extreme rainfall event.
- How the roof is likely to perform throughout the year and during both summer and winter rainfall periods when the roof is likely to be saturated.

May need to provide an additional outfall/overflow pipe into site wide surface water drainage infrastructure for these extreme events).
Exceedance flows should be safely accommodated for onsite when events larger than those designed for may occur.

Pre-treatment, Inlets and Outlets

There is no requirement for pre-treatment or inlet, unless there are plans to use water for irrigation purposes.
Outlets – Outlets should be signed in order to reduce the possibility of blockages. They can include flow control devices to dictate downpipe flows and deliver attenuation capacity.
Outlets must be separated from the growing medium to prevent plant root obstructions and free gravel blockages.

Maintenance requirements

- The most intensive maintenance is required within the first 12 to 15 months during the establishment phase.
- Maintenance schedules should always be specific to the individual green roof design.

See Table 12.5 (pg.252 of CIRIA Report C753) for example maintenance schedule.

Safety

- All maintenance arrangements at roof level must be in full compliance with the appropriate health and safety regulations.
- Access routes to the roof must be safe and should be clear of obstruction at all times.

See p.g. 251 of CIRIA Report C753 for further guidance.

Landscaping and Amenity

- Significantly improves roofscape for local communities.
- Delivers natural environments for people to use or visit, improving their health and wellbeing.
- Can be combined with Rainwater Harvesting to provide a source of water for non-potable uses.

If designed effectively they can help deliver of key amenity principles; such as;
Improved air quality – via the increased absorption of CO2 and various air pollutants found in dense cities.

Climate Resilience - Has the possibility to significantly reduce energy demand if designed correctly due to increased thermal efficiency.

Helps to reduce Noise Pollution.

Economic Benefits

High aesthetic value increases property/rental prices.

Reduced energy costs due to increased heat conservation.

4.2.2 Source Control - Rainwater Harvesting

Rainwater harvesting is the collection of rainwater runoff from impermeable surfaces via interception which can be used as a sustainable water supply, whilst also reducing the volume of surface water run off on site and in turn reducing flood risk. Rainwater harvesting supports SUDS systems and helps to provide interception storage.

Rainwater can be collected in water butts for watering gardens or more complicated systems can be installed for re-using water to flush toilets or for supplying water for outside use.

WAYMARKER

SEE MATRIX ID 10

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

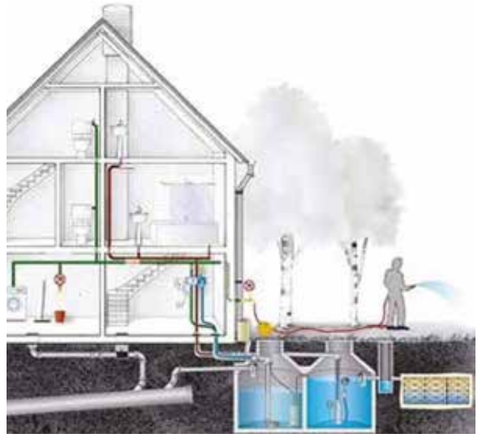
- In its simplest form this could be provided to every new property as a water butt(s)
- More complex harvesting systems provide benefits within and outside of buildings
- It can be part of a combined system that also includes 'grey' water
- Applications can be for residential and non-residential development

Main Considerations

- Controlling contaminants and managing flow into the tank are important parts of the design
- Ground/hydrological conditions need to be suitable if below-ground tanks are proposed
- Excavation proposals must include appropriate soils' management and re-use
- The more complex the system, the greater the purchase and management cost
- System type should be designed to suit the nature and context of the development
- More complex systems require water quality monitoring, depending on use

Key Benefits

- Many new developments are taking place in the Borough, where even simple harvesting could make a significant cumulative impact
- There are a number of large-scale commecial sites where harvesting systems could be utilised
- Rainwater harvesting is already discussed as part of Chapter 5 Volume 2 of the CEC Design Guide
- In many areas ground conditions should be favourable for more complex systems (tanks below ground)



Rainwater harvesting can take on many forms in a variety of situations:

Within a residential context this may include the provision of individual water butts to collect rainwater from roofs.

A commercial application could be the use of storage ponds to accumulate water for reuse as an alternative water supply for a garden centre.

https://www.renewableenergyhub.co.uk/main/rainwater-harvesting-information/large-scale-commercial-rainwater-harvesting/

Technical Requirements: – Rainwater Harvesting

There are three key types of RWH system; composite systems, gravity-based systems and pumped systems.
Gravity systems are designed so that the rainwater is collected by gravity and stored at elevation (e.g.in roof space or just below gutters) so that it can also be supplied by gravity.
Pumped systems tend to store water at ground level or underground, where it is then pumped out for supply purposes.
Composite systems use both gravity and pumped features in their design
The primary parameters used for calculating the size of the storage are:

- The rainfall volume that is to be captured.
- Average annual rainfall (AAR)
- Daily need for non-potable water
- Building occupancy number
- Contributing surface area

Hydraulic and water quality design criteria

There are various methods available to design a RWH system; the most accurate is via modelling.

Selection and siting

Rainwater harvesting is a SUDs component that can be used in a variety of development settings e.g. residential, commercial or industrial development.

- Storage tanks should be placed in secure locations and are commonly fitted underground, on roofs and adjacent to buildings.
- Geotechnical ground investigations are needed to establish site selection for RWH units (tanks should not be placed on made ground).
- Careful consideration should be given to the ground water table when using underground units as flotation issues may arise, if the ground water level is shallow on site.
- Structural considerations (e.g. depth of building foundations) should be given to RWH tanks sited parallel to buildings.

Pre-treatment, inlets and outlets

Primary screening devices are used to avoid leaves and from entering the tank. Primary screening devices often have a wire mesh screen installed near the downspout.
First flush devices can be designed to divert the first part of the rainfall away from the main storage tank; this normally contains the largest amount of dirt, debris and contaminants. This must then be safely treated and managed downstream.
RWH systems need either an inlet valve that closes flow into the container when it is full, or an overflow arrangement that conveys excess surface water runoff away from the building without causing damage.
Landscaping and Amenity

- Support the resilience of developments and their landscape to variabilities in climate and water resource availability.
- Create opportunities for learning in educational and community settings.

Safety

RWH systems should be installed using safe construction methods and manufacturers guidelines should be adhered to.

Operation and Maintenance

- Access to RWH components should be safe and easily accessible to ensure regular maintenance and inspection can be carried out.
- Maintenance requirements are specific to each individual RWH system.
- Routine inspection of the filter system should be carried out every 3 months.

Any property with an RWH system installed should be provided with appropriate information as to what equipment as been installed. This information should include:

- Its purpose
- Its maintenance requirements
- The actions required to rectify any potential failure
- The expected performance of the system.

4.2.3 Source Control - Permeable Surfacing

https://www.escofet.com/en/products/walking/permeable-paving/checkerblock

Permeable paving allows water to infiltrate through its surface into a sub-base below. Water then either infiltrates into the ground or passes through to an outfall.

Permeable pavements can be very effective at controlling surface-water run-off.

It is now a legal requirement in England that new and refurbished driveways in front gardens must be designed to be permeable.

WAYMARKER

SEE MATRIX ID 11

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

- A variety of permeable surfacing is available
- Allows infiltration into the sub-base where water is stored and released gradually either to the ground or to an outfall (usually another SuDS component)
- Permeable surfacing is effective at slowing run-off and can help remove pollution
- Cross-construction permeability is required i.e. base layers and membrane permeability as well as wearing course
- Permeable surfacing can add water-storage capacity

Main Considerations

- Extent of any artificial surfacing should be minimised to promote natural drainage, preserve soils and promote vegetation
- Excavation proposals must include appropriate soils' management and re-use
- Construction materials should avoid landscape impacts of quarrying virgin rock by utilising appropriate re-used or recycled materials in preference to new. Any new materials should be locally-sourced where possible
- Any stone used should reflect local geology where possible.
- Ensure any new stone is certified as ethically-sourced & supplied
- Permeable paving is not presently adopted as CEC Highway
- Incorporate outflow components to manage excess

Key Benefits

- Usable for parking areas, vehicular hard-standings, pedestrian walkways, driveways, patios and other non-adoptable surfaces
- Can substantially reduce run-off at source
- Can be retro-fitted to existing development
- In many areas, ground conditions should be favourable for infiltration, however, areas with poor soil-infiltration can consider permeable surfacing as an attenuation component

WAYMARKER

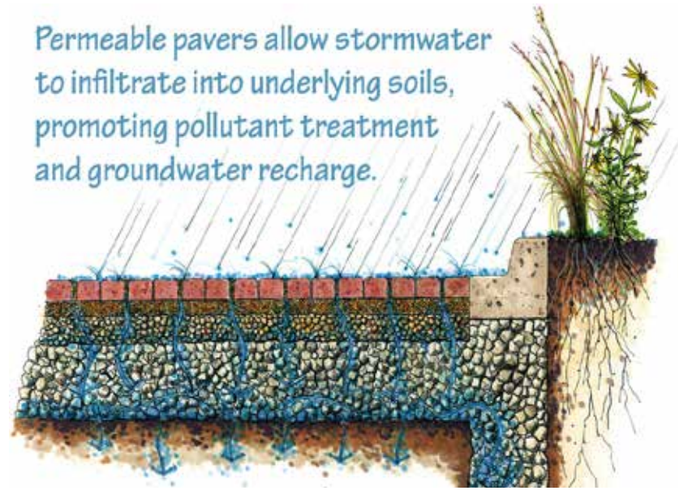
Porous and permeable surfaces:

Adoptable standards will be required for public highways.

https://www.cheshireeast.gov.uk/pdf/highways/policies-and-standards-documents/highway-surface-water-policy.pdf

The Paving Expert website contains information and inspiration for available materials and commercially-tested techniques:

https://www.pavingexpert.com/



https://specificationproductupdate.com/2019/05/01/permeable-paving-by-interpave/

Technical Requirements: Porous / Permeable Surfacing

Porous Pavements: infiltrate water through their whole surface.
Permeable pavements: have a surface that is formed of material that is itself impermeable to water. The materials are positioned to provide void space through the surface towards the sub-base.
Concrete block permeable paving must be designed in relation to British standard BS 7533-13:2009.
Materials commonly used include: porous asphalt, reinforced grass, gravel, concrete or clay block permeable paving.

Hydraulic and water quality design criteria

There are three surface water management methods which can be adopted:
1) All surface water run off infiltrates through the structure and permeates into the ground. An overflow pipe may be required to manage surface water run off flows during extreme rainfall events.
2) Surface water run off which exceeds the infiltration capacity of the subsoils discharges to the receiving drainage system e.g. watercourse or sewer.
3) No infiltration to the subsoils occurs, instead water drains through the subbase and is then carried through perforated pipes to an outfall.
There are four features to the hydraulic design of pervious pavements to consider:
1) Calculation of the infiltration rate through the permeable pavement structure.
2) Calculation of the storage volume necessary to accommodate flows up to 1 in 100yr (plus percentage for climate change).
3) Calculation of the discharge rate to the outfall (l/s).
4) Exceedance design layout so that all surface water run off flows are contained and managed safely onsite without causing any increased flood risk.

- In order for the system to have a positive outfall for associated surface water run off, the infiltration rate of the soils onsite should be significantly greater than the design rainfall intensity.
- Stormwater calculations for a range of rainfall durations up to 1 in 100yr + CC event should be carried out to accurately determine the capacity of the storage volume required.
- Surface water flow paths during exceedance events should be planned for within the overall surface water drainage layout. This should ensure that flooding to property is avoided and safe access and egress from the development site is maintained.
- Where adjacent areas drain into the surface, the ratio of impermeable to pervious should be limited to 2:1 to prevent clogging.
- A minimum value of 2500mm/h is considered reasonable for a pavement surface to be considered pervious in relation to surface water management.
- It is advised that a factor of safety of 10 is applied to the surface infiltration rate of all permeable structures, to account for potential clogging of the pavements surface area over its design life.

Selection and siting

- Permeable paving is a suitable SUDs feature for a variety of sites.
- Pervious pavement should be limited to low traffic areas (unless permeable paving materials designed to withstand pressures from heavy loading vehicles can be installed).
- Within 10 feet of building foundation that is above proposed pavement location or 100 feet from a building foundation that is below the proposed pavement location.
- Within four feet water table's highest level.
- Ground investigations and infiltration testing should be carried out onsite inline with BRE 365 guidelines to determine the infiltration rate of underlying soils.
- Permeable paving should be avoided where there is a high risk of silt loads on the surface (unless regular maintenance can be guaranteed).
- Unlined pavements should not be used on brownfield sites unless it has been demonstrated that the risk of leaching of containments is managed within acceptable levels (this may need to be agreed with appropriate environmental regulatory bodies e.g. Environment Agency and LLFA).
- Permeable paving should not be used on sites where groundwater pollution is suspected.
- Unlined pavements are not suitable for use in areas which are susceptible to slope instability or close to building foundations unless a full risk assessment has been carried out by a geotechnical engineer.

Landscaping and Amenity

- Extent of any artificial surfacing should be minimised to promote natural drainage, preserve soils and promote vegetation
- Excavation proposals must include appropriate soils' management and re-use
- Construction materials should avoid landscape impacts of quarrying virgin rock by utilising appropriate re-used or recycled materials in preference to new. Any new materials should be locally-sourced where possible
- Wearing course must be in-keeping with local geology and landscape character
- Ensure any new stone is certified as ethically-sourced & supplied

Safety

Permeable pavements should be fitted using safe construction methods and in strict accordance with manufacturers guidelines.

Operation and Maintenance

- Require regular inspection and maintenance to preserve their infiltration capacity.
- The frequency of required maintenance is site specific but many of the maintenance activities can be undertaken as part of a general site cleaning contract.
- Maintenance plans and schedules should be submitted to Cheshire East's Local Planning Authority and Lead Local Flood Authority for review during the design phase.
- Table 20.15 (pg 430) of the CIRIA report C753 includes an example of a maintenance schedule.

4.3.1 Site Control - Canals, Rills and Channels

Canals, rills and channels are hardscape open surface water channels used to store run-off within a constructed container. They can be integrated into public realm areas with a more urban character. They could be above or below ground and should be sized to the storage need, having regard to safety considerations. Often they are designed as linear features as part of a system including small pools to add significantly to the townscape and landscape quality, assisting the management of water flow and cleansing. Planting within the features creates the potential for distinctive, aquatic landscape and biodiversity enrichment. They are usually designed as linking components between other components within the SuDS train.

WAYMARKER

SEE MATRIX ID 21

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

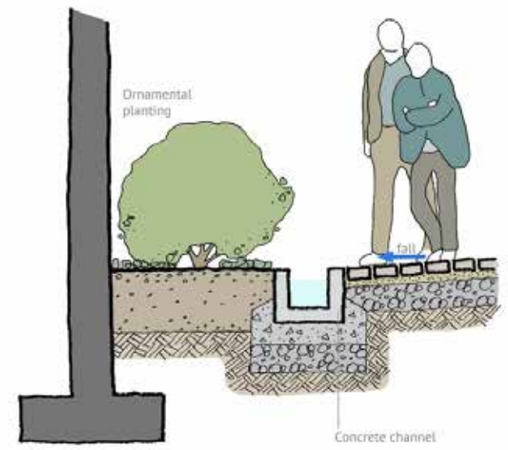
- Should be designed as an integral part of a SuDS system
- Can act as pre-treatment
- More complex storage and conveyance systems provide benefits within and outside of buildings
- Applications can be for residential, non-residential and public realm

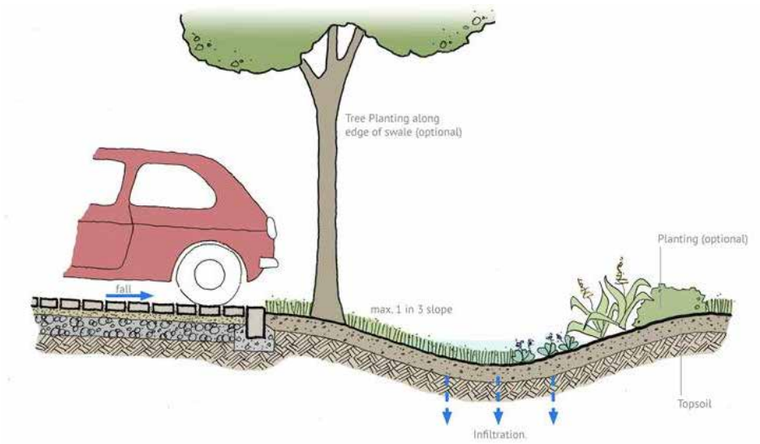
Main Considerations

- Easy to construct and manage as part of the public realm
- Excavation proposals must include appropriate soils' management and re-use
- Construction materials should avoid landscape impacts of quarrying virgin rock by utliseing appropriate re-used or recycled materials in preference to new. Any new materials should be locally-sourced where possible
- Choosing appropriate planting to prevent silt build up
- Need to give careful consideration to crossing points and people with mobility and visual impairment
- Potential complexities around adoption

Key Benefits

- Provision of above-ground solutions within higher density, space constrained contexts - predominantly urban
- Can be visually appealing and add to sense of place
- Amenity value and informal play potential for local communities





Images: susdrain.org

Technical Requirements: Canals, Rills and Channels

Canals, rills and channels are open surface water channels, usually crafted with hard edges. Their cross-sections can be adapted to suit topography, the scale of the scheme and to enable safe access for informal recreational use and management. Crossings and bridges can be incorporated to enable access to buildings and spaces and to encourage alternative views of the features and the feeling of crossing water. They should be designed so as not to require any safety railings or fencing to maximise the social benefits. Specific risk assessment will be required as part of the design process. Materials commonly used are concrete, reconstituted and natural stone. Planting needs to be tolerant to varying hydrological conditions.

Hydraulic and water quality design criteria

- Stormwater calculations for a range of rainfall durations up to 1 in 100yr + CC event should be carried out to accurately determine the capacity of the storage volume required.

Surface water flow paths during exceedance events should be planned for within the overall surface water drainage layout. This should ensure that flooding to property is avoided and safe access and egress from the development site is maintained.

- Treatment channels collect water, slow it down and provide storage for silt and oil that is captured. The outlet is designed to act as a mini oil separator thus the channel is very effective at treating pollution. They can provide excellent pre-treatment value to larger SuDS, as they are able to remove contaminants such as silt and oil before the water is conveyed into downstream SUDs features. However, it is important that they are managed effectively to prevent contaminant/sludge build up that affects their physical efficiency and the flora that assists the cleansing process.
- Depending on their placement in the SuDS management train, species selection needs to be designed based on the hydrological conditions to ensure that planting flourishes in either permanently wet, semi wet, or predominantly dry conditions

Selection and siting

They are an effective SuDS measure in more dense, urban developments where space constraints are a common challenge. Rills and canals can be used to collect water straight from hard surfaces or they can be used to convey water, for example where it has been collected via a permeable pavement structure. They can be designed as integral parts of the landscape scheme, or as more incidental elements as part of a wider SuDS/landscape scheme. They can also be used as threshold definition between private and public spaces. Consequently they are suited to a variety of scenarios:

- Public realm and parks/open spaces
- Residential development
- Commercial/industrial development
- Contaminated sites (providing they use impermeable lining)

Landscaping and amenity

All built components should be purposely designed to be in-keeping with the design philosophy for the scheme, having regard to local character, and materials and construction should be of high quality to help build a strong sense of place and character. Where stone is used then it should reflect local geology.

Bridges and crossing points can provide more dramatic linear views of the features, especially where well integrated into townscape to draw the eye to feature buildings or landscape. The potential for these features to be close to homes or commercial premises, and as part of the public realm, means potentially high levels of amenity benefit, particularly where they are designed to enable more direct access. Well designed, appropriate planting can help enrich the feel and quality of the development, bring people closer to nature and enhance the sense of community.

Operation and maintenance

Routine maintenance is required, involving removal of debris and litter, whilst more intensive maintenance work, such as removing silt, is only required intermittently (e.g. every 5 years). Repair of the structure, including grouting etc. will also be required during the lifetime of the feature. The initial cost of installation should be no greater than an equivalent underground solution, but routine maintenance cost will be higher. However, the cost of more fundamental repair is likely to be no greater given they are surface based components.

Although quite straightforward to design, problems have occurred due to a lack of attention during design and construction including silt build up due to inappropriate landscape and treatment of adjacent areas, and the landscape quality being poor due to the frequency and type of planting, both of which are easy to address at the design stage.

4.3.2 Site Control - Filter trench / Infiltration trench

Gravel or rubble filled trench that creates subsurface storage for infiltration, or filtration of surface water runoff. Trenches can be used to filter, attenuate and dissipate storm water into the ground through the base and sides of the trench and/or provide a level of treatment prior to reaching a secondary SuDS feature.

WAYMARKER

SEE MATRIX ID 19 & 12

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **Design Manual for Roads and Bridges HA 103/06**

Key Characteristics

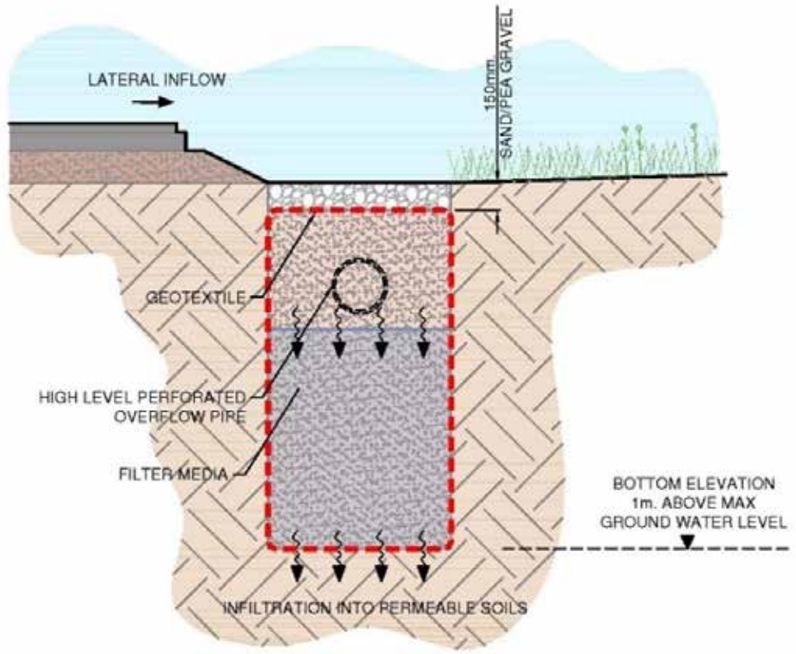
- The location of the filter trenches should be carefully considered to avoid interaction with people, vehicles, or exiting rootzones.
- Work best with SuDS components which provide attenuation of storm flows.
- Use in combination with effective pre-treatment.
- Separate filter media from surrounding ground with a geotextile where infiltration is desirable, or a membrane where infiltration is not permitted.
- Include a geotextile layer within the upper gravel and incorporate observation wells and rodding points for maintenance.
- Use a distribution pipe in combination with point discharges.
- Consider the impacts of stone scatter.

Main Considerations

- Can be prone to blockage and work best in combination with pre-treatment such as filter strips to reduce sediment load.
- Excavation proposals must include appropriate soils' management and re-use
- Features to help inspection and maintenance are critical.
- Can be expensive to replace the filter material if poorly designed or neglected maintenance.
- Difficult to identify pollution and maintenance issues underground.
- Must be sited to avoid impacts on existing hydrologically-sensitive ecological habitats
- BRE365 Percolation testing will need to be reviewed by LPA

Key Benefits

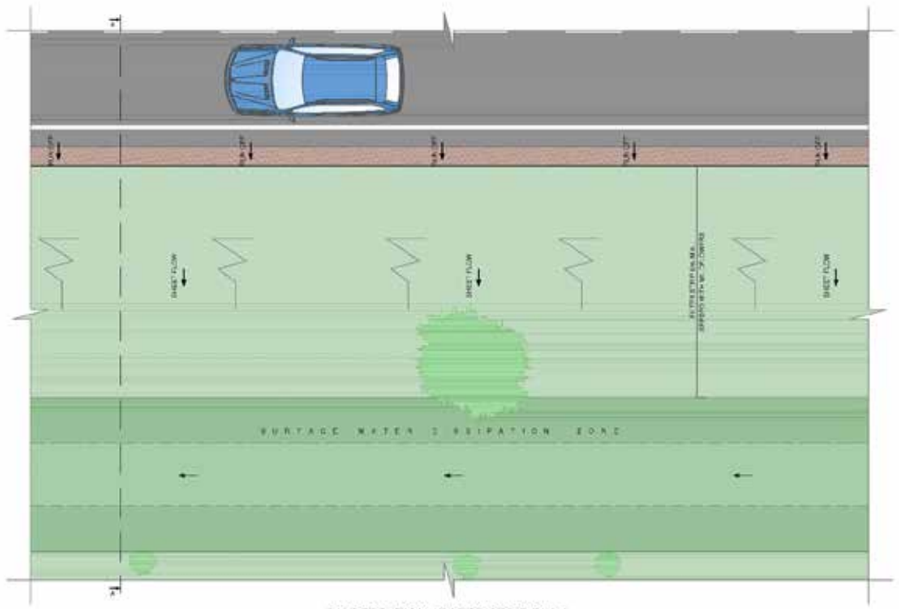
- Ideal for use with small contributing areas.
- The land-take is usually moderate, with a slope not exceeding 1 in 20.
- Moderate water quality treatment.
- Can be easily incorporated into site landscaping and alongside roads.
- Can be enhanced using grass/ wildflower seed mixes.
- Can link green areas.
- Low cost and maintenance.



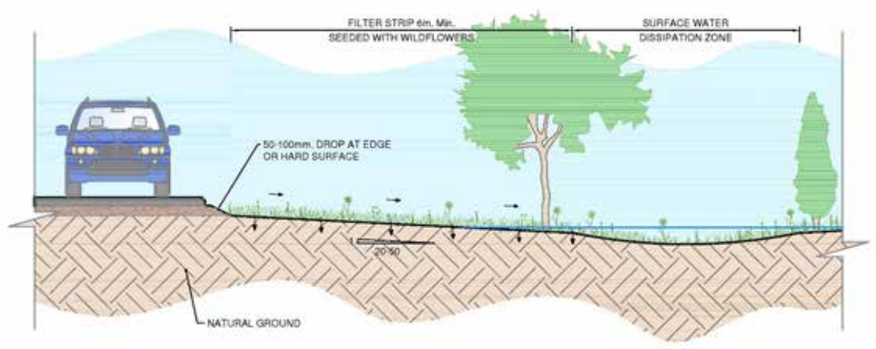
SHEET INFLOW
SECTION A-A

INFILTRATION TRENCH SCHEMATICS

New native hedge thriving alongside filter trench (Crewe, University Way)



BIORETENTION / FILTER STRIP PLAN



SECTION A-A

Technical Requirements – Infiltration Trenches & Filter Strips

Configuration and Dimensions of Infiltration Trenches & Filter Strips

- Filter / Infiltration Trenches should be used as source controls only.
- Filter / Infiltration Trenches should not be designed as sediment traps.
- Filter / Infiltration Trenches should be designed to the requirements of the **Design Manual for Roads and Bridges Volume 4, Section 2, Part 5, HA40/01 - Determination of Pipe and Bedding Combinations for Drainage Works, Drawing F2, trench Type H, the requirements of this document and Appendix D - Figure D1 and D2**.
- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Filter / Infiltration Trenches should not exceed 3m in depth.
- It is preferred that storm water inflow be sheet flow from drainage areas. Where this is not practical point flow inputs will be acceptable.
- Where point flows are used, a pre-treatment stage be installed that will effectively remove particulate matter present in the water and prevent clogging of the trench.
- Point flow inputs should be connected to a slotted high level distributor pipe. The pipe should be capable of conveying the design flow.
- The stone filter material should be wrapped in geotextile to the diagram as shown on **Appendix D**, **Figure D1**, with a minimum 150mm overlap at all joins. The geotextile should meet the requirements of the **Specification for Highway Works Series 500**.
- Filter / Infiltration Trenches should be provided with a high-level overflow to accommodate design exceedance.

Hydraulic and Water Quality Design Criteria

- The trench design should be checked for design exceedance and modelled explicitly and holistically to demonstrate the impact to the downstream drainage components.
- Infiltration trenches should be designed to half-empty in 24 hours to allow for incoming flows from subsequent storms.
- The base of the trench should be at least 1m above the highest seasonal or permanent groundwater table.

Selection and Siting

- A risk assessment shall include all relevant safety and environmental issues associated with siting a filter / infiltration trench.
- The trench shall be designed for easy maintenance.
- Infiltration trenches should be sited on stable ground, soil and groundwater conditions should be assessed to verify ground stability.
- Design of infiltration trenches must comply with **groundwater protection regulations and with EA policy on infiltration**.
- Must not direct water towards existing dry habitats or direct nutrient-rich water towards existing habitats with a low nutrient status. If the trench directs water towards high value habitat, the pH of the water discharged must be comparable with that of the existing habitat.

Safety

- Risk assessment shall include risks associated with scatter of filter material.

Operation and maintenance

- All maintenance access points shall be clearly visible and documented in the Operation and Maintenance plan.

4.3.3 Site Control - Swales

A vegetated shallow channel or depression designed to treat, filter, store and convey run-off. Swales can be either 'dry' (where water is stored beneath the ground in a gravel layer) or 'wet' where run-off is stored above the surface in the channel so may be permanently wet. Lining can be added to enable infiltration even when there are known contaminants in the water.

WAYMARKER

SEE MATRIX ID 22 & 23

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **Design Manual for Roads and Bridges HA 103/06**

Image: COrton

Key Characteristics

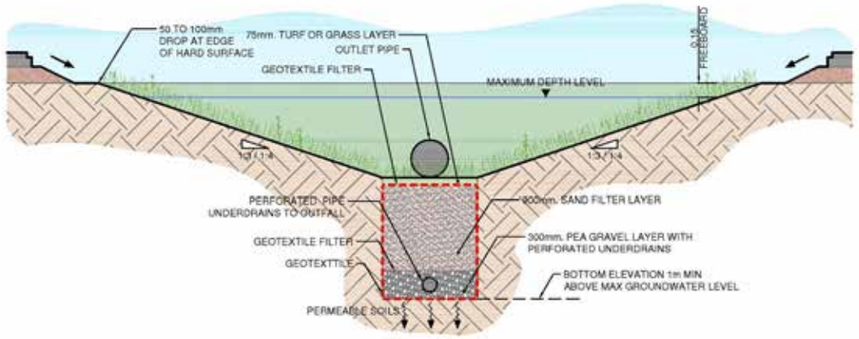
- Conveyance swales are suited to directing flow
- Dry swales provide additional filter treatment
- Wet swales encourage filtering and attenuation through wet and marsh-like conditions
- Parts of a swale designed to hold water permanently can be planted up with a range of native aquatic or marsh plant species. Other parts of the swale which may only be wet temporarily can be seeded with a pond-edge type mixture which will include species tolerant of both drier and damper soil conditions.

Main Considerations

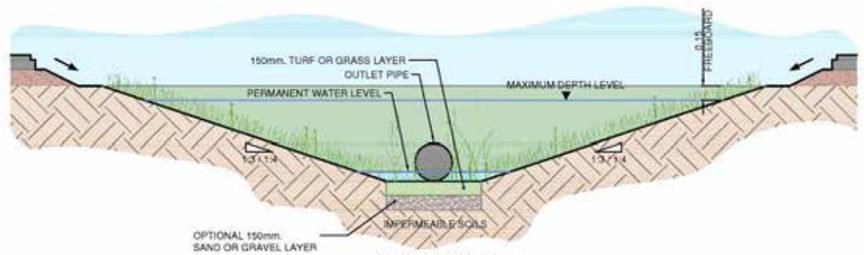
- Should enhance and integrate with site's topography
- Must be planned into layout early in design process, particularly for residential developments due to access crossings
- Relatively moderate land-take
- Checkdams may be needed for steeper sites
- Needs to be shaped to attenuate or significantly reduce peak flow or volume
- May require lining on contaminated sites

Key Benefits

- Ideal for use with linear contributing areas like roads
- Good for pre-treatment
- The land-take is usually moderate, minimum of 4m wide
- Excavation proposals must include appropriate soils' management and re-use
- Good water quality treatment
- Can be incorporated into site landscaping and alongside roads
- Can be enhanced using grass/ wildflower seed mixes
- Can be linked to create green corridors
- Can provide biodiversity enhancement
- Low/Medium cost and maintenance



SECTION A-A
DRY SWALE



SECTION A-A
WET SWALE

Technical Requirements – Swales

Configuration and Dimensions of Swales

- Swales should be used as source controls only.
- Swales should be designed to the requirements of **CIRIA C753 The SuDS Manual, the requirements of this document and Appendix D - Figure D3**.
- Swales should be:

  a. Trapezoidal or parabolic in cross section.

  b. The side slopes of a swale shall be a maximum of 1 vertically to 4 horizontally.

  c. The base of the swale shall be a minimum of 0.5 m and a maximum of 2 m wide and designed to avoid the formation of rills.

  d. The depth of the swale shall be between 400 mm to 600 mm deep and achieve a freeboard of 150 mm during design flow conditions.

  e. Swales shall be no less that 30m in length.

  f. The longitudinal slope of the swale shall not exceed 1 vertically to 40 horizontally without the use of checkdams and shall not exceed 1 vertically to 10 horizontally.

Hydraulic and Water Quality Design Criteria

- Swales should be designed so that the flow arising from a 1 in 1 year 30-minute storm event does not exceed 0.3m/s or 100mm in depth.
- The average velocity should be calculated using Manning's equation with a roughness coefficient of 0.025 for flows up to the grass height. Grass height in the channel should be assumed to be 100-150mm height. At depths of flow above the grass height the friction factor can be reduced to 0.01 for the analysis of design exceedance storm events.
- Storage volumes for the 1 in 1 year design event should dissipate within 24 hours, so that subsequent storms can be accommodated in terms of storage and treatment.
- Where practical, swales should form part of a wide blue/green network, designed for the temporary storage and conveyance of design exceedance storm events 30 to 100 year storm event. The maximum flow velocity should be below 1.0m/s. Higher velocities up to 2.0m/s may be permissible if erosion, soil stability and safety aspects can be demonstrated to the satisfaction of Council.

Selection and Siting

- Swales should be:

  a. Positioned as close to the source of receiving runoff as possible.

  b. In a location that is easily and safely accessible by maintenance machinery.
- On stable ground and where groundwater will not occur within 1 m of the base of the swale.
- Infiltration swales shall not be positioned adjacent to building foundations without a design certificate from a suitably qualified geotechnical engineer.
- Infiltration swales shall not dissipate water directly to ground without a suitable groundwater risk assessment.

Pre-treatment, inlets, and outlets

- Sheet flow is desirable to minimise erosion and increase treatment potential. Other options to provide an approximate to sheet flow, such as flush kerbs, shall be considered on a site by site basis.
- Point flow outlets such as road gullies and pipes shall flow into a flow spreader to minimise the risk of erosion and silting.
- A drop of 50 to 100mm shall be included at the edge of the hard surface to prevent the formation of a sediment lip.
- Conveyance swale discharge pipes and underdrain pipes shall be provided with a hydraulically designed outlet structure that is resistant to erosion.
- Swales shall include a suitably designed overflow to safely convey flows arising from design exceedance events. Overflows shall be incorporated within the development strategy for managing exceedance events and routed to planned temporary storage areas.

Landscaping

- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Swales shall be overlaid with soil at depths appropriate for the proposed vegetation. Proposed vegetation shall comprise native species tolerant of the anticipated soil-types, water tolerance requirements and microclimate.
- To increase the biodiversity of swales specialist SuDS Turfs are also available which include a range of plant species to produce habitats tolerant of both drought conditions and periodic flooding.

Safety

- A risk assessment shall include all relevant safety and environmental issues associated with siting a swale

Operation and maintenance

- Access shall be provided to all areas of the swale for inspection and maintenance. All maintenance assess points shall be clearly visible and documented in the Operation and Maintenance plan.

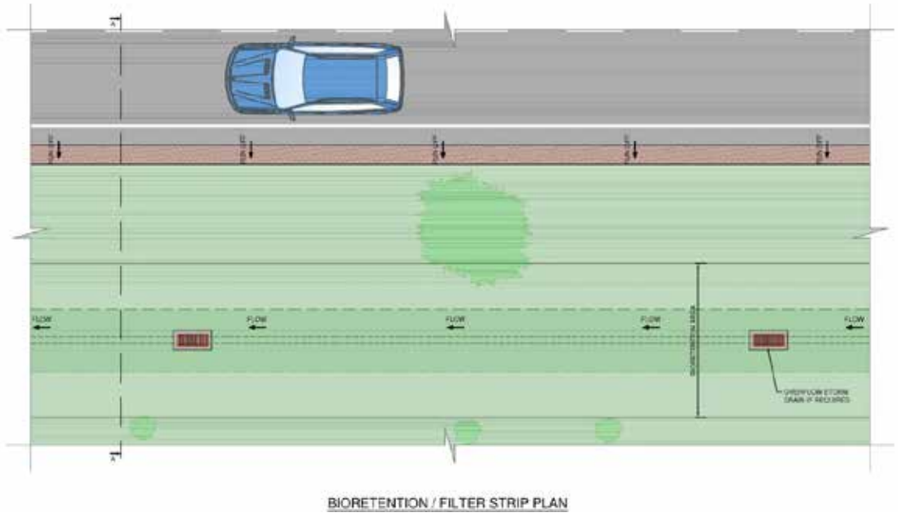
4.3.4 Site Control - Bioretention

Areas of shallow vegetated open water with specially selected plant species and varying water levels and treatment areas. Water flows horizontally and is gradually treated prior to discharge; flow control is required.

Example:Raingardens

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **Design Manual for Roads and Bridges HA 103/06**



BIORETENTION / FILTER STRIP PLAN

Key Characteristics

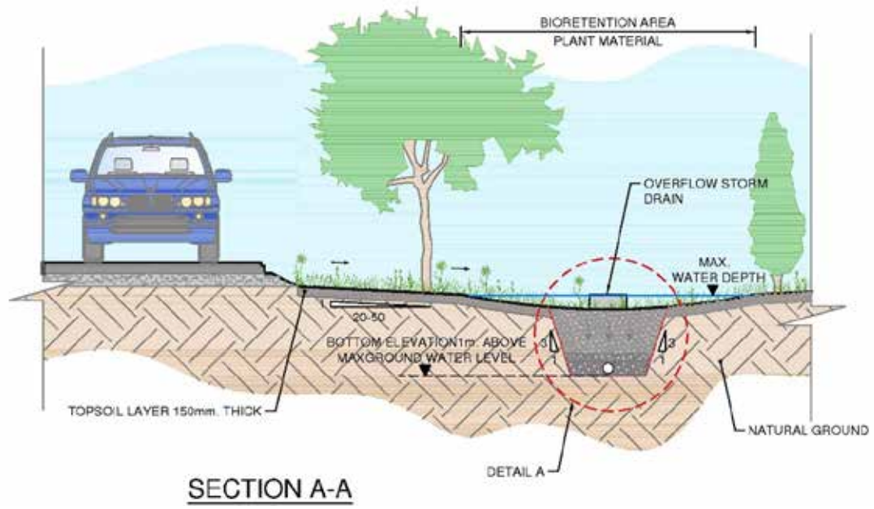
- Generally applied to small catchmnts and are typically 5%-10% of the contributing area
- Bioretention should be lined where infiltration could cause slope stability or foundation problems
- Groundwater table must be 1m below the base of the feature
- Suggested width of 3m and a 2:1 length to width ration to allow random planting of vegetation
- Standard landscape mulch should be used for the top dressing not exceeding 75mm
- Plants must be able to withstand pollution and extended dry and wet periods

Main Considerations

- Construction materials should avoid landscape impacts of quarrying virgin rock by utilising appropriate re-used or recycled materials in preference to new. Any new materials should be locally-sourced where possible
- Requires plant species with appropriate water-tolerances

Key Benefits

- Suitable for a variety of urban and rural environments
- Good retrofit solutions
- Works well in low permeability soils
- Can be very compact and used within streetscaping, or in larger landscaping areas
- Good water quality treatment and volume reduction with infiltration
- Can be adapted into a rain garden feature



SECTION A-A

Rain Gardens
can offer localised strage and attenuation

For best practice refer to:
- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

- Potential to enhance biodiversity and create more visually appealing streets
- Assists in cleansing of water of contaminants

Main Considerations

- Can be part of a SuDS train or stand alone
- Applicable to private and public land, such as driveways or highway verges
- Potentially low installation cost

Key Benefits

- Significant retrofit opportunities in urban and rural contexts, including individual householders
- Easy to retrofit to existing development
- A highly visible SuDS component that can help educate and inform
- Can be planted to reinforce local landscape character
- Reduces maintenance compared to regular mowing
- Adds water-storage capacity and filtration

Image: susdrain.org

https://www.next.cc/journey/design/rain-gardens

Cellular planting offers enhanced bioretention storage capacity

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**

Key Characteristics

- Potential to enhance biodiversity and create more visually appealing streets
- Assists in cleansing of water of contaminants

Main Considerations

- Can be part of a SuDS train or stand alone
- Applicable to private and public land, such as driveways or highway verges
- Potentially low installation cost

Key Benefits

- Significant retrofit opportunities in urban and rural contexts, including individual householders
- Easy to retrofit to existing development
- A highly visible SuDS component that can help educate and inform
- Can be planted to reinforce local landscape character
- Reduces maintenance compared to regular mowing
- Adds water-storage capacity and filtration

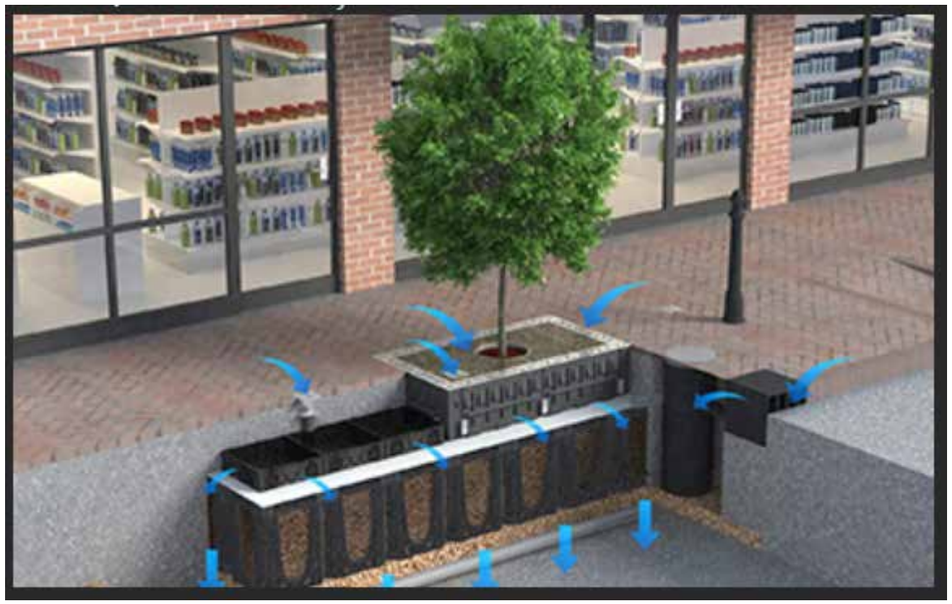


Image: GreenBlue Urban

Images: GreenBlue Urban

4.3.7 Site Control - Bioretention Units: Suspended-Pavement Tree-Trenches

Tree-trenches with suspended pavement facilities can offer water storage, water-cycling and attenuation, and help reduce pollutants through filtration, absorption, microbial action and tree uptake.

For best practice refer to:

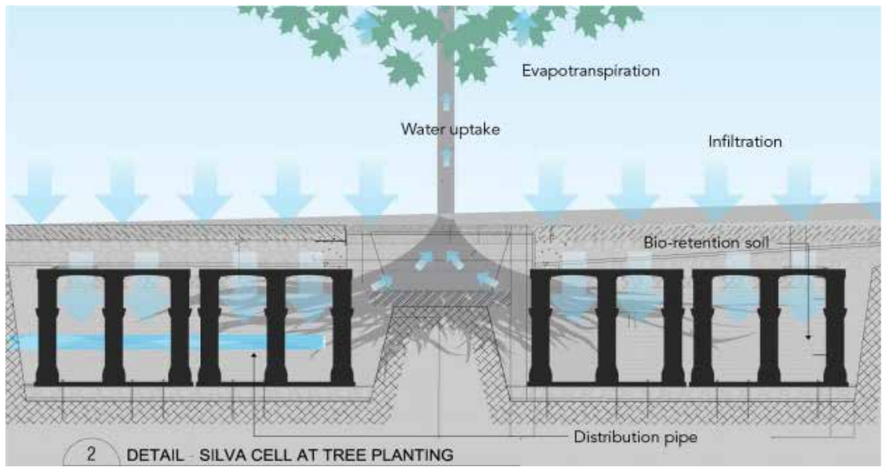
- **CIRIA C753**
- **Appendix D - Figure D4**
- **Specification for Highway Works Series 500**

Key Characteristics

- Significant retrofit opportunities in urban and rural contexts including householders
- Adaptable to different situations
- Can be installed in a variety of soil types from clay to sand
- Can be part of a SuDS train or act as a stand-alone component

Main Considerations

- Siting and trench shape should be adapted to suit existing constraints, such as underground cables etc.
- Applicable to private and public land, such as driveways of highway verges
- Tree species choice must be suited to anticipated soil, water and site conditions



Key Benefits

- Significant water-cycling through tree-growth and transpiration
- Increases water-storage capacity
- Increases attenuation periods for run-off
- Assists in cleansing water of contaminants
- Form significant landscape enhancement features
- Tree-species choices can build or reinforce local character
- Enhances biodiversity
- Creates more visually appealing places
- Helps with longer-term flood mitigation through climate change mitigation, including reducing heat-island-effect in urban areas and contributing to carbon-capture

Tree-trenches as Storage, Water-Cycling and Attenuation Components

Suspended-pavement tree-trenches were originally designed to help street-trees to thrive in urban environments by ensuring against soil compaction, but recent adaptations now offer excellent innovations for bioretention units.

Research undertaken by The University of Manchester and City of Trees for Salford City Council, the Environment Agency and United Utilities has demonstrated that street trees can have a significant positive impact on managing water.

Street-trees can be planted in specially-adapted tree-trenches which receive rainwater run-off from the adjoining road and pavement. As run-off flows along the trench, it soaks into the soil and is extracted by the trees for growth and transpiration, leaving only excess water to drain out of this SuDS component.

Results from two years' monitoring showed 3 street trees and the soil they were planted in were able to reduce the amount of water running off a street into the sewer by approximately 75%, and that remaining excess water was attenuated by up to 3 hours.

Cheshire East is looking to encourage use of multifunctional technology, such as 'box-crate' planting-pits, which could provide key components for Sustainable Drainage Systems.

'Box-crate' Tree-planting as a Storage, Water-cycling and Attenuation SuDS Component
(images courtesy: DeepRoot UK)

https://www.deeproot.com/blog/blog-entries/multi-agency-green-infrastructure-streetscape-silva-cell-case-study

Technical Requirements – Bioretention Units

Configuration and Dimensions of Bioretention

- Bioretention units should be designed to **CIRIA C753 The SuDS Manual, the requirements of this document and Appendix D - Figure D4**.
- The use of proprietary bioretention units is permitted and shall be considered on a case-by-case basis.
- Performance of the bioretention units is independent of shape. Any shape can be used successfully subject to its practicality for the proposed planting and required maintenance.
- A mulch layer shall be maintained over the planting area to reduce erosion and help retain more consistant moisture levels for plants.
- The soils shall be suitable to sustain the selected plants and to achieve a permeability of 250 to 1000mm per hour under design conditions. The depth of soil will vary depending upon the selected planting scheme, but shall be a minimum total depth of 1m deep,
- The soils, transition sand layer and coarse bedding material shall be wrapped in geotextile to avoid migration, as shown on **Appendix D, Figure D4**, with a minimum 150mm overlap at all joins. The geotextile shall meet the requirements of the **Specification for Highway Works Series 500**.

Hydraulic and Water Quality Design Criteria

- Ponding in bioretention units should not be able to exceed 150mm depth.
- The bioretention unit should be checked for design exceedance and modelled explicitly and holistically to demonstrate the impact on its downstream drainage components.
- The bioretention unit should be designed to be able to half-empty within 24 hours to allow for incoming flows from subsequent storms.
- The base of the bioretention unit shall be at least 1m above the highest seasonal or permanent groundwater table.
- The underdrain pipe design should follow standard hydraulic design methods. Bioretention units shall be provided with high level overflows and sub-surface collection pipe(s) to accommodate design exceedance.
- A maintenance pipe for cleaning the underdrain should be provided and secured against vandalism.
- The transition layer below the soil filter media shall consist of 100mm of coarse sand with a grain size of 0.5 to 1mm.
- The gravel around the perforated underdrain shall be 5 to 20mm size.

Selection and Siting

- A risk assessment shall include all relevant safety and environmental issues associated with siting bioretention units. This should be carried out by a qualified Engineer or Geologist where infiltration systems are proposed.
- The bioretention unit shall be designed for easy monitoring and maintenance.
- Bioretention units should be sited on stable ground: soil and groundwater conditions should be assessed to verify ground stability.
- Design of bioretention units must comply with groundwater protection regulations and with Environment Agency policy regarding infiltration.

Pre-treatment, inlets, and outlets

- Sheet flow is desirable to minimise erosion and increase treatment potential. Other options to provide an approximation of sheet flow, such as flush kerbs, shall be considered on a site-by-site basis.
- Point flow outlets such as road-gullies and pipes shall flow into a flow-spreader to minimise the risk of erosion and silting.
- To prevent the formation of a sediment lip around the boundary of the retention unit, a drop of 50 to 100mm shall be included at the hard-surface's edge.
- Bioretention units shall include a suitably designed overflow to safely convey flows arising from design exceedance events. Overflows shall be incorporated within the development strategy for managing exceedance events and routed to planned temporary storage areas.

Landscaping

- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Bio-retention units shall utilise types and quantities of soils appropriate for the proposed vegetation and sufficient for plants' potential stature at maturity.
- Proposed vegetation shall comprise appropriate species suitable for the anticipated soil-types, water tolerance requirements and microclimate, and in-keeping with site character and wider landscape character.
- Confirmation of planting management responsibility, planting establishment schedule and long-term maintenance are required.
- All components should be in-keeping with local landscape character and any new stone should reflect local geology.

Health and Safety

- A risk assessment shall include all relevant safety and environmental issues associated with siting bioretention units.

Operation and maintenance

- Access, monitoring and maintenance requirements shall be incorporated into design and siting of the bioretention unit.
- All maintenance access points shall be clearly visible and documented in the Operation and Maintenance plan.

4.3.8 Site Control - Detention Basins

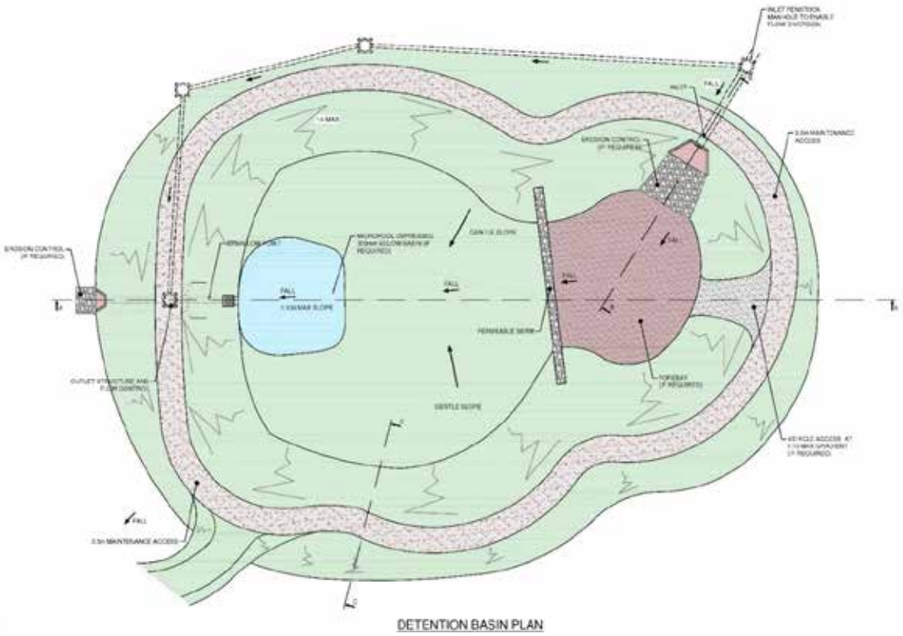
Dry vegetated depressions in the ground that have been designed to attenuate storm water flows, provide temporary storage and some pollution removal through settling of particulates. They can also be designed to function as recreational areas.

WAYMARKER

SEE MATRIX ID 20

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **Design Manual for Roads and Bridges HA 103/06**



Key Characteristics

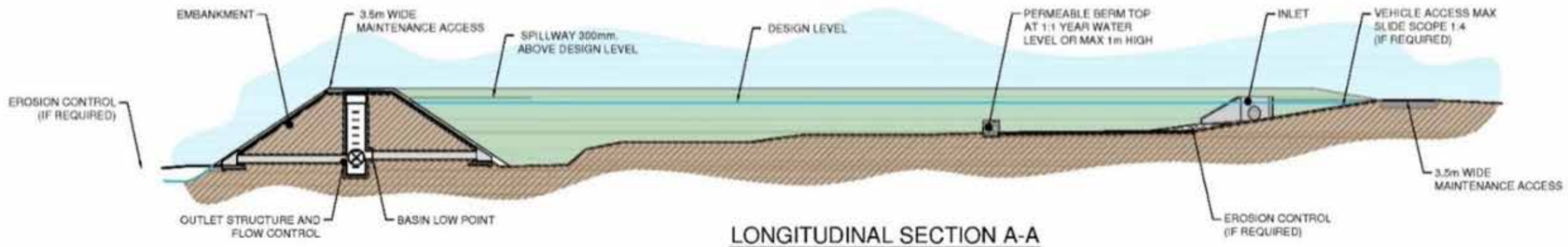
- Maximum water depth should not exceed 3m although local safety considerations may reduce this further
- Length/width ration should be between 1:2 and 5:1
- Contouring inside the basin can assist with defining areas likely to be inundated
- Maximum side slopes of 1 in 4 to allow easy access
- Sediment forebay or pre-treatment option will improve the water quality
- Surface water bypass and drawdown is required to facilitate safe maintenance
- Can be enhanced to improve ecological value
- Large outlet pipes should be screened

Main Considerations

- Low volume and pollution reduction
- Should enhance and integrate with site's topography
- Excavation proposals must include appropriate soils' management and re-use
- Requires landscaping and management
- To enhance their ecological value detention basins should be designed to retain a proportion of permanent open water habitat.

Key Benefits

- Can be applied to large contributing catchments
- Works well in low permeability soils
- Can be incorporated into larger landscaping
- Good flow control
- Easy to design, build and maintain
- Can have amenity value if designed carefully



LONGITUDINAL SECTION A-A

Technical Requirements – Detention Basins

Configuration and Dimensions of Detention Basins

- Detention basins should be designed to CIRIA 753 The SuDS Manual, the requirements of this document and Appendix D - Figure D6.
- An irregular shape should be used for maximising the aesthetic aspect of the detention basins. Angular shapes should be avoided as far as practical in the design of basin elements and details.
- As a minimum detention basins should contain the following sections:
  a. The sediment forebay if expected sediment loading is significantly high
  b. The main basin
  c. A part of the main basin depressed to form a micropool
- Additional elements to be included in the design of basins should be an inflow structure, an emergency overflow structure, bypass sewer piping and outlet with flow control device. The sedimentation forebay shall be separated from the permanent pool by a permeable berm.
- Detention basin bases shall be designed with gentle inner slopes (1 to 100 maximum) towards the centre.
- Embankment inner slopes shall be less than 1 to 4.
- The maximum design water depth of the basins shall be 3m.
- The length to width ratio for online detention basins shall be between 5:1 to 2:1.
- The maximum volume of the detention basins shall be 5000m^3

Hydraulic and Water Quality Design Criteria

- The drain down time should be a minimum of 24 hours, to allow for sedimentation to take place.

Selection and Siting

- A risk assessment should include all relevant safety issues associated with siting a basin.
- Siting of detention basins should follow a multicriteria analysis to provide the widest benefits to the public.
- The 100yr +Climate Change water level in any detention basin shall be at least 600mm below the finished floor level of any adjacent properties.
- Consideration should be given to the potential failure of any embankment and the subsequent flood flows through, and downstream, of the site.
- The maximum 1-year return period event basin water level shall be higher than the appropriate return period event water level of the adjacent watercourse, as specified by the Local Authority as part of its flood prevention duties. Appropriate hydraulic checks on the implications of high watercourse levels should be made, where appropriate.
- At sites of high groundwater table, the basin bottom level shall be built 500mm above the annual maximum groundwater level.
- At sites with contaminated soil, detention basins shall be designed water tight. Unlined detention basins should not be used on brownfield sites unless it has been clearly demonstrated that there is no risk of groundwater pollution.

Pre-treatment, inlets, and outlets

- Energy dissipation and erosion protection should be provided at the basin inlets. Basin inlets to be at least 300mm higher than the base of the basin.
- Safety grilles should be provided in all pipe inlets diameter greater than 350mm. During extreme events, operatives should be able to access safely the inlet pipe for cleaning.
- Detention basins should be designed with a slight depression in the inlet structures to encourage the water quality benefits of bioretention processes.
- A manhole and a flow control device should be provided at the outlet of the basin. Discharge from the basin should be limited to the allowable Council limit. The flow conditions in the receiving stream downstream of the basin should be modelled to the satisfaction of the Council.
- An overflow structure should be provided at the outlet. A spillway shall also be provided for an emergency. The spillway should be designed as a controlled overtopping of the embankment. It should not be designed to pass through the embankment. Emergency overflows should be routed back to the receiving watercourse to protect downstream properties.
- The top of embankment at the spillway should be 300mm above the 100 year + climate change allowance storm event.
- The outlet structure should be designed to operate and discharge the design discharge flow rate up to the 1 in 100 year + climate change 24-hour storm event. Appropriate hydraulic checks on the implications of high watercourse levels shall be performed, where applicable.

Landscaping

- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Detention basins shall be overlaid with soil at depths appropriate for the proposed vegetation. Proposed vegetation shall comprise native species tolerant of the anticipated soil-types, water tolerance requirements and microclimate.
- Consideration should be given to the suitable aesthetic design of the detention basin and its surrounds to enhance the visual amenity of the site and to reflect the landscape character of its location.
- Suitable native planting should be selected to maximise the ecological value of the detention basin and surrounds.
- To increase the biodiversity of detention basins specialist SuDS Turfs are available which include a range of plant species to produce habitats tolerant of both drought conditions and periodic flooding.

Amenity

- Suitable native planting should be selected to maximise the ecological value of the detention basin and surrounds.
- The dual use of the detention basin as passive public open space for recreation activities should be considered where the area is subject to flooding from events less frequent than the 1-year return period and where it can be clearly distinguished from the area providing flood storage for frequent events.

Safety

- A safety risk assessment shall examine all relevant safety issues for both operatives and the public.
- The maximum cross slope of the embankment shall be 1:4 to allow to provide safe working conditions for grass cutting.
- Dense vegetation around the external perimeter of the detention basin is discouraged to allow high levels of visibility of the area. Detention basins should not normally require to be fenced.

Operation and Maintenance

- Access road for maintenance of 3.5m minimum width access road shall be provided.
- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Design should be carefully considered to ensure it:
  - is permeable,
  - incorporates reused or recycled materials in its construction
  - utilises appropriate wearing-course materials which reflect local landscape character
- A summary of the maintenance activities is provided below and shall be considered for basin accessibility design:
  a. Removal of litter, debris and grass cutting.
  b. Removal of unwanted plant species and dead plant growth.
  c. Removal of aquatic plants if present.
  d. Bank vegetation cutting and removal.
  e. Sediment removal from forebays and micropools.
  f. Reseeding of areas with poor vegetation growth.

Oil and sediment separators can be used as pre-treatment, or as a last resort, site treatment for the removal of sediment, litter, and oil from surface water run-off. These systems can be installed in a standard size manhole. Captured pollutants are retained within the separator, providing a single point of maintenance.

Key Benefits

Design Standards

- Require designing so that regular maintenance can be undertaken
- As the vortex separator requires a velocity to function, a filtration chamber or detention basin should be used for small flow events

Best Practice

- Most effective for removal of heavy particulate matter rather than solids or dissolved pollutants

Key Benefits

Design Standards

- **Must comply with BS EN standards for separating systems**
- Require maintenance to prevent re-suspension of pollution
- Should be situated close to the pollution source

Best Practice

- Depending on the location to which the water is to be drained and the type / severity of pollutants, different classes of separators should be used

Technical Requirements – Oil and Sediment Separators

Configuration and Dimensions of Oil and Sediment Separators

- Oil separators used for the removal of oil and grease present in storm waters operate on the flotation principle. Separated oils are floating on the water surface inside the unit.
- The use of proprietary units is permitted and shall be considered on a case by case basis.

Hydraulic and Water Quality Design Criteria

- Facility design shall be in accordance with BS EN 858-1:2002 Separator systems for light liquids (e.g. oil and petrol). Principles of product design, performance, and testing, marking and quality control.

Selection and Siting

- Oil separator units should be installed underground. The installation site shall be within passive open space accessible by a vacuum tanker for cleaning and maintenance.

Health and Safety

- A risk assessment shall include all relevant safety and environmental issues associated with siting the oil separators.

Operation and maintenance

- Regular inspection of the unit in accordance with the manufacturer's maintenance requirements but no longer than every six months. The volumes of bottom sludge and the floating layer shall be estimated and cleaning of the unit should be scheduled.
- Cleaning of the oil separator shall be performed by a licenced waste management company to ensure appropriate disposal of the collected oils, floatables and sediment.
- Following cleaning the separator shall be filled with clean water, ready to fully operate with the first rainfall.

4.3.10 Site Control - Underground Storage Structure

Underground structures with capacity to store water below ground.

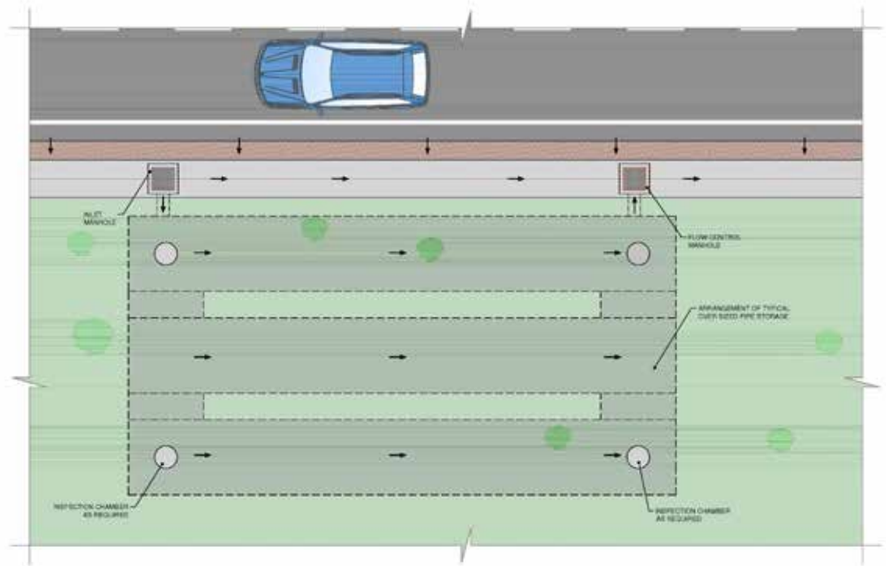
These structures only provide water-attenuation and not water-treatment therefore cleaning of the water is required prior to release.

WAYMARKER

SEE MATRIX ID 2

Refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **Design Manual for Roads and Bridges HA 103/06**



TYPICAL UNDERGROUND STORAGE PLAN

Key Characteristics

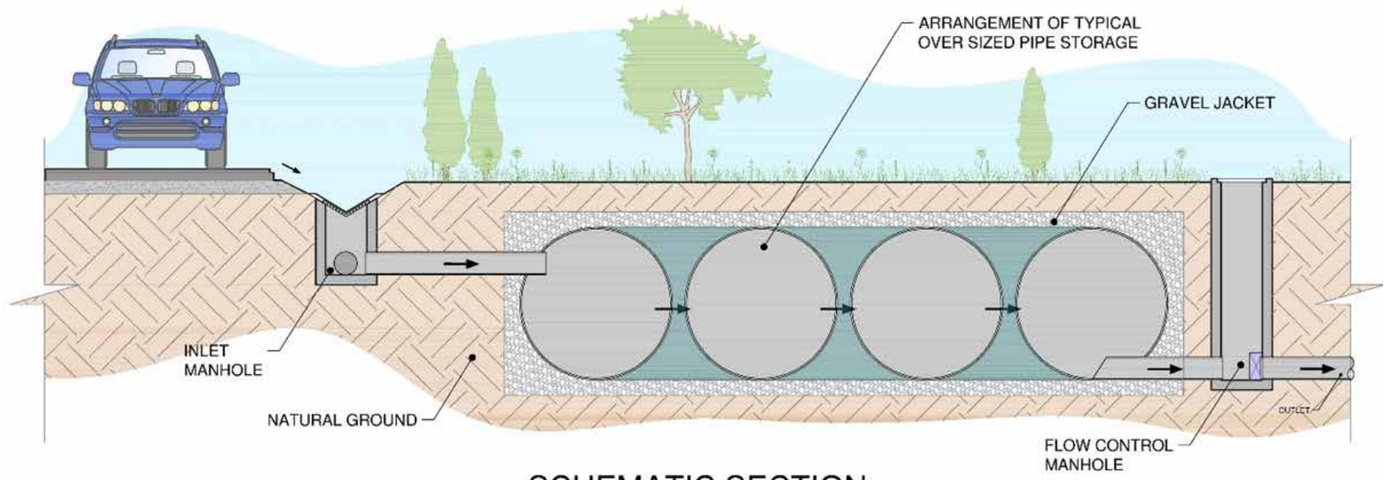
- Use underground storage structures only where above ground space is not available
- Underground storage structures must be part of a wider SuDS Management Train
- Storage requires suitable internal void ration of the structure (>90%)
- Structure requires regular silt removal
- Outflow may require pollution treatment

Main Considerations

- The storage structure must fit into a planned SuDS Management Train to provide the required silt removal and pollution treatment
- Excavation proposals must include appropriate soils' management and re-use
- Examine possibility of enabling infiltration through geotextile-lined layers
- Designs should consider expected and potential loading to ensure avoidance of structural failure and collapse
- Stable ground is required
- monitoring and maintenance of underground structures must be safe, programmed, practical and viable

Key Benefits

- Can be designed to attenuate stormwater where no surface space available



SCHEMATIC SECTION

Technical Requirements – Underground Storage

Configuration and Dimensions of Underground Storage

- The use of underground storage (which provides no surface water treatment) shall only be allowed where the use of other SuDS methods are inappropriate.
- The design of the underground storage shall aim to minimise sedimentation. Underground storage should be designed to the **CIRIA C753 The SuDS Manual Part D, the requirements of this document and Appendix D - Figure D7**.
- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Larger underground storage structures shall permit man-entry to enable inspection and maintenance activities to be carried out within the storage chambers. This shall include suitable clear opening and internal step irons for safe access/egress. Smaller underground storage structures should have suitable access points to permit remote cleaning and inspection to be readily carried out. Covers should be large enough to allow man-entry with breathing apparatus. Entry points should be on level ground to permit the erection of man-entry safety tripods.
- Design options that shall be acceptable for public areas are pre-fabricated structures, oversized pipes or cast in-situ concrete structures.
- The maximum water level in any underground storage structure shall be at least 600mm below the lowest floor level of any adjacent premises.
- Underground storage should normally be designed as off-line storage and should be sized in accordance with the hydraulic design requirements.
- Low-flow channels should be provided.
- The minimum gradient for storage systems should be 1:100 for off-line tanks and 1:200 for on-line tanks to minimise sedimentation.

Selection and Siting

- Underground storage should not be located beneath public areas or roads.
- Existing and proposed tree root zones must be avoided or appropriately accomodated, including allowance for growth, appropriate backfill soils for local soil-type
- Ecological constraints must be accounted for such as possibility of leakage, locally-appropriate backfill soils and leaching potential
- Access route to components requires careful integration with site features

Pre-treatment, inlets, and outlets

- The outlet structure should be designed to operate and discharge the design-limiting discharge rates. Appropriate hydraulic checks on the implications of high downstream water levels should be made, where appropriate, and take account of the receiving watercourse or downstream sewer capacity.
- Flow controls shall be designed to the requirements of **Sewers for Adoption 7th Edition**. The minimum size of any orifice should be 75mm diameter.
- The outlet structure should have an overflow provided.

Safety

- A risk assessment should cover all aspects of safety, including access, for operatives during maintenance operations.
- A minimum of two access points (upstream and downstream) should be provided with maximum intervals between access points of 50m.
- Ventilation should be provided to minimise the risk of build-up of dangerous gases.

Operation and maintenance

- Operation and maintenance of underground structures must be integrated in their design.
- Monitoring and maintenance responsibility must be confirmed.
- A programme of safe, practical and viable monitoring and maintenance is required.
- All maintenance access points shall be clearly visible and documented in the Operation and Maintenance plan.

4.4 Regional Control - Retention Pond

Retention ponds are structures that provide both retention and treatment of contaminated storm water run-off. Retention ponds include a permanent pool of water into which storm water run-off is directed and outflows are controlled to reduce flow rate. A well-designed retention pond provides a community asset and opportunities for new habitats. The pond's physical, biological, and chemical processes work to remove storm water pollutants. Sedimentation processes remove particulates, organic matter and metals, while dissolved metals and nutrients are removed through biological uptake. In general a higher-level storm water quantity control can be achieved as well providing positive amenity benefits.

WAYMARKER

SEE MATRIX ID 1

For best practice refer to:

- **CIRIA C753 The SuDS Manual Part D.**
- **ROSPA Safety at Inland Water Sites - Operational Guidelines.**

Key Characteristics

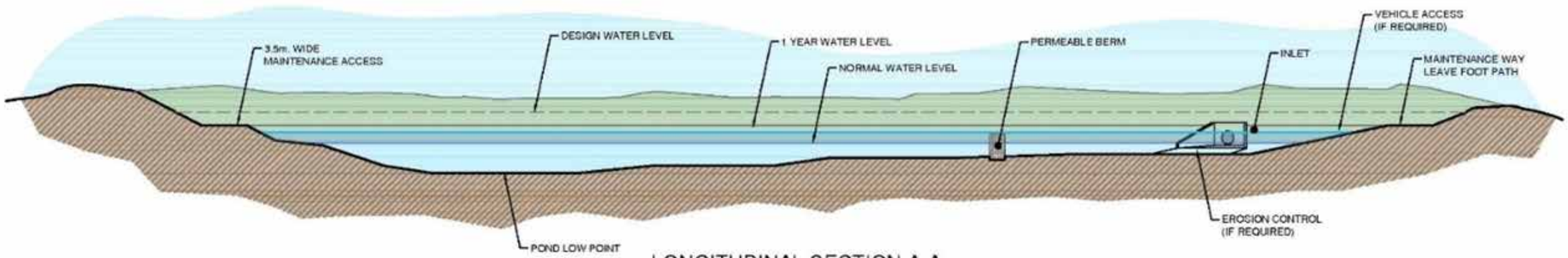
- The pond should have 4 zones - sediment forebay, permanent pool, temporary storage volume and shallow, wetland-type zone
- Located outside the floodplain
- Water quality treatment levels required should determine design
- Depth should be <2m to prevent stratification
- A liner may be required to prevent infiltration if the water is polluted or if the pond is near an aquifer
- Maintenance should account for invasive species
- Health and safety should be considered to restrict proximity of the public to the pond

Main Considerations

- Large area of land required
- Not suited to sloping sites
- Should enhance and integrate with site's topography
- Excavation proposals must include appropriate soils' management and re-use
- Perceived safety risks need to be managed
- Ecological advice must be sought regarding existing potentially high value habitats
- Whilst they have some nature conservation value, retention ponds should not be promoted as compensation for any proposed loss of existing wetlands or ponds.

Key Benefits

- Can be applied to large contributing catchments
- Works well in low permeability soils and permeable soils with a liner
- Good flow control
- Easy to design, building, maintain
- Can be used for amenity use
- Can incorporate a drawdown zone to reduce run-off volume



LONGITUDINAL SECTION A-A

Technical Requirements – Retention Ponds

Configuration and Dimensions of Retention Ponds

- Retention ponds should be designed to **CIRIA 753 The SuDS Manual and the requirements of this of this document and Appendix D - Figure D5**.
- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- The aesthetic element should prevail in the design of ponds. Angular shapes and symmetry should be avoided in the design of pond layout and details. All ponds should contain several zones:
  a. The sediment forebay
  b. The permanent pool
  c. The temporary storage volume
  d. An aquatic bench
- Additional elements to be included in the design of ponds include:
  a. A 3.5m wide maintenance route, suitable for vehicles.
  b. An inflow structure.
  c. A bypass sewer,
  d. An outlet with flow control and drain down chamber.
  e. An emergency overflow structure,
- The sedimentation forebay should be separated from the permanent pool by a permeable berm and have an average width of 5 to 10 times the inlet pipe diameter and a length of 10m or four times the width, whichever is greater.
- Inlets and outlets shall be placed at the maximum distance to maximise flow paths.
- The flow path length to width ratio shall be 3:1 minimum to avoid short circuiting.
- A maximum depth of 2m should be used for the permanent pool to prevent anoxic conditions and water stratification. The minimum water depth of the permanent water zone shall be 1.2m to prevent plant growth.
- The maximum depth of attenuation storage should not exceed 2m.
- The aquatic bench should be a minimum of 2m continuous around the pond, except at inlets and should range in depth up to 450mm below the design permanent pool level.
- The top level of the permeable berm shall be 150mm below the permanent pool water level.
- Energy dissipation should be provided at the inlet and outlet to the pond
- Ponds should be designed to hold a permanent volume of water equivalent to the treatment volume, also referred to as Vt.
- The treatment volume (Vt) should be calculated using the fixed depth method of 15mm of rainfall from impermeable (including paved and roofed) surfaces draining to the pond.
- The volume of the sediment forebay should be approximately 10% of the pond's permanent volume (Vt).
- The maximum volume of any retention pond should be 5000m3
- The Sedimentation forebay should be designed to provide efficient deposition of sediment and should be accessible for cleaning and maintenance operations in its entire area.
- The floor of the sedimentation forebay should be a minimum of 300mm above the main pond bottom
- The design should include a safe and efficient means of draining the lowest point in the detention pond.

Hydraulic and Water Quality Design Criteria

Ponds hydraulic design

- The top of the embankment should be 600mm above the maximum design water level.
- The outlet structure should be designed to operate and discharge the design discharge flow rates up to the 100yr + climate change 6-hour storm event.
- Ponds should provide a minimum permanent pool volume equal to one times the treatment volume for paved surfaces.
- Pond liners should be finished at a height 150mm below the outlet control unit, where appropriate, to encourage infiltration and to minimise discharges to the receiving water for small events. However, they should not be lower than the invert level if used on a site with a sensitive underlying groundwater zone or if used to treat runoff from a potential pollution hotspot.
- The by-pass sewer network should be designed for flows equal to the incoming flows.
- The hydraulic capacity of the draw down facility for emptying the pond should consider the geotechnical stability of the pond and associated embankments.

Selection and Siting

- The risk assessment should include all relevant safety issues associated with siting a pond.
- A detailed analysis and impact assessment of a flood exceedance event indicating flow paths shall be undertaken and submitted to Council. Where ponds are impounded behind engineered embankments, the unlikely scenario of embankment failure should be examined and potential impacts downstream of the pond assessed.
- The siting of retention ponds should follow a multicriteria analysis to provide the widest benefits to the public.
- The highest design water level in retention ponds should be at least 600mm below the floor level of any adjacent premises.
- The maximum 1-year return period event pond water level should be higher than the appropriate return period event water level of the adjacent watercourse, as specified by the Lead Local Flood Authority. Appropriate hydraulic checks on the implications of high watercourse levels should be made, where appropriate.
- In sites containing contaminated soils or contaminated groundwater, ponds should be fully contained within an impermeable liner to prevent cross contamination of surface water.

Pre-treatment, inlets, and outlets

- Bypass structures shall be provided at both the inlet and outlet chambers. The risk to the embankment stability shall be kept to a minimum.
- A man entry chamber shall be provided at the inlet of the pond.
- The invert level of the incoming sewers to the inlet structure shall be at or above the 1-year water level in the pond.
- A man entry chamber shall be provided for the pond outlet equipped with a flow control device. Minimum diameter of the control device shall be 75mm.
- Bypass structures shall be provided at both the inlet and outlet chambers. The risk to the embankment stability shall be kept to a minimum.

Landscaping

- Ponds should be designed to enhance the visual amenity of the site and to reflect the landscape character of its location.
- Existing site subsoils and site topsoils are to be reserved and re-laid in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should existing site soils prove unsuitable (due to contamination for example) or insufficient then any relocated or imported subsoil must meet BS 8601:2013 Specification for Subsoil and Requirements for Use and relocated or imported topsoils must meet BS: 3882:2015 Specification for Topsoil.
- Ponds should be planted and seeded with native species to promote variation in the physical habitat value of the pond.
- Trees shall not be planted within the pond or embankments needed to retain water.

Ecology

- In order to maximise their ecological value retention ponds should be designed with scalloped sinuous edges to maximise their shore-line and a variety of depths with extensive areas of shallow water. The incorporation of gently sloping sides will ensure that shallow water in provided regardless of the depth of water retained.

Images: K.Swindells

Safety

- A safety risk assessment shall examine all relevant safety issues for both operatives and the public.
- The maximum side slope between the maintenance access path and the aquatic bench shall be 1:4 to allow easy egress from the pond.
- The aquatic bench should be planted with appropriate species to achieve a high-density barrier when they mature which effectively dissuades people from trying to get access to the open water. Dense or tall vegetation (bushes and trees) around the external perimeter of the ponds is discouraged to provide high levels of visibility of the whole pond area.
- Barrier fencing must be provided at all retention ponds. All access gates must be lockable. The locks must be childproof. The minimum height of the fence shall be 1.1m and shall be constructed in such a manner that there are no step-ups to reduce the 1.1m minimum height. The form of the fence should not detract from the aesthetic value of the local environment.
- All exposed pipe inlets or outlets, which are larger than 350mm, should normally have safety grilles. However, where grilles can be avoided by the use of appropriate design to restrict human access into the structures, this is preferred. Grille designs should be suitable to minimise the risk of blockage, have safe access for clearing during extreme events and prevent unauthorised access particularly by children and dogs. A typical outfall safety grille is illustrated in **Appendix D, Figure D6**.
- Bar spacing should not exceed 150mm and should not be less than 75mm to avoid trapping small debris.
- Consideration should be given to the potential failure of any embankment and the subsequent flood flows through, and downstream, of the site.
- Warning signs should be erected providing information on pond function, basic data, and prohibition of swimming.
- The perimeter of the pond 1m inside and outside the water's edge (water level during dry periods) should have a gradient of less than 1:10. This shall provide a margin which is attractive to flora and fauna and is a disincentive for people to enter the pond. Other areas (above and below the pond) shall have gradients of less than 1:4.

Operation and maintenance

- The pond shall be accessible to cleaning equipment by an access road 3.5m minimum width.
- A summary of the maintenance activities is given below and shall be considered for pond accessibility design.
  a. Removal of litter, debris and grass cutting.
  b. Removal of nuisance plant species and dead plant growth.
  c. Removal of submerged and emergent aquatic plants if present.
  d. Bank vegetation cutting and removal.
  e. Sediment removal from forebays and main pond body.
  f. Re-seeding and re-planting as required.
- Pond outlet design shall provide for removal of blockages.

4.6 Component Selection Matrix

The types of SuDS should be chosen to suit the local conditions. To assist in the selection of appropriate SuDS, the following page includes a **SuDS Suitability Selection Matrix** which identifies the various benefits and constraints of common SuDS techniques.

This matrix table compares the various SuDS techniques against the following criteria:

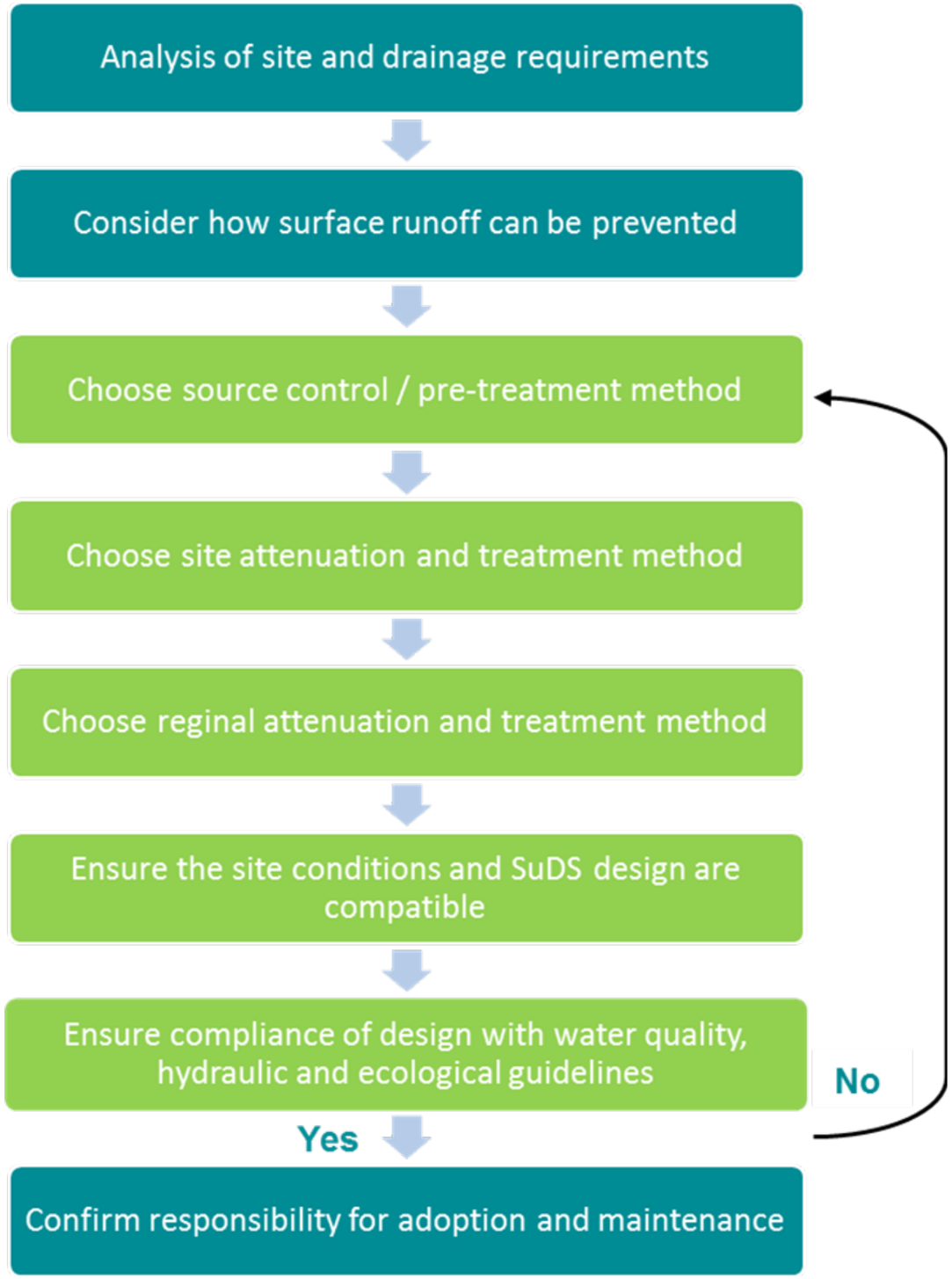
- Land use suitability
- Water quantity suitability
- Water quality suitability
- Environmental benefits
- Cost suitability

4.8 Development Tools for SuDS

Development tools can also be used to help design SuDS Trains which effectively respond to the unique characteristics of an individual site. This can be useful when considering how SuDS components work together and the impact these features can have in mitigating flood risk.

An example of such a tool is https://www.innovyze.com/en-us/products/drainage-design though there are a variety of tools available which offer the same service.

Figure 4-2: How to Select SuDS Components



SuDS Suitability Selection Matrix

General Suitability					Landuse Suitability								Water Quantity Suitability	Water Quality Suitability							Environmental Benefits		Cost Suitability	
																Removal Treatment Potential								
SUDS Group	ID	Technique	Suitability Conditions	Management Train Suitability	Low Density (1)	Residential (1 to 2)	Local Roads (2)	Commercial (2 to 3)	Industrial (2 to 3)	Construction Site (1)*	Brownfield (1)	Contaminated Land		Water Quality Removal Technique	Pollutants Removed	TSS	Heavy Metals	Nutrients	Bacteria	FSSDP	Community Appeal	Habitat Creation Potential	Maintenance	Capital
Retention	1	Retention pond	A, F	Site control, regional control	Y	Y	Y	Y	Y	Y	Y	Y	Detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	M	M	H	H[I]	H	M	M
	2	Subsurface storage		Conveyance, site control	Y	Y	Y[1]	Y[1]	Y[1]	Y	Y	Y[1]	Conveyance, detention	Sedimentation*, filtration*	Nutrients, sediments, metals, hydrocarbons	L	L	L	L	L	H	L	L	M
Wetland	3	Shallow wetland	B, D, F, I	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	H[I]	H	H	H
	4	Extended detention wetland	B, D, F, I	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	H[I]	H	H	H
	5	Pond / wetland	B, D, F, I	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	H[I]	H	H	H
	6	Pocket wetland	B, D, H	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	M[I]	H	H	H
	7	Submerged gravel wetland	B, D, F, I	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, biodegradation, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	L	M	M	H
	8	Wetland channel	B, D, F, I	Conveyance*, site control, regional control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention, infiltration*, water harvesting	Sedimentation, filtration, adsorption, volatisation, precipitation, uptake by plants, de-nitrification	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	M	H	M	H	H[I]	H	H	H
Source control	9	Green roof	G, H	Prevention, pre-treatment, source control	Y	Y	N	Y	Y	N	Y	Y[1]	Detention	Filtration, adsorption, volatisation, precipitation, uptake by plants, de-nitrification, biodegradation	Sediments, hydrocarbons, metals, pesticides, chlorides, cyanides, organic matter, BOD, nutrients	N/A	N/A	N/A	N/A	H	H	H	H	H
	10	Rain water harvesting	H	Prevention, conveyance*, source control	Y	Y	N	Y	N	N	Y	Y[1]	Conveyance*, detention*, infiltration, water harvesting*	Sedimentation*, filtration*, adsorption*, biodegradation*, volatisation*, precipitation*, uptake by plants*, de-nitrification*	Chlorides, sediments, hydrocarbons, metals, pesticides, chlorides, cyanides, organic matter, BOD, nutrients	M	L	L	L	N/A	M[I]	L	H	H
	11	Pervious pavement	C, D	Prevention, source control, site control*	Y	Y	N	Y	Y	N	Y	Y*	Detention, infiltration, water harvesting*	Sedimentation, filtration, adsorption, biodegradation, volatisation	Sediments, hydrocarbons, metals, pesticides, nutrients, cyanides, organic matter, BOD	H	H	H	H	H	M	L	M	M
Infiltration	12	Infiltration trench	C, H, J	Conveyance*, source control, site control	Y	Y	Y	Y	N	N	Y	Y[1]*	Conveyance*, detention, infiltration	Filtration, adsorption, biodegradation, volatisation	Sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	H	H	M	H	M	L	L	L
	13	Infiltration basin	C, F, J	Site control, regional control	Y	Y	Y	Y	N	N	Y	Y[1]*	Detention, infiltration	Filtration, adsorption, biodegradation, volatisation	Sediments, hydrocarbons, metals, pesticides, cyanides, nutrients, organic matter, BOD	H	H	H	M	H	H[I]	M	M	L
	14	Soakaway	C, H, J	Source control	Y	Y	Y	Y	N	N	Y	Y*	Infiltration	Filtration, adsorption, biodegradation	Sediments, hydrocarbons, metals, nutrients, pesticides, organic matter, BOD	H	H	H	M	H	M	L	L	M
Filtration	15	Surface sand filter	C, D, F, K	Pre-treatment, site control, regional control*	N	Y	Y	Y	Y	N	Y	Y	Detention, infiltration*	Filtration, adsorption, biodegradation, volatisation, precipitation	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	H	H	M	H	L	M	M	H
	16	Sub-surface sand filter	C, D, H, K	Pre-treatment, site control, regional control*	N	Y	Y	Y	Y	N	Y	Y	Detention, infiltration*	Filtration, adsorption, biodegradation, volatisation, precipitation	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	H	H	M	H	L	L	M	H
	17	Perimeter sand filter	C, D, H	Pre-treatment, site control, regional control*	N	N	Y	Y	Y	N	Y	Y	Detention, infiltration*	Filtration, adsorption, biodegradation, volatisation, precipitation	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	H	H	M	H	L	L	M	H
	18	Bioretention / filter strip	C, D, F, H	Pre-treatment, source control	Y	Y	Y	Y	Y	N	Y	Y	Conveyance*, detention*, infiltration*	Sedimentation, filtration, adsorption, biodegradation	Nutrients, sediments, hydrocarbons, metals, pesticides, organic matter, BOD,	H	H	H	M	H	H	H	H	M
	19	Filter trench	A, C, D, H	Conveyance, source control, site control*	Y	Y	Y	Y	Y	N	Y	Y	Conveyance, detention	Filtration, adsorption, biodegradation, volatisation	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	H	H	H	M	H	M	L	M	M
Detention	20	Detention basin	A, C, F, K	Site control, regional control	Y	Y	Y	Y	Y	Y	Y	Y	Detention	Sedimentation, filtration*, adsorption*, biodegradation, uptake by plants*	Nutrients, sediments, hydrocarbons, metals, pesticides, cyanides, organic matter, BOD	M	M	L	L	L	H[I]	M	L	L
Open channels	21	Conveyance swale	C, E, F, H, J	Conveyance, pre-treatment, site control	Y	Y	Y	Y	Y	Y	Y	Y	Conveyance*, detention*, infiltration*	Sedimentation, filtration, adsorption, uptake by plants*, biodegradation	Nutrients, sediments, hydrocarbons, metals, pesticides, organic matter, BOD	H	M	M	M	H	M[I]	M	L	L
	22	Enhanced dry swale	C, E, F,H, J	Conveyance, pre-treatment, site control	Y	Y	Y	Y	Y	Y	Y	Y	Conveyance*, detention*, infiltration*	Sedimentation, filtration, adsorption, uptake by plants*, biodegradation	Nutrients, sediments, hydrocarbons, metals, pesticides, organic matter, BOD	H	H	H	M	H	M[I]	M	L	M
	23	Enhanced wet swale	B, E, F, H, J	Conveyance, pre-treatment, site control	Y	Y	Y	Y	Y	Y	Y	Y	Conveyance*, detention*, infiltration*	Sedimentation, filtration, adsorption, uptake by plants*, biodegradation	Nutrients, sediments, hydrocarbons, metals, pesticides, organic matter, BOD	H	H	M	H	H	M[I]	H	M	M

Item	Description
Blue outline	Infiltration-dependent components; will only work with permeable soil
	Not suitable / not applicable
	Potentially suitable providing that design prevents mobilisation of contamination
	Suitable
Y	Yes
N	No
L	Low
M	Medium
H	High
A	Liner is required for permeable soil
B	Surface base flow may be required
C	Minimum depth to water table shouldn't be less than 1 m
D	Slope should not exceed 5%
E	Follows contours for slope greater than 5%
F	Only suitable for large spaces
G	A roof has to be able to support 2 KN/m2 for extensive, 7 KN/m3 for semi-intensive and 10 KN/m3 for intensive configurations.
H	Not suitable if area draining into SUDS is more than 2 ha
I	Only suitable where high flows are diverted around SUDS component for area of more than 2 ha
J	Only if available head is less than 1 m
K	Only if available head is between 1 and 2 m
1	One treatment train stage may be sufficient
*	Some opportunities, subject to design
*	Will require draw-down and rehabilitation following construction activity, prior to use as a permanent drainage system.
(...)	Number of treatment train stages required.
!	There may be some public safety concern associated with open water which needs to be addressed at the design stage.
FSSDP	Fine Suspended Sediments and Dissolved Pollutants

5
SuDS MAINTENANCE & MANAGEMENT

5 SuDS Maintenance & Management

WHAT THIS SECTION WILL COVER:

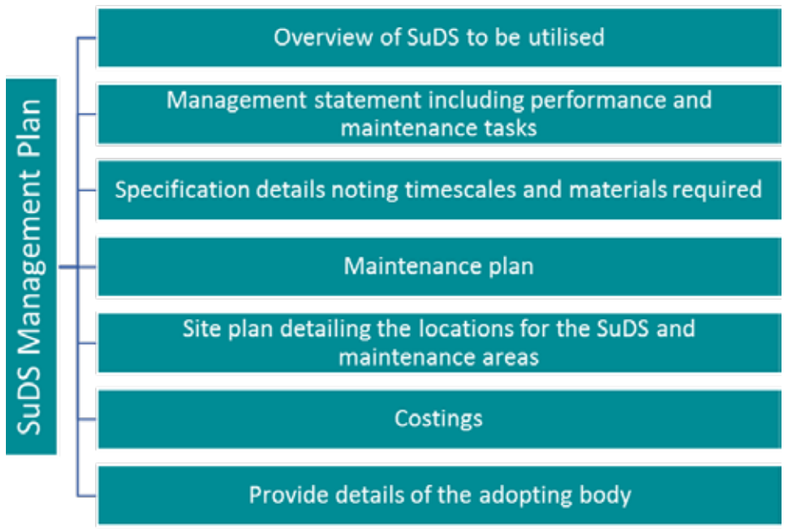
- SuDS maintenance and management plan
- Who should undertake maintenance?
- Maintenance activities and frequency

Unlike more conventional drainage systems, SuDS should be designed to be visible and function under anticipated loading conditions over the design life of the development. This will enable those who are responsible for maintenance to easily identify and remediate problems as they occur. When systems are properly designed, operated, and maintained, SuDS performance can be easily monitored against the expected performance.

5.1 SuDS Maintenance and Management Plan

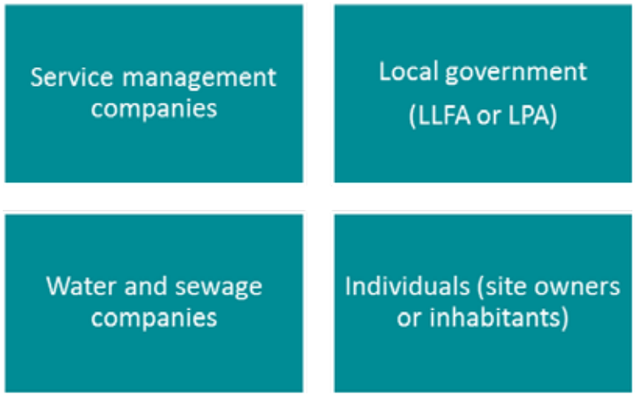
The maintenance and management of SuDS should be recorded within a SuDS Management Plan which should form part of the information submitted by the Developer at the planning application stage.

The approved Maintenance and Management plan must include information on the safe operation, design assumptions, maintenance of SuDS components and how SuDS components interact. The Maintenance and Management Plan must include an estimate of the ongoing maintenance costs. Where appropriate the management plan must make provision for a warning system and contingency arrangements. If undertaken correctly, the design of SuDS will ensure that day to day and long term maintenance is feasible, cost-efficient, and easy to undertake. Most the SuDS components are features of the landscape and so should be managed according to existing landscape practices. Maintenance fits into the management plan as follows:



5.2 Responsibility for Maintenance?

It is the responsibility of the developer to establish a maintenance agreement that ensures the drainage system is maintained and continues to function as designed in perpetuity for the lifetime of the development. National guidance indicates that this maintenance should be undertaken by any of the following bodies:

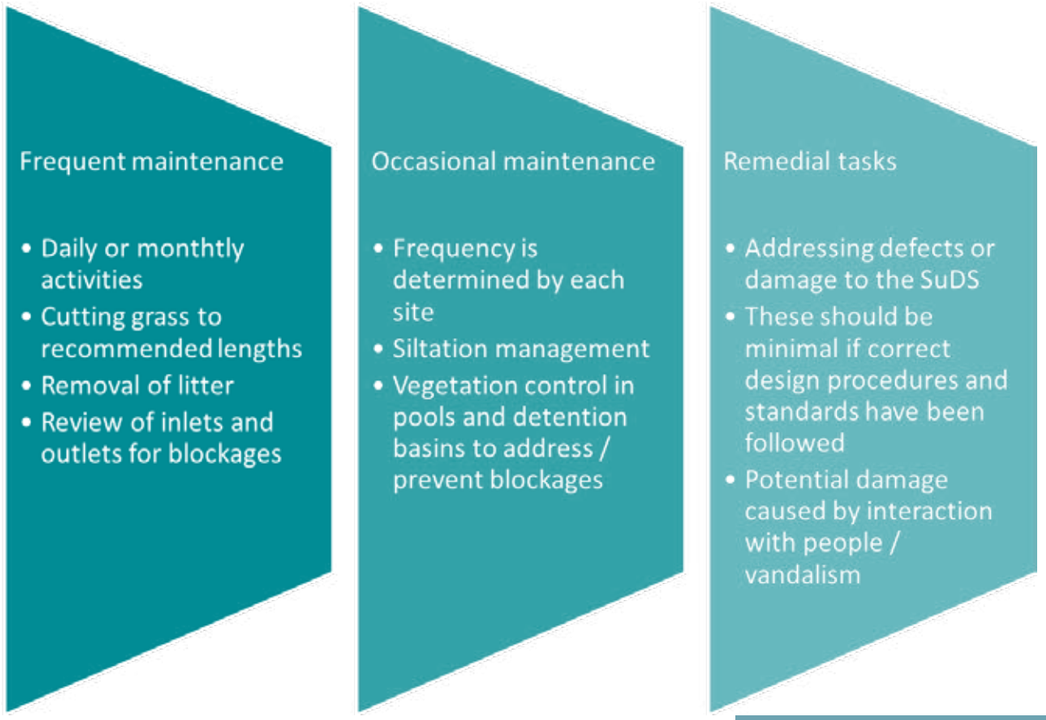


It should be noted that the Councils are currently not formally adopting or maintaining SuDS schemes but, alongside developing this strategy and in advance of having a final position in relation to the adoption and maintenance of different types of SuDS, the Council will endeavour to be flexible in the consideration of SuDS proposals provided appropriate management systems are put in place and the Council's position in terms of future management liability is protected.

In instances where the Council take on the responsibility for maintenance of SuDS, a commuted sum will be payable to the Council for maintenance and management. Commuted payments will be determined on a case by case basis based upon the nature and design of the SuDS scheme.

5.3 Maintenance of SUDS Components

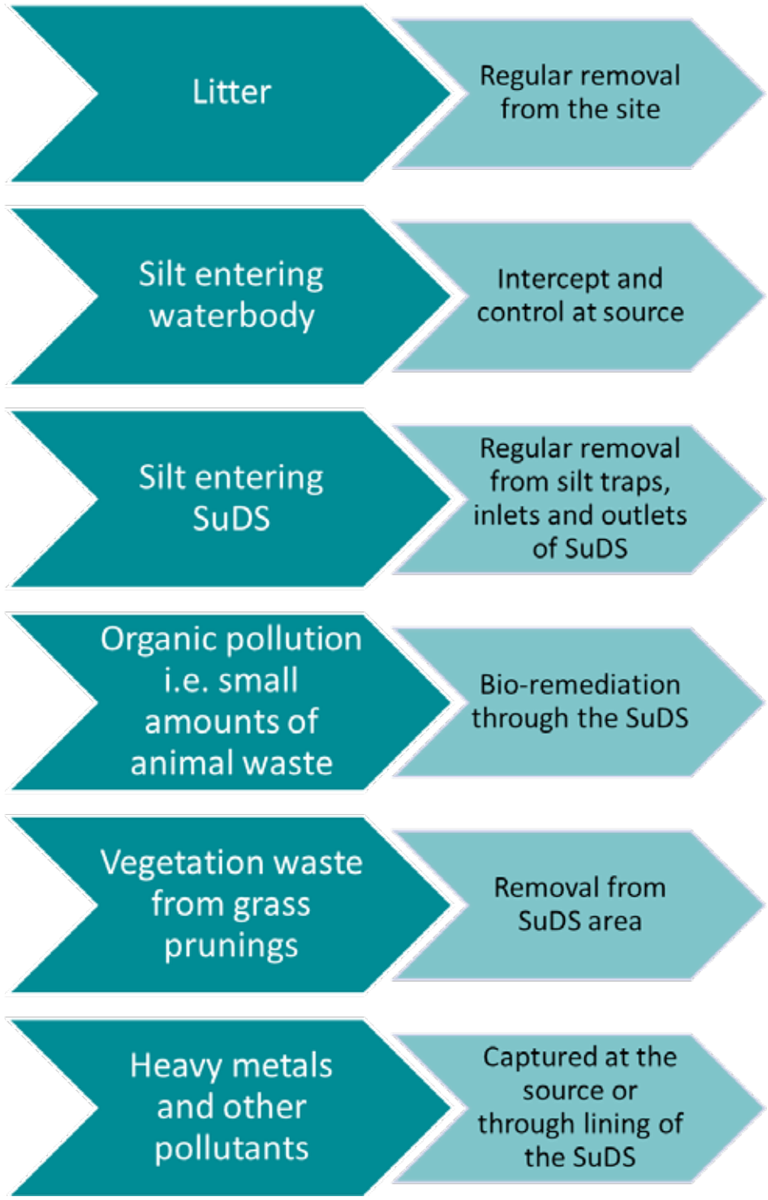
Maintenance of SuDS components is important to ensure their ongoing effectiveness. The tables below identifiy the principal "Frequent", "Occasional" and "Remedial" maintenance works for a range of SuDS components.



	Activity	Green roof / wall	Filter Drain	Filter Strips	Cannels, rills and channels	Swales	Bio Retention	Detention Basin	Underground Storage	Pond	Vortex Separator	Oil Separator
Frequent	Removal of litter / debris	•	•	•	•	•	•	•		•	•	•
	Pruning grass and SuDS vegetation	•	•	•		•	•	•		•	•	•
	Maintenance of surrounding plants				•		•	•		•		
	Clearance of inlets / outlets		•	•	•	•		•	•			
	Silt removal						•			•	•	•
	Removal of compost					•						
	Replenish mulch						•					
	Surface scarification						•					
	High powered wash / suction sweep											
Occasional	Silt removal / review of silt levels		•	•	•			•		•	•	
	Replenish mulch											
	Excess vegetation removal	•			•	•		•		•	•	•
	High powered wash / sweep of paving											
Remedial	Review of erosion				•	•						
	Review / repair of inlets and outlets		•		•	•	•	•		•	•	•
	Replace filter stones		•	•								
	Readjust retention levels						•					
	Replace geotextile layer		•	•								
	Silt removal		•	•	•	•			•		•	

5.4 Waste management for SuDS

A maintenance programme should also include plans for addressing waste produced by SuDS:



WAYMARKER

Maintenance standards required for public highways:

https://www.cheshireeast.gov.uk/pdf/highways/policies-and-standards-documents/highway-surface-water-policy.pdf

6
PLANNING APPROVAL AND ADOPTION

6 Planning Approval & Adoption

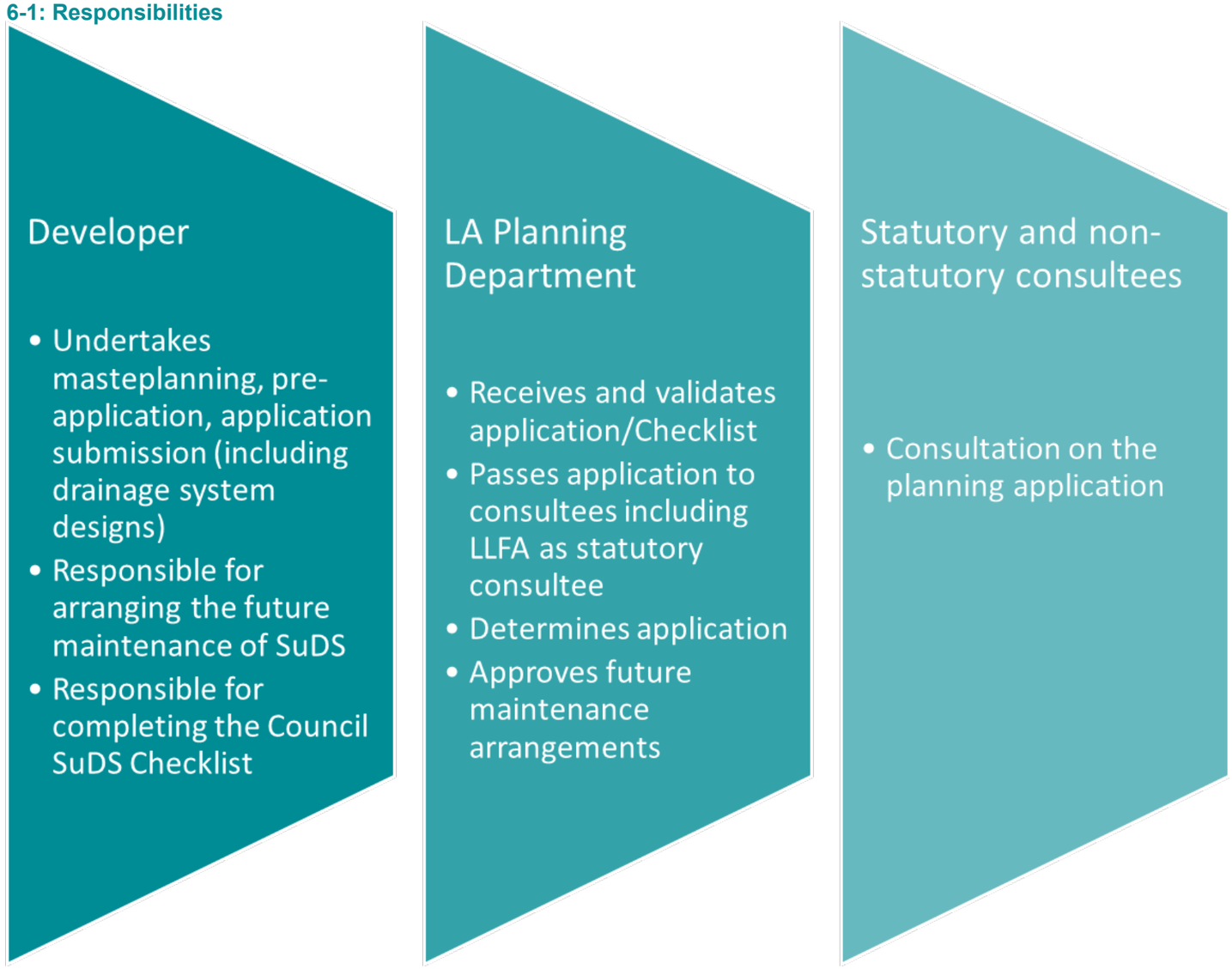
WHAT THIS SECTION WILL COVER:

- Responsibilities - who does what?
- Introduction to the planning application process
- Requirements for different types of planning applications
- Consultation requirements
- The SuDS Application Submission and Approval checklist

6.1 Responsibility Designation

This Section details the approval process for implementing SuDS. SuDS proposals form part of planning applications and should adhere to both the **National Planning Practice Guidance** and the **Defra Non-Statutory Technical Standards for SuDS**. **Figure 6-1** outlines the responsibilities of the three key groups involved in SuDS from inception to implementation. Whilst in Part 2 of this Manual, the future Technical Design Manual will explain this process in more detail as part of the detailed design guidance for SuDS.

Figure 6-1: Responsibilities

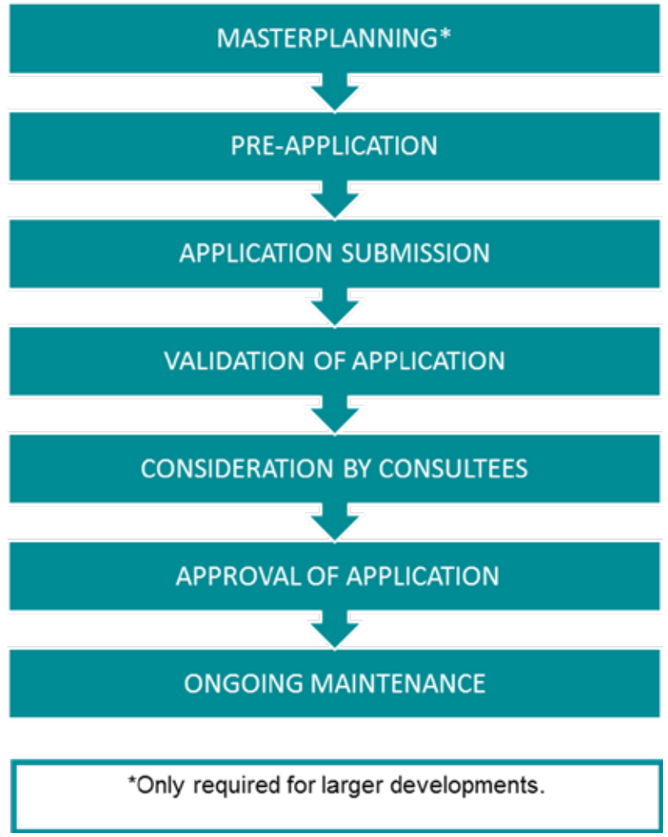


6.2 Planning Application Process

The **Figure 6-2** below illustrates the stages involved in the submission of a Planning Application.

Cheshire East Council operates a paid pre-application service and enters into Planning Performance Agreements (PPAs) to provide developers with pre-application advice and in the case of PPAs with an enhanced, managed approach to the various stages of the planning process. As stated previously, the Councils are keen to promote a collaborative approach to place design, engaging meaningfully with stakeholders and communitites, thus requiring a partnership approach to place-making from inception of the scheme to implementation. The Council is also keen to encourage design review on major schemes and therefore, in future, this should form part of the pre-application and application stages of the planning process.

Figure 6-2: The Planning Application Process



The following Sections describe the considerations and actions which should be undertaken at each stage of the SuDS submission as part of a Planning Application.

For those cases where the developer is uncertain as to whether the application should be submitted as Permitted Development Application, Outline Application or a Full Planning Application, early consultation should be undertaken with the Councils Planning Department and Lead Local Flood Authority.

6.2.1 Masterplanning

Masterplanning is necessary for larger developments, where a full planning application is required. At the masterplanning stage it is useful to establish design codes and principles and layout of development proposals.

In Cheshire East, the CEC Residential Design Guide sets out the requirements for Design Coding and design information required for different types of applications. This is summarised in figure iii/02 of the Design Guide (Figure 6-3). Coding is required for all schemes of 150 dwellings or more, including for component schemes for a site totalling 150 units and for smaller, sensitive sites.

At the outline stage, in developing illustrative masterplans, the Design Guide encourages the submission of testing layouts, as often conceptual masterplanning leads to unrealistic assumptions at the outline stage which creates issues for detailed design. This can lead to conflict between useable open space, SuDS and ecology. Moving forward, these aspects need to be planned collectively to achieve a place structure that prevents such conflicts with testing of layout at the earliest possible stage, even at outline.

Consequently, at this stage the Developer or landowner should consult with the Local Planning Authority to understand the requirements for SuDS. The Developer should plan the SuDS layout with regards to the flows, topography and geology of the area in order to mitigate flood risk, taking account of established industry standards - **CIRIA SuDS Manual C753 and BS8582:2013 Surface Water Management**. With regards to a phased development, developers should provide a coherent drainage strategy for the entire development. This stage also allows an initial costing of the process.

6.2.2 Pre-application

Undertaking early consultations with the Statutory consultees can avoid delays and misunderstandings, increasing flood risk and issues with enforcement or adoption. The management of surface water flood risk is important for SuDS planning. The Council offers a Pre-Application Advice Service involving a multi-disciplinary team advising on urban and landscape design, ecology, flood risk management delivery, asset management and planning.

6.2.3 Application Submission

Full applications and outline planning (where layout is applied for) applications, will require applicants to include a draft Section 106 agreement / or head of terms (or Community Infrastructure Levy (CIL) levy details were an adopted CIL charging scheme is adopted) to deal with future maintenance and management of SuDS as part of the management of highways and open spaces. Calculations of peak flow rates and discharge volumes should also be submitted electronically. When the application is submitted, the Council Planning Department will check to ensure that all the details have been provided (as noted in Way Marker 6.3) by reviewing the provided SuDS Checklist and associated supporting information. If all details have been provided to a satisfactory level the application will be validated. The application will then be passed to the Statutory Consultees for review.

WAY MARKER 6.1
Checklist for masterplanning:

- Requirements are identified in the **SuDS Submission Application and Approval Checklist** provided in **Section 1** Appendix XXX of this guidance.
- Review of key evidence flood risk base documents
- Pre and post developments, including any phasing
- Review of geology, hydrology, green infrastructure, flood risk
- Initial costing and maintenance

WAY MARKER 6.2
Checklist for pre-application:

- Consult with statutory and non-statutory consultees
- Seek advice from the Council via the Pre-Application Advice Service using the **SuDS Submission Application and Approval Checklist** provided in **Section 1** of this guidance to provide the relevant information to inform discussions.

WAY MARKER 6.3
Checklist for Application Submission

- The **SuDS Submission Application and Approval Checklist** is provided in **Section 1** of this guidance and is designed to be completed by developers, validated by the LPA and reviewed by the LLFA.
- For larger developments where a masterplan is required, a detailed drainage layout, post development and pre-development layouts and development phasing will be required.

Figure 6-3

Documents to be submitted with the application:	Nature of Application:					
	Outline:		Reserved Matters:		Full:	
	less than150 homes	150 homes & more	less than150 homes	150 homes & more	less than150 homes	150 homes & more
Design & Access Statement	✓	✓	✗*[1]	✗*[1]	✓	✓
Spatial Design Code	✗	✓	✗	✗	✗	✗
Detailed/Character Area Code	✗	✗	✗	✓	✗	✗
Comprehensive Design Code	✗	✗	✗	✓*[2]	✗	✓

Note:
1. *[1] Whilst a Design & Access Statement is not required, a supporting design statement is recommended, explaining how the reserved matters application accords with the D&As submitted at the outline stage.
2. *[2] A comprehensive design code or elements of a comprehensive design code may be required to accompany a reserved matters application, if a spatial code was not prepared at the outline application stage.
3. The final decision on the need for a Design Code shall be determined by the planning case officer.
4. It is recommended that the content and form of all design documents be agreed with CEC prior to submission.
5. All documentation will need to be validated by CEC, on formal submission of the application.

Figure III.02 - Planning Application Requirements for Supporting Design Documents

6.3 Submission Requirements

6.3.1 Acceptance of Design Submissions

Design Submissions will include the information identified in the **SuDS Checklist** and follow the standards as described in the following sections.

SuDS located in public areas shall be limited to infiltration/filter trenches, filter strips, swales, bio-retention, detention basins, and underground storage and retention ponds. These SUDS techniques should be appropriately considered, for the best overall performance of the drainage systems and the water quality of the receiving water body.

A Planning Application that deviates from the following design standards must include specific data and information on the proposed design to prove that it is a more appropriate solution for that site. The Council will assess the evidence and if in agreement they will confirm in writing the acceptance of the proposal. The developer may be asked to provide additional information supporting their proposal.

SuDS shall be located in passive public open space or road side verges (if highway drainage), so that SuDS can be accessed for maintenance purposes. The Developer must tell the Planning Authority who will take on future maintenance of the SuDS.

6.3.2 SuDS Design & Submissions - General Requirements

The Developer is responsible for the design of SuDS. The design shall be supported by a risk assessment to ensure risks to both the local community and operators of the drainage system are minimised. The Developer and/or his designer shall certify that their design complies with this design guide and accept liability for compliance through their professional indemnity insurance. These responsibilities/liabilities shall not be discharged to Council or their representatives through the planning consent process.

SuDS designs shall be carried out in accordance with this Guide and the best practice principles in current UK drainage guidance.

Where, as a last resort, the Water Authority permits both surface and foul water to discharge to a combined sewer system, the surface water sewer drainage shall be attenuated to the requirements of the water authority. The developer shall support their planning submission with written discharge consent from the water authority.

The developer should take cognisance of the Councils Land Drainage Byelaws and Environment Agency Main River designations paying particular attention in their masterplanning to the requirement for no obstructions typically within 8 meters of the edge of the watercourse. Flood Defence Consent and Land Drainage Consent information is required as part of the submission, including distance of construction from watercourses etc. Easements for work adjacent to watercourses and culverts, drains, private sewers should be indicated and assumed to be 8m. It is the Developers responsibility to obtain all required discharge permits and evidence of this should be provided.

SuDS are not to be located adjacent to or within the adopted highway, carriageway or footway.

Design submission requirements to the Council (calculations, drawings and construction details) for private SuDS and pipe drainage, are presented in the **SuDS Checklist** and forms part of the audit for the design of the proposed system.

The complete surface water drainage system for a development (sewers and SuDS) could be partly private, partly adopted by the relevent Water Company and partly owned and maintained by a third party but not the Local Authority.

6.3.3 Drawings, Calculations, and Manhole Records

Drawings and calculations of the complete drainage system should be supplied with the SuDS application. Separate drawings of private systems should be supplied for record purposes only.

All drawings and calculations submitted should be in metric units.

The drawings should show all the necessary detailed information required by the the **SuDS Checklist**, this Guidance and **Appendix VI of Sewers for Adoption 7th Edition**.

Location and layout plans, sections and details should show the proposed SuDS and drainage system in full, including private SuDS. Plan scales should be those in common use, i.e. 1:20, 1:50 and 1:100 as appropriate.

Longitudinal sections should generally be to an exaggerated scale, with the horizontal scale the same as the plan (but no less than 1:500) and the vertical scale 1:100.

Record drawings shall contain the "as-built" information to 300mm accuracy in the horizontal plane, with dimensions related to fixed Ordnance Survey features or Ordnance Survey co-ordinates to 1m accuracy (12-digit accuracy, e.g. 123456, 123456).

6.4 Surface Water Drainage Design

6.4.1 Hydraulic Design

The surface water drainage system shall be designed according to **Part C5 Hydraulic Design of Sewers for Adoption 7th Edition**, so that flooding does not occur in any part of the site in a 1-in-30 year return period design storm flood frequency.

Appropriate software shall be used to simulate the system and provide expected performance data. For all developments which utilise SuDS, the use of appropriate analytical tools are needed to demonstrate the required level of flood protection performance. For developments of fewer than ten houses, the procedure presented in **Part C3 Hydraulic Design of Sewers for Adoption Small Developments Version – September 2013** shall be followed.

Representation of SuDS in simulation software should be explicit, where possible. A copy of the model and results should be submitted to Council for acceptance. All hard surfaces draining to the network should be accurately allocated to the drainage network and represented in the model. All connecting manholes should be included in the model. Representation of the hard surfaces draining to the network should be accurately allocated to the drainage system and all manholes should normally be included in the model.

Surface water drainage should be designed for run-off from roofs and subject to the agreement of the Undertaker, roads (including verges) and other hard-standing areas. For these areas, an impermeability (runoff coefficient) of 100% shall be assumed.

An additional increase in the paved surface area of 10% shall be assumed for all areas to allow for future urban expansion (extensions and additional paved areas) unless this would produce a figure greater than 100% of the site.

Design event rainfall should be based on the use of the most recent version of the 'Flood Estimation Handbook' specific to the location of the development. An allowance for climate change in accordance with Environment Agency Guidance (by factoring the rainfall intensity hyetograph values) should be applied.

WAY MARKER 4.3
Climate Change & Peak Rainfall Intensity Allowance

Increased rainfall affects river levels and land and urban drainage systems. The table below shows anticipated changes in extreme rainfall intensity in small and urban catchments. For design, assess both the central and upper end allowances to understand the range of impact.

Applies across all of England	Total potential change anticipated for the '2020s' (2015 to 2039)	Total potential change anticipated for the '2050s' (2040 to 2069)	Total potential change anticipated for the '2080s' (2070 to 2115)
Upper end	10%	20%	40%
Central	5%	10%	20%

Defra Climate Change Guidance
https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

During severe wet weather, the capacity of the surface water drainage systems may be inadequate, even though they have been designed in accordance with this Guide and Sewers for Adoption 7th edition. Examples of different weather conditions which cause flooding include:

a. High-intensity rainfall events bypassing gully inlets;
b. High-intensity rainfall events resulting in sewer surcharging and surface water escaping where the ground level is below the hydraulic gradient;
c. High-intensity rainfall events on areas adjacent to the development site (urban or rural) from which overland flooding can take place;
d. Long-duration rainfall which may result in the top water level in storage systems becoming full, resulting in overflow;
e. Extended periods of wet weather which may result in high receiving watercourse water levels affecting the hydraulics of the drainage system.

Checks shall be made for the 1-in-100+ climate year return period to ensure that properties on and off site are protected against flooding for all these scenarios. The design of the site layout, or the drainage system should be modified where the required flood protection is not achieved. This is particularly relevant on undulating and steeply-sloping catchments and adjacent to watercourses. Developers should also demonstrate flow paths and the potential effects of flooding resulting from these storm events. Access roads into and through the site for emergency vehicles must be ensured for these events.

Where it is proposed to connect to an existing adopted drainage network, the developer shall consult with the Undertaker and the Lead Local Flood Authority regarding acceptable discharge criteria. Hydraulic performance modelling of the receiving drainage system may be required.

Where it is proposed to connect to other existing drainage networks (including but not limited to culverts, privately owned systems, open drainage ditches, or constrained watercourses) the developer shall consult with owner of the drainage network and the Lead Local Flood Authority to agree acceptable discharge criteria. Hydraulic and structural assessment of the receiving drainage network is likely to be required.

6.4.2 Attenuation Storage

The limiting discharge rates from the site should normally be assessed using the '**Flood Estimation for Small Catchments**' **(Institute of Hydrology 1994)**. For application sites, smaller than 50ha it should be applied for 50ha and linearly interpolated to the development area. Values should be determined for the 1-year, 1-in-30 year and 1-in-100 years as a minimum. A tool for assessing greenfield runoff rates is provided in **Appendix B** using the calculation described in **Way Marker 4.4**.

The maximum 1-year water level in attenuation storage should not cause significant backing up of flows in the incoming sewer and a 1-year, 1-hour duration event should not surcharge the drainage network.

Simulation modelling of the contributing development area considering the head-discharge relationship of the proposed SuDS discharge outlet is required to calculate the attenuation storage volume. The model may be based on either the fixed percentage run-off of 100% run-off from all impermeable surfaces, or the UK variable run-off model (see **CIRIA document 'Drainage of Development Sites – A Guide' (2004)** for the run-off from the whole site. Appropriate allowance in the reduction in run-off should be made for infiltration systems serving any impermeable areas.

WAY MARKER 4.4
Calculation for greenfield run-off peak flows (Institute of Hydrology Report 124)

$$QBAR_{rural} = 1.08(AREA/100)^{0.89} SAAR^{1.17} SOIL^{2.17}$$

$QBAR_{rural}$ = Mean annual run-off for rural (greenfield) areas (litres/second)

AREA = area of the site (hectares)
If the site is smaller than 50 hectares, the calculations should be undertaken using 50 hectares and then amended (by dividing by the actual site area) at the end of the calculation.

SAAR = Standard Average Annual Rainfall (mm)

SOIL = Predominant soil type
The most suitable soil type should be selected from the table below:

Soil Description	Soil value for calculation
Peat (waterlogged)	0.50
Clay	0.50
Clayey loam	0.45
Loam	0.40
Sandy Loam	0.30
Sand	0.15

6.4.3 Peak flow rate and volume

Peak flow rate and volume does not apply to any surface run-off that is discharged:

- By infiltration; or
- To a coastal or estuarial water body; or
- To an alternative water body where the LLFA considers it appropriate to do so.

Developers will need to demonstrate that Consent to discharge and 3rd party land ownership issues/crossing have been agreed prior to planning application and detail these in the relevent sections of the SuDS Checklist.

6.4.4 Low rainfall

There should be no discharge to a surface water-body, or sewer that results from the first 5mm of any rainfall event. In low-permeability soils where this is not achievable, the developer shall demonstrate to the Council that infiltration has been encouraged through the SuDS management train.

6.4.5 High rainfall

Either of the two approaches below must be used to manage the surface discharge:

Approach 1: Restricting both the peak flow rate and volume of runoff

The peak flow rates for the:

- 1 in 1 year rainfall event; and
- 1 in 100+ climate year rainfall event;

must not be greater than the equivalent greenfield run-off rates for these events. The critical duration rainfall event must be used to calculate the required storage volume for the 1 in 100+ climate year rainfall event.

The volume of runoff must not be greater than the greenfield run-off volume from the site for the 1 in 100+ climate year, 6-hour rainfall event.

Climate change should be considered in attenuation storage calculations by increasing the rainfall depth using a climate change factor. Current Environment Agency guidance should be referenced to apply the appropriate climate change factors relevant to the location and design life of the proposed development.

Approach 2: Restricting the peak flow rate

The critical duration rainfall event must be used to calculate the required storage volume for the 1 in 100+ climate year rainfall event. The flow rate discharged:

For the 1 in 1 year event, must not be greater than either:

- The greenfield runoff rate from the site for the 1 in 1 year event, or
- 2-5 l/s per hectare. This should be agreed with the Lead Local Flood Authority within the planning process;

And for the 1 in 100+ climate year event, must not be greater than either:

- The greenfield mean annual flood for the site, or
- 2 litres per second per hectare (l/s/ha).

6.4.6 Previously developed land

Where the site is on previously developed land and neither Approach 1 or 2 is reasonably practicable then:

a. An approach as close to Approach 1 as is reasonably practicable must be used (the Councils are seeking runoff from brownfield sites to mimic greenfield run-off rates wherever possible);

a. The flow rate discharged from the site must be reduced from that of the actual modelled pre-development rate, in accordance with the criteria set out in Section 2A-2C:

- The 1 in 1 year event; and
- The 1 in 100+ climate year event.
- The volume of run-off may only exceed that prior to the proposed development where the peak flow rate is restricted to 2 l/s/ha.

6.4.7 Exceedance

The design of the drainage system must consider the impact of rainfall falling on any part of the site and also any estimated surface run-off flowing onto the site from adjacent areas.

Drainage systems must be designed so that, unless an area is designated for flood management in the Local Flood Risk Management Strategy, flooding from the drainage system does not occur:

a. on any part of the site for a 1 in 30 year rainfall event; and

b. during a 1 in 100+ climate year rainfall event in any part of:

- a building (including a basement); or
- utility plant susceptible to water (e.g. pumping station or electricity substation); or
- on neighbouring sites during a 1 in 100+ climate year rainfall event.

Flows that exceed the design criteria (i.e. 1 in 100+ climate year rainfall event) must be managed in flood conveyance routes, preferably in green networks, that minimise the risks to people and property both on and off the site. Evidence of those conveyance routes must be submitted to the LLFA.

6.4.8 Water quality

The treatment train process described in Section 3.5, should be used to assess storm water quality requirements.

WAYMARKER

Run-off Hazard Levels

Hazard	Level of hazard
Low	Roof drainage
Medium	Residential, amenity, commercial, industrial uses. Includes car parking and roads
High	Areas used for handling and storage of chemicals and fuels, handling and storage of waste. Includes scrap yards as well as lorry, bus or coach parking or turning areas

WAYMARKER

Treatment stages for discharge to groundwater

Groundwater Discharge Location		Minimum number of treatment stages		
	Runoff Hazard Level	Low	Medium	High
G1	Source Protection Zone, within 50m of a well, spring or borehole that supplies potable water	1	3	Consult the Environment Agency
G2	Into or immediately adjacent to a sensistive receptor that could be influenced by infiltrated water. Includes designated nature conservation, heritage and landscape sites - including Biodiversity Action Plan (BAP) habitats and protected species.	1	3	
G3	Source Protection Zone II or III or Principal Aquifer	1	3	
G4	Secondary Aquifer	1	2	

Surface run-off from roof drainage must be isolated from other sources where it is discharged to G1 and G2.

Infiltration may only be used to discharge to G1 and G2 where a risk assessment has been undertaken and the SuDS design effectively addresses these risks.

Research undertaken by Portsmouth University, showing water quality improvement by vegetated SuDS components

Image:Wildflower Turf Ltd (TBC)

WAYMARKER

Treatment stages for surface water bodies

Hazard	Normal surface water	Sensitive surface water
Low	0	1
Medium	2	3
High	Consult the Environment Agency	

Where discharged to a sensitive surface water body (defined as any catchment smaller than 50km; any catchment with less than 20% urbanisation; any catchment with an environmental designation or national or international recognition, or any catchment where good ecological status is at risk), one extra treatment stage must be added.

6.4.9 Record Information for the completed Works

Upon completion, the following items should be supplied to Council.

a. Two sets of as-built record drawings in electronic format and compatible with AutoCAD Release 14 in *.DWG or *.DXF format;

b. Where appropriate, closed circuit television (CCTV) survey of underground systems by a qualified contractor in accordance with Clause E7.6 of Sewers for Adoption 7th Edition in CD or DVD format with a hard copy of the written report. CCTV at completion is at the discretion of the Developer. The Developer is responsible for checking that the CCTV survey shows no defects or debris within the infrastructure.

c. Health & Safety File prepared in accordance with the Construction (Design & Management) Regulations 2015.

6.5 Development and Flood Risk

When considering new development, Developers will need to consider flood risk and development in accordance with the requirements of the **National Planning Policy Framework (NPPF)**.

Figure 3-3 summarises the process.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. Where development is necessary, it should be demonstrated to be safe and should not result in an increase in flood risk elsewhere.

The **NPPF** sets of the aims of the Sequential Test, to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The **Council's Strategic Flood Risk Assessment (SFRA)** will provide the basis for applying this test although the most recent Environment Agency flood maps should also be reviewed. A sequential approach should be used in areas known to be at risk from any form of flooding.
A site-specific **Flood Risk Assessment (FRA)** will be required and this will need to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Where possible overall flood risk should be reduced.

On brownfield sites the existing drainage systems should be modelled to demonstate actual pre-development surface water runoff. Appropriate consideration of the existing system operation, including number and frequency of gullies, and existing attenuation whether natural or artificial.

Appropriate reductions of surface water runoff should be achieved in accordance with Section 6.4

A site-specific flood risk assessment is required for development proposals:

- of 1 hectare or greater in Flood Zone 1;
- all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3;
- or within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency);
- and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

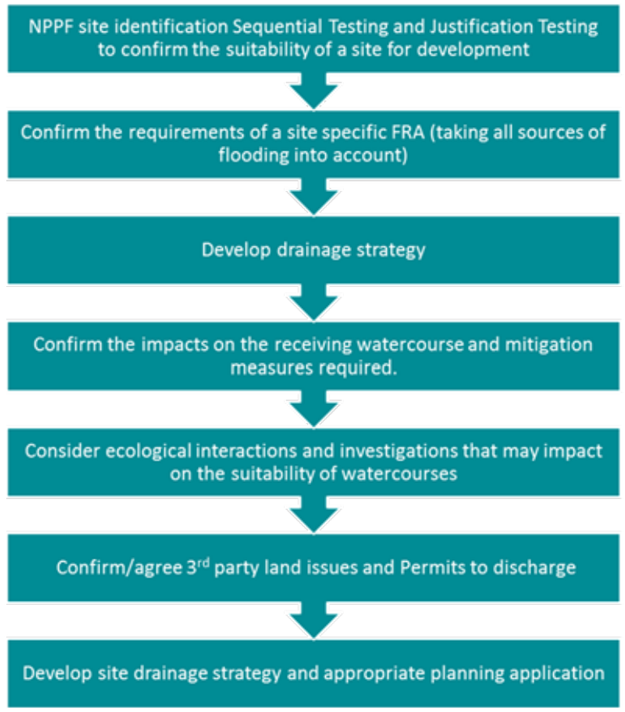
Drainage strategies will need to take local flooding into account. Interactions with receiving ditches and watercourses (including culverts) will need to be fully appraised in order to ensure that surface water runoff is effectively managed without increasing flood risk elsewhere.

Proposals will need to include assessment of surface water interactions with other sources of flooding including fluvial and tidal interactions. This will need to including consideration of, for example, climate change, blockage scenarios and hydraulic capacity of for example, bridges and culverts during design flood events.

Developers will need to demonstrate that all land ownership and long-term maintenance issues have been resolved as prior to submitting a full planning application. Developers will also need to obtain relevant Permits to discharge, and include information on pollution control measures where required.

It is recommended that Developers consult with the Local Planning Authority and the Environment Agency to determine the requirements for a site specific FRA.

Figure 5-4: Development & Flood Risk Assessment

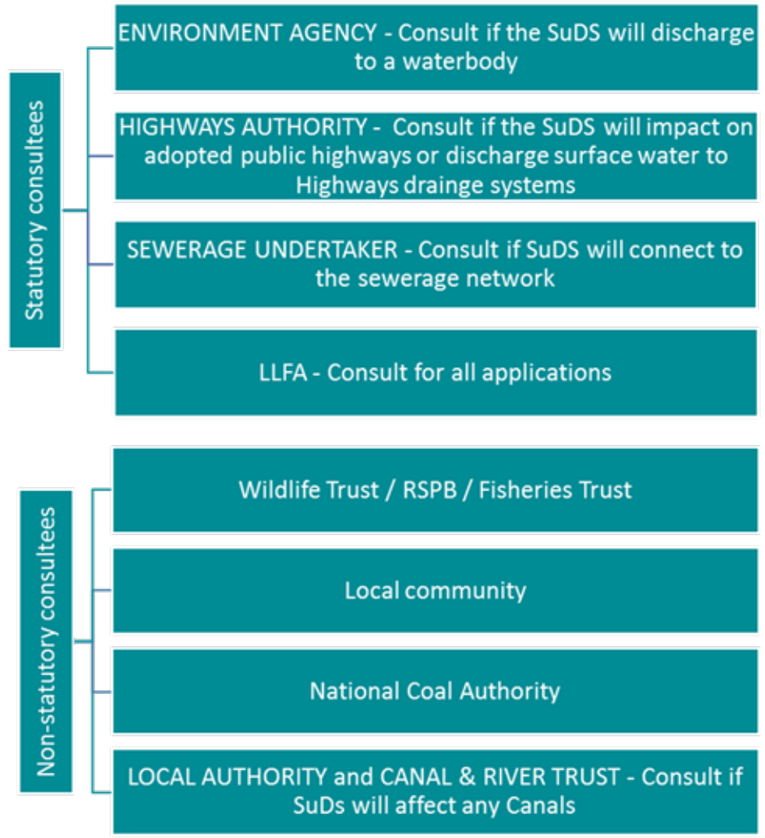


6.6 Consultation

Under the **Flood and Water Management Act 2010,** the Council are a Lead Local Flood Authority (LLFA) and according to the Defra Planning Practice Guidance, LLFA's should be consulted at the planning consultation stage to gain advice for surface water drainage. As each Council is well placed in terms of existing strategic policy and flood risk evidence base, being at the forefront of the SuDS approval process will positively affect local decisions on planning and drainage and will make a significant contribution to the vision of the local plan core strategy.

Whilst not compulsory, it is beneficial to consult to gain further understanding of the implications and considerations which should be made when planning for SuDS

Figure 5-5: Consultees



6.7 Approval

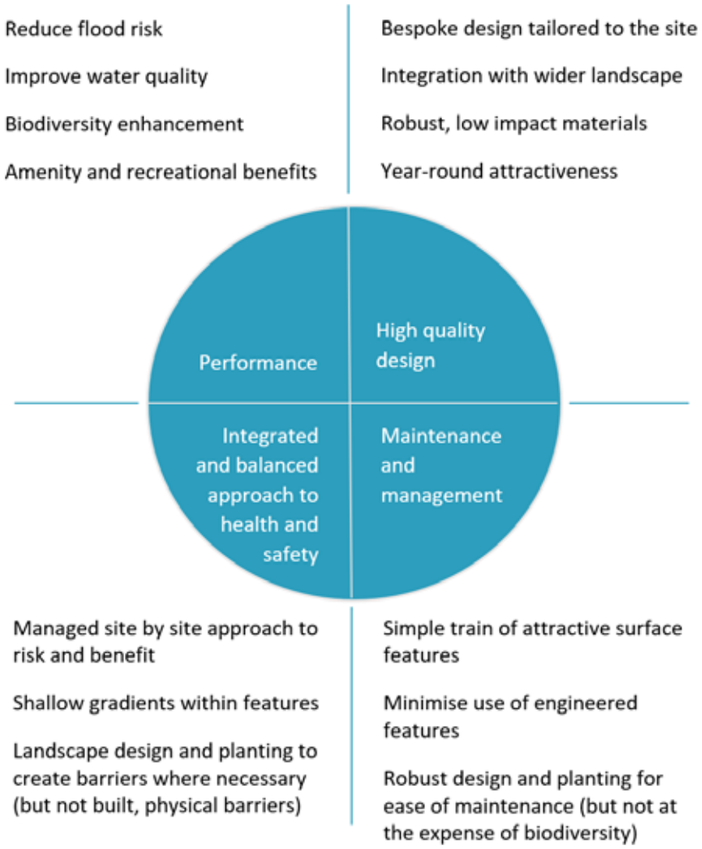
The approval of SuDS within an application will be determined by the Council Planning Department, who will base their decision on the recommendations made by the LLFA and the other consultees. This may take the form of planning conditions.

The Planning Department will also take into consideration the extent to which the proposal has complied with National Standards (general compliance will have been ensured at the Validation stage of the process through ensuring appropriate completion of the **SuDS Checklist**), the understanding of local requirements and the Local Plan. Larger developments and those which have met with objections will be determined by planning committees within the Council Planning Department.

6.8 Adoption Process

The adoption process technically begins once SuDS approval has been granted and includes the physical construction and subsequent maintenance of the SuDS.

However, to ensure that the proposed SuDS will be adopted and maintained to a high standard and ensure long term benefits, this stage of the planning application process should be considered before submission.



Adapted from the Cambridge SuDS Design and Adoption Guide

The **SuDS Checklist** has been designed for use by Planners, LLFA and Developers to ensure that the various requirements of adoption and maintenance have been carefully planned before submission. If sufficient provision has not been made, then absence of these details will be flagged and the planning application will be recommended for refusal by the LLFA.

National guidance allows the developer to arrange for the adoption and maintenance to be undertaken by any one of four bodies:

- Service management companies
- LLFA or LPA (**Note that the Councils are not currently adopting SuDS schemes**)
- Water and sewerage companies (United Utilities and Dwr Cymru Welsh Water)
- Individuals (site owners or inhabitants)

Evidence of an agreement in principle with the body who will adopt the SuDS, connecting sewer networks and storm drainage is likely to be required at the submission stage together with a plan of the maintenance schedule and the likely activities to be involved.

Further details of SuDS Maintenance and Management requirements can be found in **Section 5** of this guidance document.

This table summarises the various processes, including adoption running in parallel from inception to implementation.

Planning Stage		Development process required information (from the SuDS Guide)	Drainage design process (from the SuDS Guide)	Adoption process
Pre-application discussions and submission of FULL application	Pre-application discussions and submissions of outline application	Submission of FRA and drainage strategy in line with PPS25. Identification of likely SuDS methods to satisfy planning policy	Conceptual drainage design flow routes through the site and storage locations. Outline drainage design and drainage impact assessment. Demonstrate storage areas and volumes, conveyance routes and controls.	Initial consultation on adoption - locations and design requirements
Negotiation of Full submission and Section 106 discussions	Negotiation of Outline submission and Section 106 discussions	Submission of any amendments (if necessary)	Submission of any amendments (if necessary)	Agreement of outline drainage design and agreement to adopt in principle (or option to adopt in principle)
	Planning permission granted and Section 106 agreed			
	Design coding	Principles of the detailed design agreed site wide	Principles of the detailed design agreed site wide	Agreement that the detailed design is compliant with adoption guide and S106 agreement
	Reserved matters applications	Detailed plans in line with agreed design code	Final submitted design with location and size, depth, etc. compliant with approved detail above	Submitted design compliant with adoption guide
Full approval/ S106 approval	**Reserved matters approval**			
Construction of development	Construction of development	Discharge of any outstanding conditions	Construction of drainage system	Verification of construction to agreed design and specification
Formal adoption of SuDS and monies paid as per the trigger/amount agreed in the S106				

Adapted from the Cambridge SuDS Design and Adoption Guide

6.10 Other Consents

In addition to planning approval, developers may also need to obtain further consents to discharge. The LLFA will normally require evidence of compliance from the responsible authority, as outlined in the table below.

Consent	Responsible Authority
Land Drainage Consent (Ordinary Watercourse) (Land Drainage Act, 1991, Section 23)	LLFA
Flood Risk Activity Permits (Main River) (The Environmental Permitting (England and Wales) Regulations 2010)	Environment Agency
Environmental Permits for Waste or Emissions	Environment Agency
Adoption of a sewer (Water Industry Act, 1991, Section 104)	Water and Sewerage Companies (United Utilities or Dwr Cymru Welsh Water)
Connection to a sewer (Water Industry Act, 1991, Section 106)	Water and Sewerage Companies (United Utilities or Dwr Cymru Welsh Water)
Building over or close to a sewer (within 3m) (Building Regulations, 2015, Document H)	Water and Sewerage Companies (United Utilities or Dwr Cymru Welsh Water)
Connection to an existing highway drain or adoption of highways drainage (Highways Act, 1980, Section 38)	Highway Authority
Highways Technical Approcal Category D	Highway Authority
Third party landowner permissions	Third party landowner
Local Authority Land Drainage Byelaws	Lead Local Flood Authority

6.11 The SuDS Submission Application Process

The **SuDS Submission Application and Approval Checklist** (the **SuDS Checklist**), included as **Appendix A**, identifies the SuDS-related information which should be provided by the Developer in support of a Planning Application. The requirements, and level of detail needed, is dependent on the stage of application, as well as the scale of the proposed development.

The **SuDS Checklist** includes for:

- **Pre-Application**
- **Minor Developments**
- **Major Developments**
- **Outline Application**
- **Reserved Matters**

The Developer is required to provide all the information identified in the Checklist including specific links to key plans, calculations and supporting documents where required.

WAY MARKER
Definition of "Major Development":

"Major Development" (as set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010) means development involving any one or more of the following:

α. the winning and working of minerals or the use of land for mineral-working deposits;

β. waste development;

χ. the provision of dwelling houses where:

i. the number of dwelling houses to be provided is 10 or more; or

ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

δ. the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

ε. development carried out on a site having an area of 1 hectare or more.

Changes to the National Planning Policy Framework (NPPF) came into effect on 06 April 2015 which made Lead Local Flood Authorities (LLFA) statutory consultees in planning applications for "**Major Development"** in relation to SuDS and Drainage.

The Development Management Procedure Order was also amended, designating Councils as the Lead Local Flood Authority, and therefore each Council is now a statutory consultee within the planning process on the management of surface water.

The **SuDS Checklist** identifies the information required as a series of questions and includes references to this Guidance where further information can be found. The checklist is in five sections:

1. **Application Details**
2. **General Details and SuDS Proposals**
3. **Hydraulic Assessment of SuDS Proposals**
4. **SuDS Discharge Proposals and Agreements**
5. **SuDS Maintenance and Management Proposals**

WAY MARKER
How to Complete the SuDS Submission Application and Approval Checklist (the SuDS Checklist)

The **SuDS Checklist** is in the form of an Excel spreadsheet which is included in **Appendix A** of this guidance document and can be downloaded here. **TO BE ADDED AT LATER DATE**

The Checklist is designed for the Applicant to provide a response to each indicated questions appropriate to the stage and type of planning application.

The Applicant's response should include references to their submitted reports, drawings and calculations where information to support their answer can be found. **Developers are to submit all SuDS information as a package (hard & soft copy).**

The Applicant will be required to confirm that the SuDS documentation submitted complies with the Council's SuDS Guidance Documentation, Local Planning Policies and all relevant National Legislation, Policies and Guidance.

WAY MARKER
Defra SuDS Non Statutory Technical Standards

Non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems.

https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards

6.11.1 Submission Validation & Assessment

Planning applications may be made either as a, **Minor Application**, an **Outline Application** (with one or more matters reserved for later determination) **or as a Full Application**. The level of information which would need to be submitted for each type of application or stage within the planning process will vary depending on the size of the development, flood risk, constraints and proposed sustainable drainage system.

The Developer shall be wholly responsible for the design and construction of SuDS systems. The Developer and/or their designer shall certify that their design complies with Council Guidance and accept liability for compliance through their professional indemnity insurance. These responsibilities/liabilities shall not be discharged to Council following a satisfactory audit of their design.

The Council will assess SuDS applications to ensure proposed minimum standards of operation are appropriate and, through the use of planning conditions or planning obligations, that there are clear arrangements in place for ongoing maintenance of SuDS over the lifetime of the development.

Sustainable drainage systems may not be practicable for some forms of development (for example mineral extraction). The decision as to whether a sustainable system would be inappropriate in relation to a particular development proposal is a matter of judgement for the Local Planning Authority. The judgement of what is reasonably practicable will be by reference to the SuDS technical standards published by the Department for Environment Food and Rural Affairs and take into account design and construction costs.

It should be noted that the Councils have no duty to adopt SuDS (**and are not currently adopting new SuDS**) and provision for the disposal and maintenance of run-off remains the responsibility of the Developer.

A satisfactory audit by a Council does not authorise any activities by the Developer which may be in contravention of any enactment or any order, regulation or other instrument made, granted, or issued under any enactment, or in contravention of any rule, byelaw or in breach of any agreement or legal rights.

APPENDICES

Appendix A SuDS Checklist

Checklist to be added

Appendix B Additional Relevant Policies

National

The National Planning Policy Framework (NPPF)

The framework presumes in favour of sustainable development, i.e. development that meets interdependent social, environmental and economic objectives, as set out in its various chapters.

Chapter 8 Promoting Healthy and Safe Communities – requires that planning processes seek to promote healthy, inclusive and safe places through a positive approach to design, including by creating the opportunity for social interaction via mixed uses and high quality public realm, making places safe and accessible for all, and supporting healthy lifestyles, including through provision of a high quality network of accessible spaces and access to sport and recreation.

Chapter 14 Conserving and enhancing the natural environment – promotes a positive approach to the management of the natural environment including valued landscapes, biodiversity, geodiversity, soils and the best quality and most versatile land, whilst recognising the intrinsic value of the countryside. It requires minimising ecological impact and promotes biodiversity net gain and ecological networks resilient to future change. A tiered approach to protection is provided, with a general presumption against ecological harm. In regard to Development Management, it sets out a process to protect important natural assets from development, including international, national and locally protected assets including ancient woodland and veteran trees. It also promotes supporting development aimed principally at conserving the natural environment or that would positively secure measurable biodiversity net gain.

The National Planning Practice Guidance (NPPG) provides guidance for implementing the NPPF (but not set out here).

Local

Cheshire East (including that part of the Peak District National Park within its area)

Cheshire East Local Plan Strategy (CELPS)

Principal Policy

SE3 Biodiversity and Geodiversity – seeks to protect nationally and locally important designated sites from inappropriate development, whilst securing appropriate mitigation in regard to non-designated assets or sites. In respect to all forms of development, the objective should be to positively contribute to the conservation and enhancement of biodiversity and geodiversity

SE 4 Landscape – requires that all development should seek to conserve the landscape character and quality of the Borough, comprising both built and natural features, that contribute to its local distinctiveness. This is to achieved by incorporating appropriate landscaping, preserving and promoting local distinctiveness, avoiding the loss of habitats of landscape importance and protecting historical and ecological character.

SE5 Trees, hedgerows and woodlands – stipulates that proposals that would threaten the heath of trees (including veteran trees), woodland or hedgerow, that provide a significant contribution to amenity, biodiversity and landscape and historic character should not be allowed unless there is a clear overriding justification. Where such development is allowed, there should be net environmental gain through mitigation, compensation or offsetting and the new development should provide for the sustainable management of woodland, tree and hedgerows as well as ensuring planting of large trees within structured landscape schemes to maintain canopy cover.

SE6 Green Infrastructure –sets out the Councils ambitions to deliver high quality, accessible and connected GI across the Borough, providing for healthy recreation and biodiversity, and building on the varied characteristics of the GI across the Borough by protecting and enhance existing GI and ensuring that new development includes high quality new green spaces that integrate with the wider GI framework.

SC3 Health and wellbeing – promotes health and wellbeing through the planning process including by ensuring that new developments provide opportunities for healthy living and to improve health by creating well connected, walkable and cyclable neighbourhoods, cohesive and inclusive communities, enabling social interaction and access to quality open space, green infrastructure and sport and recreation.

Emerging Policy

Cheshire East Site Allocations and Development Management Policies (SADPD) Draft

ENV 1 Ecological Network and ENV 2 Ecological implementation – these elaborate on policy SE3 of the CELPS in terms of setting out the approach that new development should deliver proportionate opportunities to protect, conserve, restore and enhance the ecological network including setting out the approach to ecological net gain and the need for developments to be ecologically positive, both where ecological assets are impacted and to generally improve biodiversity within new development.

ENV 3 Landscape Character, ENV 4 River Corridors and ENV 5 Landscaping – collectively these policies seek to reinforce the landscape character of the Borough by ensuring that the landscape approach within new development seeks to protect and enhance landscape character and green and blue infrastructure, the incorporation of place relevant planting, an appropriate balance between space and built form, and by providing for climate change mitigation and adaptation (including SuDS) within new development

ENV 6 Trees, hedgerows and woodland implementation – requires the retention of existing landscape features and the need to compensate for any loss. Trees, woodland and hedgerow should be sustainably integrated and new planting should be integrated into proposals as part of a comprehensive landscape scheme.

ENV 7 Climate Change - sets out a number of requirements for new development, both in the design of buildings and spaces in accommodating climate change adaptation and resilience, including within retrofit situations.

Cheshire East Design Guide SPD volumes 1 and 2 (the Design Guide)

The Design Guide includes a number of chapters that are important in considering the design of SuDS.

Volume 1 sets out in detail the local context and what makes Cheshire East distinctive, and the required approach to improving design quality, including processes such as Design Coding. Volume 2 sets out the specific considerations for designing new development and delivering place quality, sustainable design and improved health and wellbeing through high quality design. The relevant chapters are:

Chapter 1 working with the grain of the place – which aims that designers and developers establish a broad understanding of the site, its context and the opportunities to create a place specific and sustainable development based on a strong vision for the scheme.

Chapter 2 urban design – builds on chapter 1, setting out the means to create a strong structure for new development, identifying the important layers (including green and blue infrastructure at the top of the hierarchy) necessary to create a well-conceived and integrated development that responds positively to the place to ensure a sustainable, functional and attractive development.

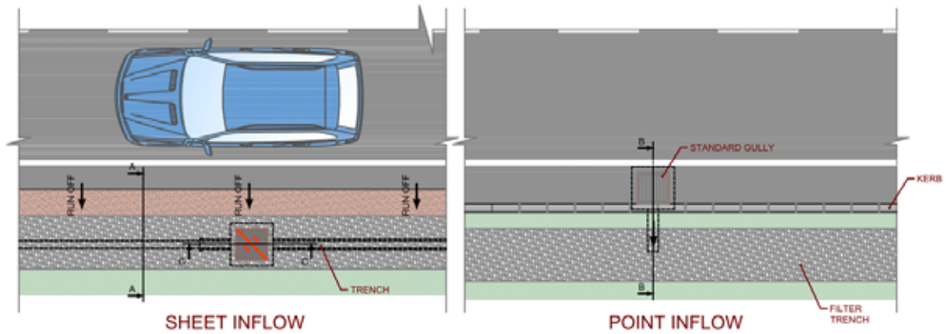
Chapter 4 Green Infrastructure and Landscape Design - provides detailed guidance relating to GI and BI, and detailed aspects of landscape design, including the importance of maintaining existing landscape features and the appropriateness of new landscape design. It also provides a concise introduction to sustainable drainage systems and their value in terms of quality of place, providing the design context for this SuDS manual.

Chapter 5 Sustainable Design Principles – identifies spatial, active and passive aspects of sustainable design of buildings and spaces, including the role of trees and landscape in terms of passive design and adaptation, as well as considering how active approaches at source can contribute to water management as part of an integrated approach to SuDS.

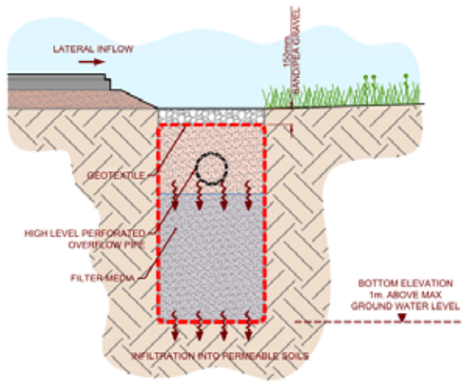
Chapter 6 Quality of Life – identifies the importance of good quality and attractive homes and neighbourhoods including access to high quality open and green space and public realm, the promotion of community health and wellbeing and the specific wellbeing benefits of a sense of identity derived from the local character of places (a sense of belonging).

NB there are also a number of ‘saved’ policies from the legacy Local Plans but these are intended to be superseded in the near future by the SADPD. The intention of this SPD is not to provide further guidance on these policies, and so, they are not listed here.

Appendix C SuDS Schematic Indicative Design Layouts



TRENCH PLAN
SCALE 1:50



SHEET INFLOW
SECTION A-A
INFILTRATION TRENCH SCHEMATICS
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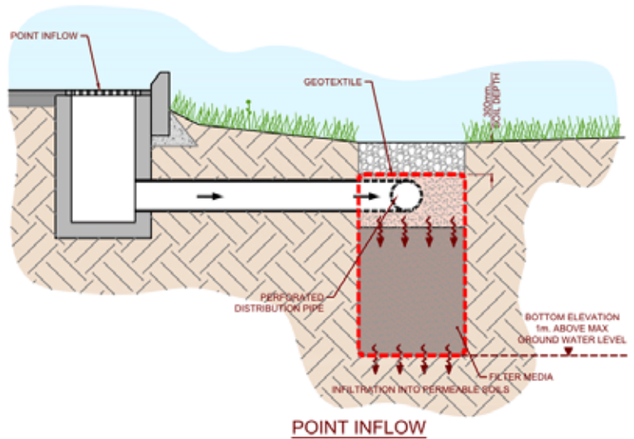

POINT INFLOW
SECTION B-B
INFILTRATION TRENCH SCHEMATICS
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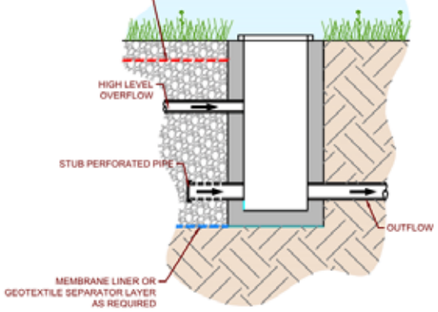

POINT INFLOW
SECTION C-C
INFILTRATION TRENCH MANHOLE SCHEMATICS
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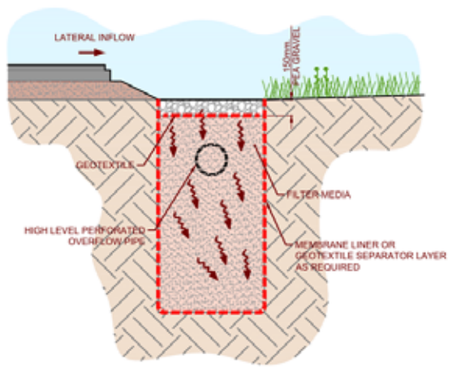
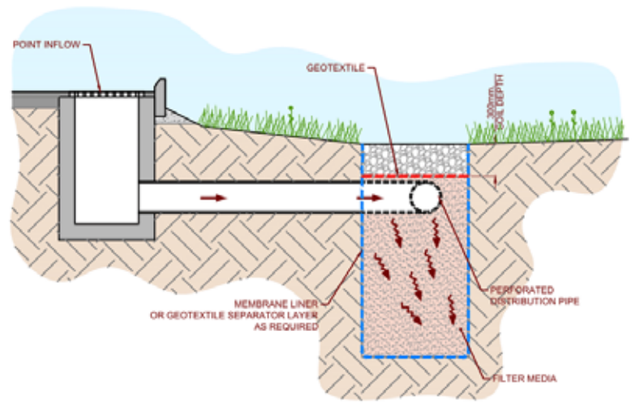


SHEET INFLOW
SECTION A-A
FILTER TRENCH SCHEMATICS
SCALE 1:25

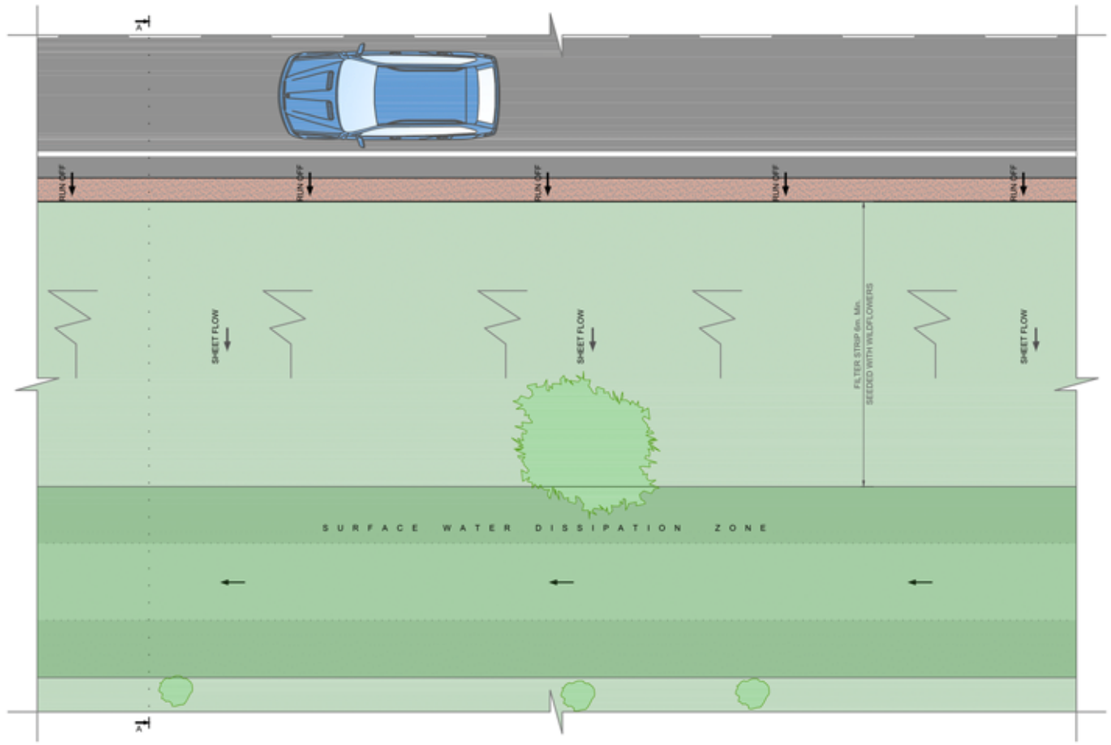


POINT INFLOW
SECTION B-B
FILTER TRENCH SCHEMATICS
SCALE 1:25

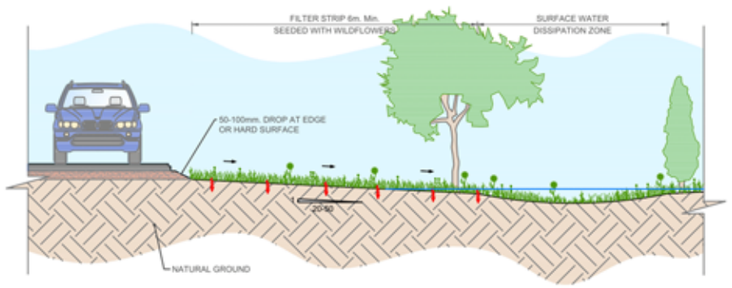
JBA

FIGURE D1

SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF INFILTRATION FILTER TRENCH



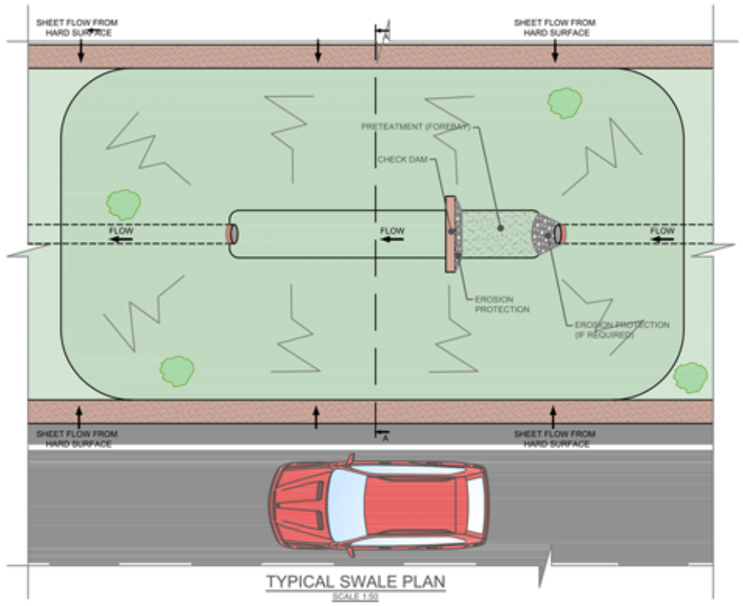
BIORETENTION / FILTER STRIP PLAN
SCALE 1:50



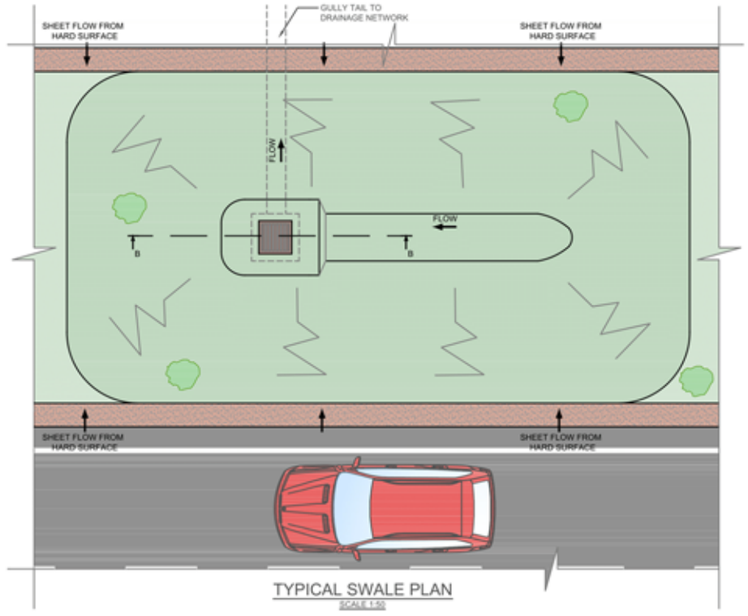
SECTION A-A
SCALE 1:50

FIGURE D2

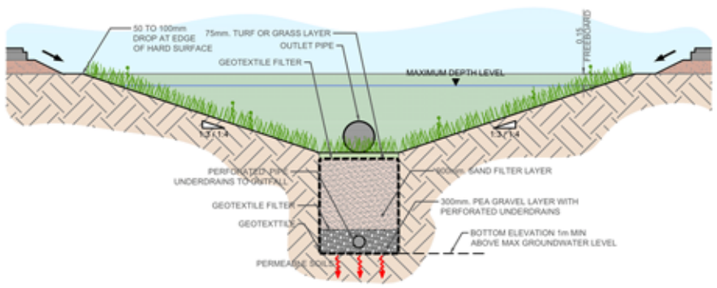
SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF DETENTION FILTER STRIP



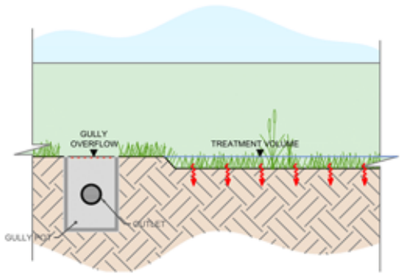
TYPICAL SWALE PLAN
SCALE 1:50



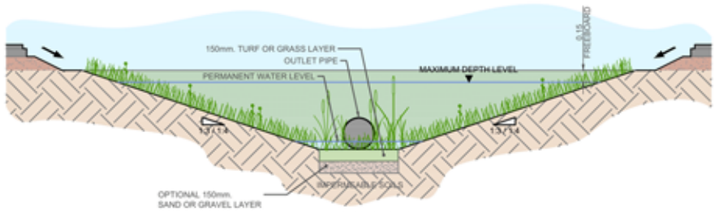
TYPICAL SWALE PLAN
SCALE 1:50



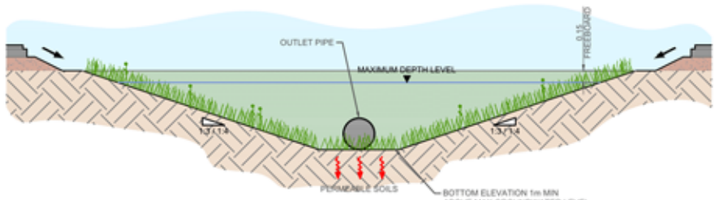
SECTION A-A
DRY SWALE
SCALE 1:30



SECTION A-A
GULLY OVERFLOW
SCALE 1:30



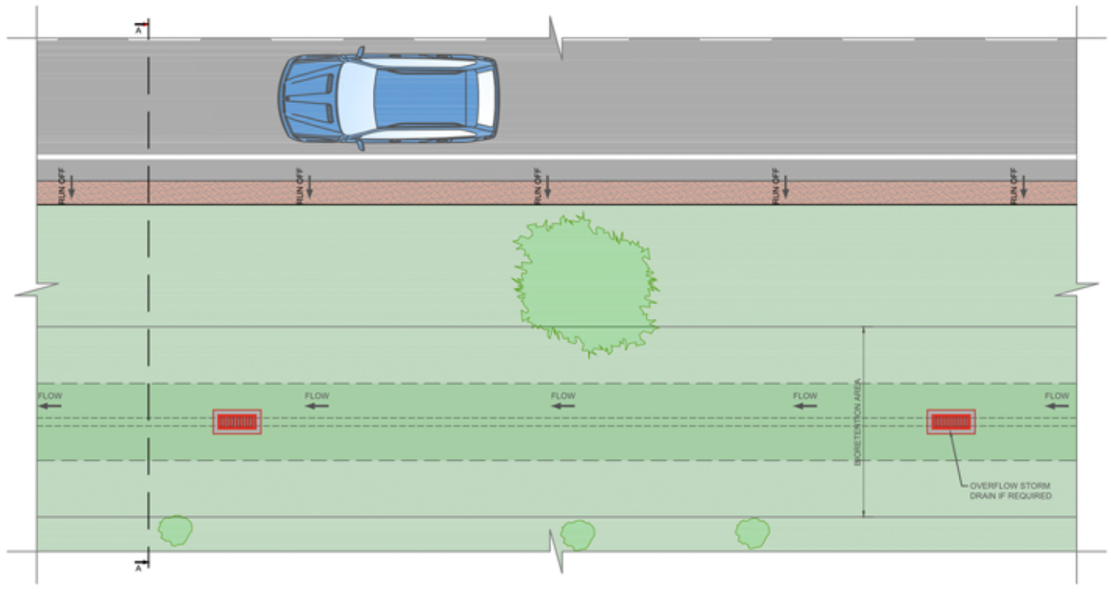
SECTION A-A
WET SWALE
SCALE 1:30



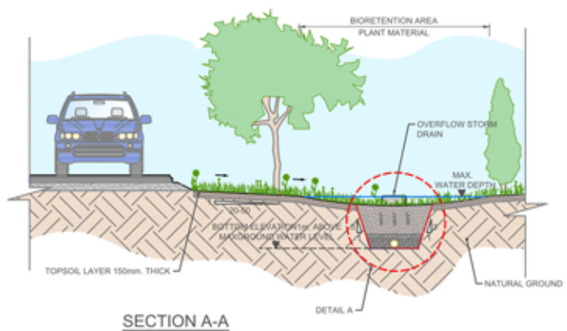
SECTION A-A
CONVEYANCE SWALE
SCALE 1:30

JBA

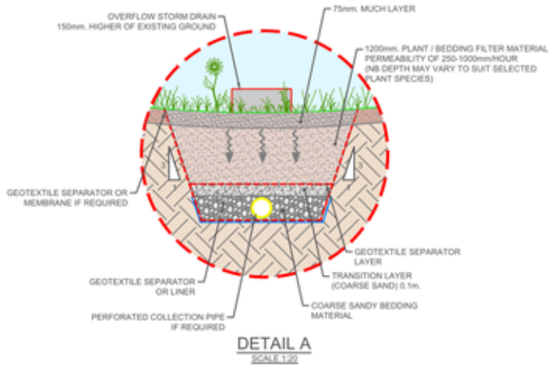
FIGURE D3
SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF SWALES



BIORETENTION / FILTER STRIP PLAN
SCALE 1:50



SECTION A-A
SCALE 1:50

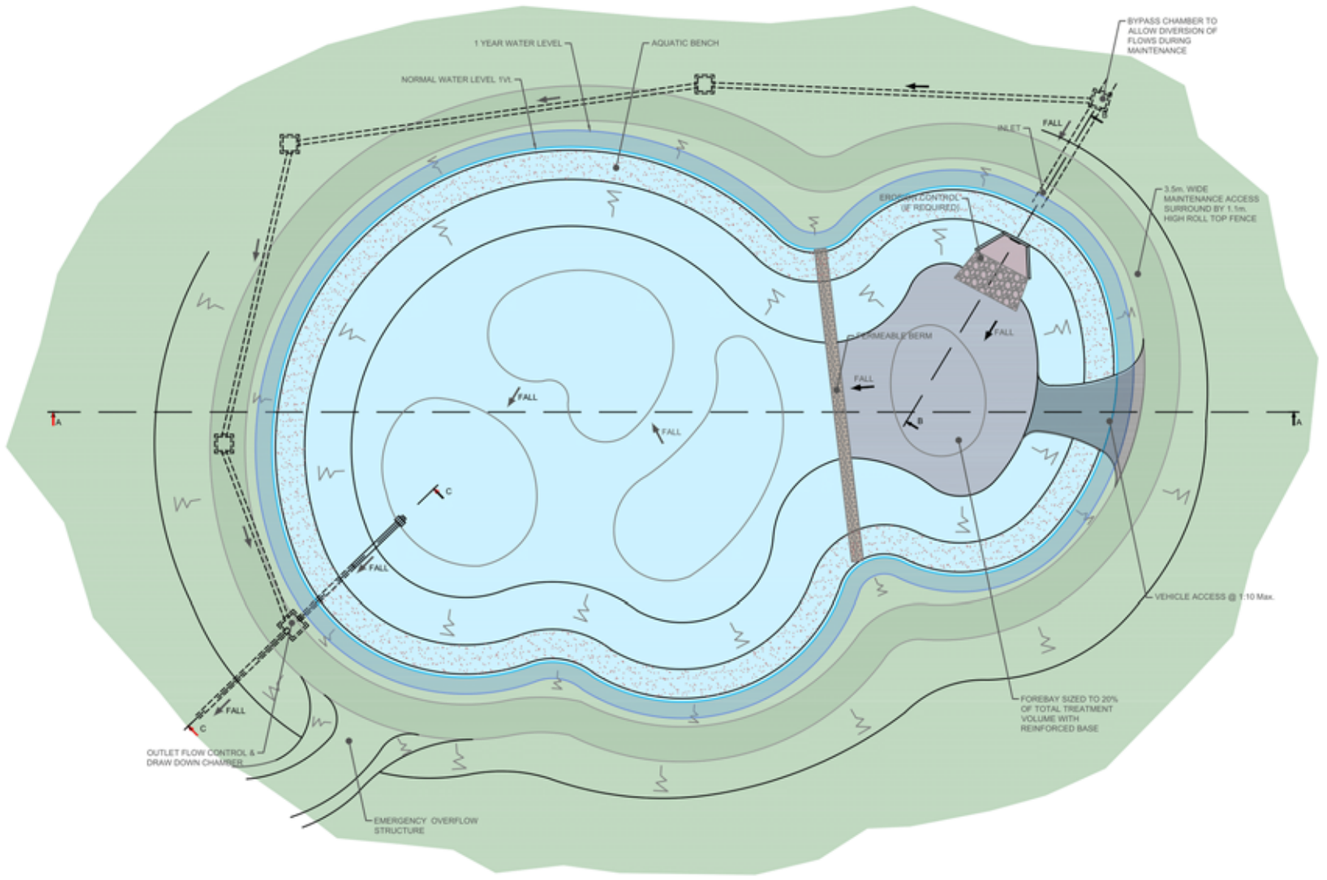


DETAIL A
SCALE 1:20

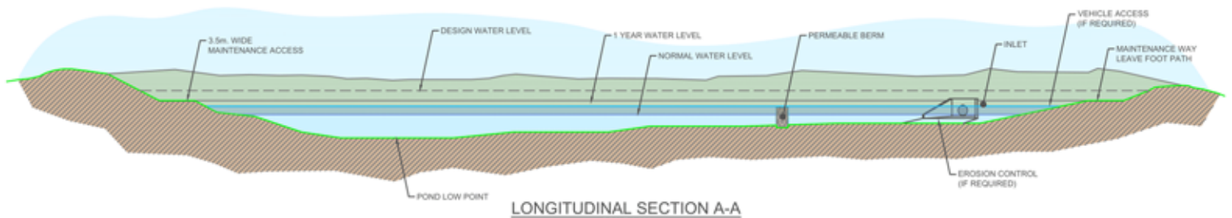
JBA

FIGURE D4

SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF BIORETENTION

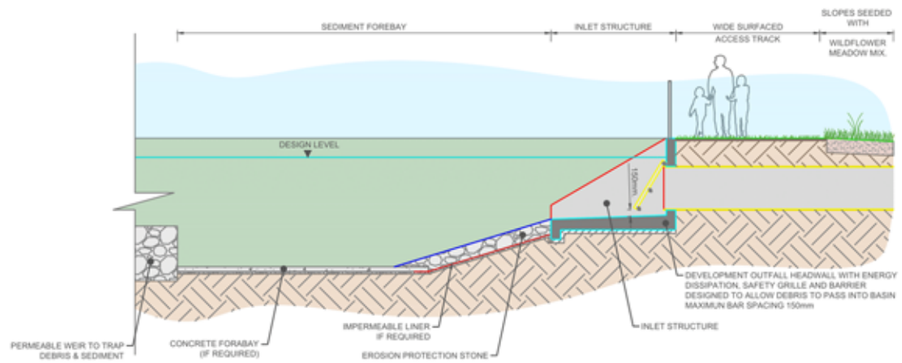


RETENTION POND PLAN
SCALE 1:200

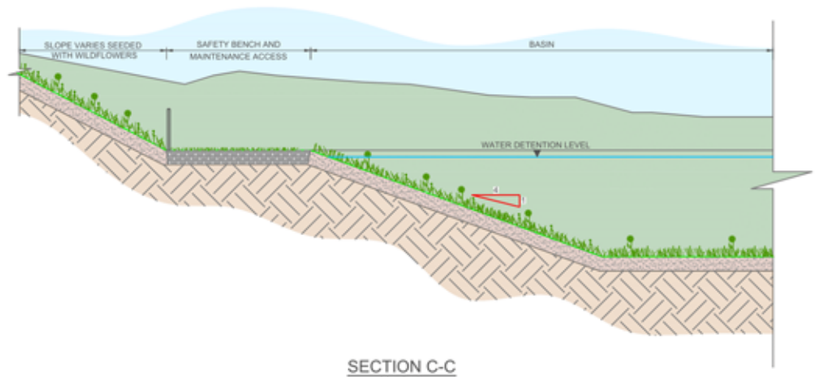


LONGITUDINAL SECTION A-A
SCALE 1:200

FIGURE D5
SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF POND



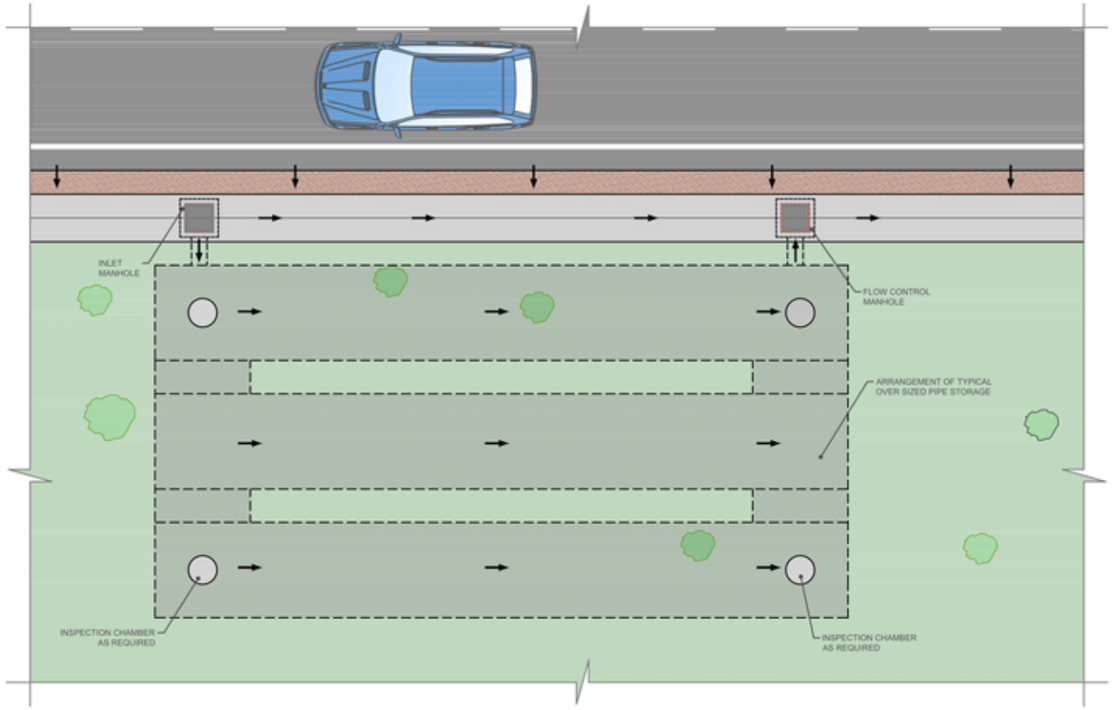
SECTION B-B
INLET DETAIL
SCALE 1:50



SECTION C-C
SCALE 1:50

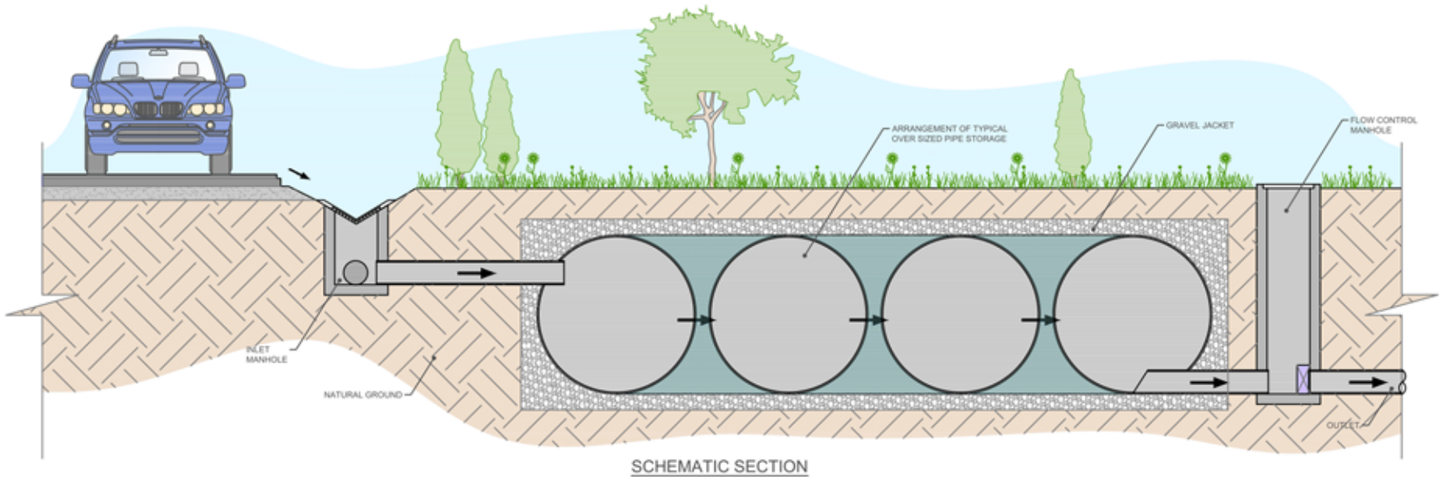
FIGURE D6

SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF DETENTION BASIN



TYPICAL UNDERGROUND STORAGE PLAN

SCALE 1:50

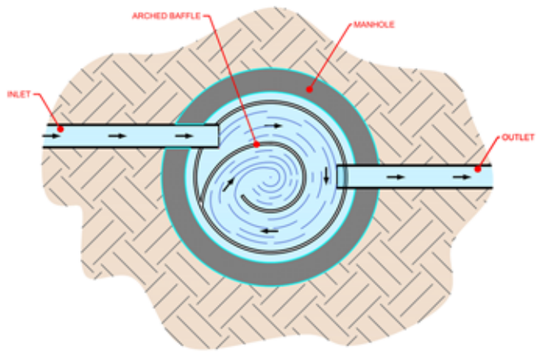


SCHEMATIC SECTION

SCALE 1:50

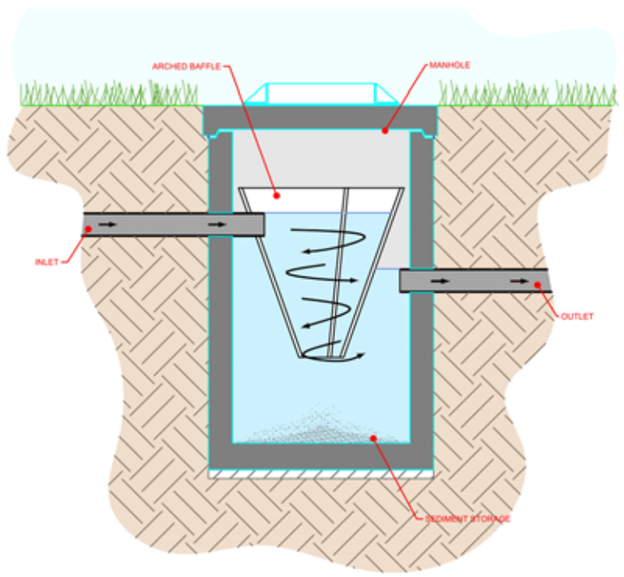
FIGURE D7

SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF UNDERGROUND STORAGE



VORTEX SEPARATOR PLAN

SCALE 1:20



SECTION A-A
VORTEX SEPARATOR

SCALE 1:20

FIGURE D8

SCHEMATIC LAYOUT SHOWING TYPICAL FEATURES OF VORTEX SEPARATOR

Appendix D Useful Resources

Masterplanning and Concept Design

CIRIA (2010) Guidance on water cycle management for new developments (WaND) (C690)
http://www.ciria.org/ItemDetail?iProductCode=C690&Category=BOOK
CIRIA (2010) Planning for SuDS: Making it Happen (C687)
http://www.ciria.org/Resources/Free_publications/Planning_for_SuDS_ma.aspx
CIRIA (2013) Creating water sensitive places: scoping the potential for Water Sensitive Design in the UK (C724)
http://www.ciria.org/Resources/Free_publications/Creating_water_sens1.aspx
CIRIA (2013) Water sensitive urban design in the UK: Ideas for built environment practitioners.
http://www.ciria.org/Resources/Free_publications/Water_Sensitive_Urba.aspx

Outline Design

BSI Standards Publication (2013) Code of Practice for Surface Water Management for Development Sites (Section 5)
http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030253266
CIRIA (2001) Rainwater and greywater use in buildings: Best practice guidance (C539)
http://www.ciria.org/ItemDetail?iProductCode=C539&Category=BOOK&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91
CIRIA (1996) Infiltration drainage - manual of good practice (R156)
http://www.ciria.org/ItemDetail?iProductCode=R156&Category=BOOK
CIRIA (2004) Sustainable Drainage Systems. Hydraulic, structural and water quality advice (C609B)
http://www.ciria.org/ItemDetail?iProductCode=C609D&Category=DOWNLOAD
CIRIA (2006) Designing for Exceedance in Urban Drainage: Good Practice (C635)
http://www.ciria.org/Resources/Free_publications/Designing_exceedance_drainage.aspx
CIRIA (2015) The SuDS Manual (C753) (Chapters 3, 4, 5, 6 and 25)
http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
Defra (2015) Non-statutory Technical Standards for Sustainable Drainage Systems
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf
Environment Agency (undated) Sustainable Drainage Systems: A Guide for Developers
http://www.rtpi.org.uk/media/12399/SuDS_a5_booklet_final_080408.pdf
Environment Agency (2012) Estimating flood peaks and hydrographs for small catchments: Phase 1. Project SC090031
http://nora.nerc.ac.uk/19604/4/SC090031_report.sflb.pdf
HR Wallingford (2004) The Operation and Maintenance of Sustainable Drainage Systems (and Associated Costs) (SR 626)
http://eprints.hrwallingford.co.uk/982/1/SR626-Operation-maintenance-sustainable-drainage-systems.pdf
HR Wallingford (2004) Whole Life Costing for Sustainable Drainage (SR 627)
http://eprints.hrwallingford.co.uk/983/1/SR627-Whole-life-costing-sustainable-drainage.pdf
Hydro International (2011) A guide to SuDS in the urban landscape
http://www.hydro-int.com/UserFiles/Hydro_e-guide.pdf
Local Authority SuDS Officer Organisation (living document) Non-Statutory Technical Standards for Sustainable Drainage: Best Practice Guidance
http://www.lasoo.org.uk/?publications=non-statutory-technical-standards-for-sustainable-drainage
National SuDS Working Group (2004) Interim Code of Practice for Sustainable Drainage Systems.
http://www.susdrain.org/files/resources/other-guidance/nswg_icop_for_SuDS_0704.pdf
Susdrain website
http://www.susdrain.org/
Thames Water Utilities Limited (2012) Addendum to Sewers for Adoption 7th Edition Nov 2012
http://www.thameswater.co.uk/tw/common/downloads/your-business-developer-services/tw-addendum-to-sewers-for-adoption-7th-edition.pdf

Detailed Design

Bray, B., Gedge, D. Grant, G, Leuthvilay, L. (2012) Rain Garden Guide
http://raingardens.info/wp-content/uploads/2012/07/UKRainGarden-Guide.pdf
British Water Code of Practice. Assessment of Manufactured Treatment Devices Designed to Treat Surface Water Runoff
http://www.britishwater.co.uk/Publications/manufactured-treatment-devices.aspx
CIRIA (2002) Source control using constructed pervious surfaces. Hydraulic, structural and water quality performance issues (C582)
http://www.ciria.org/ItemDetail?iProductCode=C582&Category=BOOK
CIRIA (2007) Building Greener: Guidance on the use of green roofs, green walls and complementary features on buildings (C644D)
http://www.ciria.org/ItemDetail?iProductCode=C644D&Category=DOWNLOAD
CIRIA website (live) Building Greener
http://www.ciria.com/buildinggreener/gr_introduction.htm
CIRIA (2008) Structural designs of modular geocellular drainage tanks (C680)
http://www.ciria.org/ItemDetail?iProductCode=C680&Category=BOOK
Department for Communities and Local Government (2009) Permeable surfacing of front gardens: guidance.
https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance
Greater London Authority (2008) Living Roofs and Walls Technical Report: Supporting London Plan Policy
https://www.london.gov.uk/sites/default/files/living-roofs.pdf
Green Roof Organisation (2014) The GRO Green Roof Code: Green Roof Code of Best Practice for the UK 2014.
https://livingroofs.org/wp-content/uploads/2016/03/grocode2014.pdf
Highways England (2012) Design Manual for Roads and Bridges HA 103/06
https://www.gov.uk/guidance/standards-for-highways-online-resources
Interpave (2010) Permeable paving for adoption
http://www.paving.org.uk/commercial/permeable_paving_for_adoption.php
Interpave (2012) Planning with paving
http://www.paving.org.uk/commercial/planning_with_paving.php
Interpave (2012) Understanding permeable paving: Guidance for designers, developers, planners and local authorities. Edition 4
http://www.paving.org.uk/commercial/understanding_permeable_paving.php
SEPA (2000) Ponds, pools and lochans: guidance on good practice in the management and creation of small waterbodies in Scotland
http://www.sepa.org.uk/media/151336/ponds_pools_lochans.pdf
SuDS Working Party (2009) SuDS for Roads.
http://www.scotsnet.org.uk/assets/sudsforroads.pdf
SuDS Working Party (2012) SuDS for Roads Whole Life Costs Tool.
http://www.scotsnet.org.uk/documents/sudsforroads-wlc-and-wlcarbon-toolv117.xls

Construction

CIRIA (2001) Control of water pollution from construction sites. Guidance for consultants and contractors(C532)
http://www.ciria.org/ItemDetail?iProductCode=C532
CIRIA (2002) Control of water pollution from construction sites – guide to good practice (SP156).
http://www.ciria.org/ItemDetail?iProductCode=SP156&Category=TP&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91
CIRIA (2006) Control of water pollution from linear construction projects. Site Guide (C649)
http://www.ciria.org/ItemDetail?iProductCode=C649&Category=BOOK&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91
CIRIA (2006) Control of water pollution from linear construction projects. Technical Guidance (C648)
http://www.ciria.org/ItemDetail?iProductCode=C648&Category=BOOK&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91
CIRIA (2007) Site handbook for the construction of SuDS (C698)
http://www.ciria.org/Resources/Free_publications/site_handbook_SuDS.aspx
CIRIA (2015) The SuDS Manual (C753): Chapter 21.
http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
CIRIA (2015) The SuDS Manual C753 Update - Appendix B: Construction assessment checklist.
http://www.susdrain.org/resources/SuDS_Manual.html
CIRIA RP992 The SuDS Manual Update: Paper RP992/22 Guidance of Construction Method Statements.
http://www.susdrain.org/files/resources/SuDS_manual_output/paper_rp992_22_construction_method_statements_assessment_checklists.pdf

Adoption

CIRIA (2015) The SuDS Manual C753 Update: Appendix B: SuDS adoption handover checklist.
http://www.susdrain.org/resources/SuDS_Manual.html

Operation and Maintenance

CIRIA (2004) Model agreements for sustainable water management systems, model agreements for SuDS (C625)
http://www.ciria.org/ItemDetail?iProductCode=C625&Category=PHOTOCOPYCIRIA
(2015) The SuDS Manual (C753): Chapter 22 (and maintenance section of each SuDS component chapter).
http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
CIRIA RP992 The SuDS Manual Update: Paper RP992/23 - Example of a SuDS Maintenance Plan
http://www.susdrain.org/files/resources/SuDS_manual_output/paper_rp992_23_example_suds_maintenance_plan.pdf
CIRIA RP992 The SuDS Manual Update: Paper RP992/23 - Guidance on the Maintenance Plan.
http://www.susdrain.org/files/resources/SuDS_manual_output/paper_rp992_21_maintenance_plan_checklist.pdf

Water quality

Environment Agency (2013) Water Stressed Areas - Final Classification
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244333/water-stressed-classification-2013.pdf
Environment Agency (2017) The Environment Agency's approach to groundwater protection.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/598778/LIT_7660.pdf

Biodiversity and landscape

CIRIA (2011) Delivering biodiversity benefits through green infrastructure (C711)
http://www.ciria.org/ItemDetail?iProductCode=C711&Category=BOOK
Forestry Commission (2013) Air temperature regulation by trees and green infrastructure.
http://www.forestry.gov.uk/PDF/FCRN012.pdf/$FILE/FCRN012.pdf
Freshwater Habitats Trust (live) Pond Creation Toolkit website
http://freshwaterhabitats.org.uk/projects/million-ponds/pond-creation-toolkit/
Amenity and public engagement
CIRIA (2015) Communication and engagement in local flood risk management (C751) and companion guide (C752)
http://www.ciria.org/Resources/Free_publications/c751.aspx
Forestry Commission (undated) The Urban Forest: How trees and woodlands can improve our lives in towns and cities.
http://www.forestry.gov.uk/pdf/FCURBANFORESTA44PP.PDF/$FILE/FCURBANFORESTA44PP.PDF
London Play (2010) Play with rainwater and SuDS
http://www.londonplay.org.uk/resources/0000/1701/Sustainable_drainage_and_play_with_rainwater_low_res.pdf
RSPB/WWT (2012) Sustainable Drainage Systems: Maximising the potential for people and wildlife. A guide for local authorities and developers.
http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

Retro-fitting SuDS

CIRIA (2012) Retro-fitting to manage surface water (C713)
http://www.ciria.org/Resources/Free_publications/Retro-fitting_manage_surface_water.aspx

Glossary

Attenuation – The process of slowing and temporarily storing run-off to enable a more controlled rate and volume of discharge

Brownfield – Land that has been previously developed

Catchment – The area of land drained by a river and other water bodies along that river's route

Environmental Permit - A permit which allows certain activities which have the potential to impact the environment and human health, following specific restrictions.

Flood Risk Assessment (FRA) - is an assessment of the risk of flooding from all flooding mechanisms i.e. fluvial, pluvial, tidal, groundwater, sewer systems.

Greenfield – Natural or agricultural land that is vacant of existing buildings or infrastructure

Impermeable – Not allowing passage (as of a fluid) through its matter.

Impervious – A material that prevents penetration or passage of another substance

Infiltration - The process by which surface water passes through the soil.

Interception – The disruption of the movement of water by vegetation cover.

Land drainage Consent - Is a requirement of the Land Drainage Act 1991, for any developer who plans to carry out any construction work that might affect the flow of an ordinary watercourse and subsequently increase the flood risk to the surrounding area.

Main River - Usually consists of larger streams and rivers, but some of them are smaller watercourses of local significance. Main Rivers indicate those watercourses for which the Environment Agency is the relevant risk management authority.

Manning's Equation – Is an empirical equation that relates the velocity (V) of water flowing through a stream to its slope (s), the hydraulic radius of the stream (R), and its approximate bed roughness (n). V = (R⅔s½)/n..

National Planning Policy Framework (NPPF) – A strategic document which aims to address the Government's economic, environmental and social planning policies for England. The policies set out in this framework apply to the formation of local and neighbourhood plans and to decisions on planning applications.

Ordinary Watercourse – Includes every river, stream, ditch, drain, cut, dyke, sluice, sewer (other than public sewer) and passage through which water flows which does not contribute to part of a Main River. The Lead Local Flood Authority, District/Borough Council or Internal Drainage Board is the relevant risk management authority.

Outline Application - An application which allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted by the Local Planning Authority on the basis that additional details of the development are conditioned to ensure they are submitted within a subsequent reserved matters application.

Permeable – A material which is able to be easily passed-through by a liquid

Porous – A material that is able to easily absorb fluids into its pores

Reserved Matters – Regards certain elements of a proposed development which an applicant can choose not to submit details of with an outline planning application, such as access details

Riparian Owner - An owner of land with a watercourse adjoining, above or running through it, who has specific rights and responsibilities, i.e. maintenance of the watercourse to prevent restrictions which have the potential to cause fluvial flooding. https://www.gov.uk/guidance/owning-a-watercourse

Strategic Flood Risk Assessment (SFRA) – Is a requirement of the local planning process, as set out in Planning Policy Statement 25, produced by the Department for Communities and Local Government. It's overall aim is to ensure that requires local authorities to demonstrate that due regard has been given to the issue of flood risk as part of the planning process. Please see Strategic Flood Risk Assessment for further details on Cheshire East Council's SFRA.

Topography – The contours, gradients, levels and features formed on a terrestrial surface

Urban heat-island effect – the effect hard-surfaces in an urban environment have in raising built-environment temperatures above those of surrounding natural land

Draft Sustainable Urban Drainage Systems Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Introduction and Purpose

1. Cheshire East Council has produced a draft Sustainable Urban Drainage Systems (SUDS) Supplementary Planning Document ("SPD"). The purpose of the SPD is to provide guidance on the implementation of SUDS in new development, adding further detail and guidance to policies contained within the Development Plan.

2. The Development Plan for Cheshire East consists of the Local Plan Strategy ("LPS") and 'saved' policies in the Crewe and Nantwich, Congleton and Macclesfield Local Plans. In addition, made Neighbourhood Plans also form part of the Development Plan.

3. The policy framework for the SPD is contained mostly in the LPS, with a particular focus on Policy SE13 Flood Risk and Water Management.

4. The Council is also in the process of preparing the second part of its Local Plan, called the Site Allocations and Development Policies Document ("SADPD"). The Revised Publication Draft SADPD (consulted on between 26 October and 23 December 2020) contains a number of emerging policies on matters including Policy ENV16 'Surface Water Management and Flood Risk' and is being prepared in conformity with the LPS and the emerging SADPD.

5. This screening report is designed to determine whether or not the contents of the draft Sustainable Urban Drainage Systems SPD require a Strategic Environmental Assessment ("SEA") in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also addresses whether the draft Sustainable Urban Drainage Systems SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations. The report contains separate sections that set out the findings of the screening assessment for these two issues.

6. This statement, alongside the draft Sustainable Urban Drainage Systems SPD, will be the subject of consultation in accordance with the relevant regulations and the Council's Statement of Community Involvement from the XXXX to XXXX. This will include consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England), and Manchester University. Comments received during the consultation on the draft Sustainable Urban Drainage Systems SPD and this statement will be reflected in future updates to this document.

Strategic Environmental Assessment Screening

Legislative Background

7. The objective of SEA is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development. It is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (also known as the SEA Directive). The Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.

8. Article 3(3) and 3(4) of the regulations make clear that SEA is only required for plans and programmes when they have significant environmental effects. The 2008 Planning Act removed the requirement to undertake a full Sustainability Appraisal for a SPD although consideration remains as to whether the SPD requires SEA, in exceptional circumstances, when likely to have a significant environmental effect(s) that has not already been assessed during the preparation of a Local Plan. In addition, planning practice guidance (PPG – ref Paragraph: 008 Reference ID: 11-008-20140306) states that a SEA is unlikely to be required where an SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.

Overview of draft Sustainable Urban Drainage Systems SPD

9. The purpose of the draft Sustainable Urban Drainage Systems SPD is to provide further guidance on the implementation of LPS policy SE 13 ("Flood Risk and Water Management").

10. It is important to note that policies in the LPS were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing

policies. The LPS Integrated Sustainability Appraisal has informed this SPD screening assessment.

11. SEA has been undertaken for policy SE13 ("Flood Risk and Water Management") as part of the Integrated Sustainability Appraisal that supported the LPS. For the purposes of compliance with the UK SEA Regulations and the EU SEA directive, the following reports comprised the SA "Environmental Report":

    - SD 003 – LPS Submission Sustainability (Integrated) Appraisal (May 2014);
    - PS E042 – LPS Sustainability (Integrated) Appraisal of Planning for Growth Suggested Revisions (August 2015);
    - RE B006 – LPS Sustainability (Integrated) Appraisal Suggested Revisions to LPS Chapters 9-14 (September 2015);
    - RE F004 – Sustainability (Integrated) Appraisal – Proposed Changes (March 2016);
    - PC B029 – Sustainability (Integrated) Appraisal - Proposed Changes to Strategic and Development Management Policies (July 2016);
    - PC B030 – Sustainability (Integrated) Appraisal - Proposed Changes to Sites and Strategic Locations (July 2016);
    - MM 002 - Sustainability (Integrated) Appraisal - Main Modifications Further Addendum Report.

12. In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS. It should also be noted that the emerging SADPD and the policies contained in it have also been supported by a Sustainability Appraisal (incorporating the requirements for the SEA directive).

SEA Screening Process

13. The council is required to undertake a SEA screening to assess whether the draft Sustainable Urban Drainage Systems SPD is likely to have significant environmental effects. If the draft Sustainable Urban Drainage Systems SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary. This is considered in Table 1 below:-

Table 1: Establishing the need for a SEA

Stage		Decision	Rationale
1.	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes	The SPD will be prepared and adopted by Cheshire East Borough Council.
2.	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No	The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a draft Sustainable Urban Drainage Systems SPD.
3.	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No	The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)). Whilst some developments to which the guidance in the SPD applies would fall within Annex II of the EIA Directive at a local level, the SPD does not specifically plan for or allow it.
4.	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake a HRA assessment for the SPD. This conclusion has been supported by an HRA screening assessment as documented through this report.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	No	The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the how applicants should demonstrate the delivery of Sustainable Urban Drainage Systems, but it does not specifically determine the use of small areas at a local level. The SPD will be a material consideration in decision taking.
6.	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No	The LPS and emerging SADPD provide the framework for the future consent of projects. The SPD elaborates upon approved and emerging policies and does not introduce new policy or allocate sites for development.

14. The SPD is considered to not have a significant effect on the environment and therefore SEA is not required. However, for completeness, Table 2 assesses whether the draft SPD will have any significant environmental effects using the criteria set out

in Annex II of SEA Directive 2001/42/EC[1] and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004[2].

Table 2: assessment of likely significance of effects on the environment

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	Guidance is supplementary to polices contained in the LPS and emerging SADPD, both of which have been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East. The draft Sustainable Urban Drainage Systems SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS. Final decisions will be determined through the development management process. No resources are allocated.	No
(b)The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The draft SPD is in general conformity with the LPS, which has been subject to a full Sustainability Appraisal (incorporating SEA). It is adding more detail to the adopted LPS and other policies in the Development Plan including the emerging SADPD, which has itself been the subject of Sustainability Appraisal. Therefore, it is not considered to have an influence on any other plans and programmes.	No
(c)The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The draft SPD promotes sustainable development, in accordance with the NPPF (2019) and LPS policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The draft SPD has relevance for the integration of environmental considerations and promotes sustainable development by providing guidance on the delivery of	No

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN

[2] http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
	Sustainable Urban Drainage Systems in the borough.	
(d)Environmental problems relevant to the SPD.	There are no significant environmental problems relevant to the SPD.	No
(e)The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The draft SPD will not impact on the implementation of community legislation on the environment.	No
2.Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	The draft SPD adds detail to adopted LPS policy; itself the subject of SA.	No
(b)The cumulative nature of the effects of the SPD.	The draft SPD adds detail to adopted LPS policy, itself the subject of SA. The SA associated with the LPS and emerging SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c)The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The draft SPD will not lead to any transboundary effects as it just providing additional detail regarding the implementation of policy SE13 in the LPS and does not, in itself, influence the location of development.	No
(d)The risks to human health or the environment (e.g. due to accident).	The draft SPD will not cause risks to human health or the environment as it is adding detail to environmental policies in the Local Plan.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The draft SPD covers the Cheshire East administrative area. The draft SPD will assist those making planning applications in the borough.	No
(f)The value and vulnerability of the area likely to be affected by the SPD due to: • Special natural characteristics of cultural heritage	The draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of environmental policy SE13 in the LPS, and does not, in itself, influence the location of development.	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
• Exceeded environmental quality standards or limit values • Intensive land use.		
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not influence the location of development, so will not cause effects on protected landscape sites.	No

Conclusion and SEA screening outcome

15. The SPD is not setting new policy; it is supplementing and providing further guidance on an existing LPS policy. Therefore, it is considered that an SEA is not required on the draft Sustainable Urban Drainage Systems SPD. This conclusion will be revisited following consideration of the views of the three statutory consultees (the Environment Agency, Historic England and Natural England) and if there are significant changes to the SPD following public consultation.

Habitats Regulations Assessment Statement

16. The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.

17. The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.

18. European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.

19. Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the draft Sustainable Urban Drainage Systems SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.

20. A judgement, published on the 13 April 2018 (People Over Wind and Sweetman v Coillte Teoranta (C-323/17) clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment “screening stage” when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

21. Both the LPS and emerging SADPD have been subject to HRA.

22. The draft Sustainable Urban Drainage Systems SPD does not introduce new policy; it provides further detail to those policies contained within the LPS. The HRA concluded that policies s SE 13 “Flood Risk and Water Management” could not have a likely significant effect on a European Site. The same applies to the draft Sustainable Urban Drainage Systems SPD. The draft Sustainable Urban Drainage Systems SPD in itself, does not allocate sites and is a material consideration in decision taking, once adopted.

23. The draft Sustainable Urban Drainage Systems SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore, a full Appropriate Assessment under the requirements of the Habitats Regulations is not required.

Conclusion and HRA screening outcome

24. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England), this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required.

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EQUALITY IMPACT ASSESSMENT

TITLE: Draft Sustainable Urban Drainage Systems Supplementary Planning Document ("SPD")

VERSION CONTROL

Date	Version	Author	Description of Changes
24.05.2021	**1**	Tom Evans	**Initial Draft**
-	**-**	**Sarah Walker**	**EDI sign off**

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service /

Department	Strategic Planning		**Lead officer responsible for assessment**		Tom Evans, Neighbourhood Plan Manager	
Service	Environmental and Neighbourhood Services		**Other members of team undertaking assessment**		Tom Evans, Neighbourhood Plan Manager	
Date	24/05/2021		Version 1			
Type of document (mark as appropriate)	**Strategy YES**	**Plan**	**Function**	**Policy**	**Procedure**	**Service**
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	**New YES**		**Existing**		**Revision**	
Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation) **Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service**	**Draft Jodrell Bank Supplementary Planning Document ("SPD")** <u>Background</u> Supplementary Planning Documents ("SPDs") provide further detail to the policies contained in the development plan. They can be used to provide guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan. The council has prepared a draft SUDS SPD for consultation. The draft SPD provides additional guidance on the implementation of policy SE13 ("Flood Risk and Water Management"), in the council's Local Plan Strategy, adopted in July 2017. The SPD, once adopted, should assist applicants when making planning applications, and the council in determining them. The SPD provides further guidance on existing policies, rather than setting a new policy approach in relation to biodiversity and habitats. The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the National Planning Policy Framework and National Planning Practice Guidance.					

	The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended by the Local Planning, Development Management Procedure, Listed Buildings etc (England) (Coronavirus) (Amendment) Regulations 2020), the National Planning Policy Framework and National Planning Practice Guidance. An Equalities Impact Assessment was prepared alongside the integrated Sustainability Appraisal work which supported the Local Plan Strategy. An Equalities Impact Assessment has also been prepared to support the emerging Site Allocations and Development Policies Document. The assessment found that the LPS policies (including policies particularly relevant to the SPD) and emerging SADPD are unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010.
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	Public consultation will take place on the draft SPD for four weeks in accordance with the Town and Country Planning ((Local Planning) (England) Regulations 2012) and the council's adopted Statement of Community Involvement. This will include the general public, town and parish councils, statutory consultees, elected members, consultees who have registered on the strategic planning database.
What consultation method(s) did you use?	The council prepares a Statement of Community Involvement which provides detail on how it will consult on Local Plan documents and SPDs. This includes the availability of documents, how residents and stakeholders will be notified etc. The council's Local Plan consultation database, which will be notified of the consultation, also includes a number of organisations who work alongside groups with protected characteristics in the borough. Once consultation has taken place on the draft SPD, all comments received will be reviewed before consideration is given to any amendments required. A report of consultation will be prepared alongside the final version of the SPD and this will also be subject to further consultation. This EIA will be kept updated as the draft SPD progresses.

Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	Ward councillors. Those living and working in the borough, property owners, landowners and developers, clinical commissioning group, special interest groups.

EQUALITY IMPACT ASSESSMENT

Who is intended to benefit and how?	Local communities including landowners and developers. The SPD will provide additional guidance on the implementation of existing planning policies related to the assessment of planning applications on matters relating to managing water and flood risk providing guidance on how a developers should work with the landscape of a site to manage water (rather than introducing an engineering led approach). Building in landscape features that helps to disperse and manage surface water is beneficial to all communities through increasing the provision of natural environmental services, reducing flood risk from surface water and improve design in new development. The means through which a SUDS are achieved may also improve access to green space and recreation opportunities in new and existing development.
Could there be a different impact or outcome for some groups?	No, the SPD builds upon existing planning policy guidance and provides further information about how the council will consider planning applications. The provision of guidance on how SUDS should be implemented will assist in clarifying what types of design are acceptable in Cheshire East. The SPD, in applying additional guidance to assist in the interpretation of planning policies should be beneficial to a wide variety of groups including communities, landowners and developers.
Does it include making decisions based on individual characteristics, needs or circumstances?	No, the introduction of the SPD is not based on individual characteristics, needs or circumstances. The SPD includes information on the management of water in new development.The content of the SPD does not relate directly to the characteristics of human populations.
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No, the SPD is not intended to affect different groups or communities in this way.
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?	No, the SPD is not intended to target any group and will be consulted upon in line with the council's Statement of Community Involvement.

Is there an actual or potential negative impact on these specific characteristics? (Please tick)

Age	**Y**	**N**	**Marriage & civil partnership**	**Y**	**N**	**Religion & belief**	**Y**	**N**
Disability	**Y**	**N**	**Pregnancy & maternity**	**Y**	**N**	**Sex**	**Y**	**N**
Gender reassignment	**Y**	**N**	**Race**	**Y**	**N**	**Sexual orientation**	**Y**	**N**

EQUALITY IMPACT ASSESSMENT

What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts		Consultation/ involvement carried out	
		Yes	**No**
Age **Disability** **Gender reassignment** **Marriage & civil partnership** **Pregnancy & maternity** **Race** **Religion & belief** **Sex** **Sexual orientation**	The SPD may have an impact those living and working in the borough. The draft SUDS SPD provides further guidance on the implementation of LPS policy SE13 "Flood Risk and Water Management" to support the delivery of SUDS solutions that improve design and work with the landscape of a site. The SPD also provides guidance on policy requirements and methods that applicants can use to demonstrate compliance with relevant policies in the Development Plan. The guidance in the SPD may be beneficial as it will assist in supporting the long term ability of development to mitigate the impacts of climate change, that can support the economy, recreation and leisure opportunities for human populations. The SPD provides further guidance on the policy approach set out in the Local Plan Strategy. No negative impacts are identified at this stage in relation to any of the specific characteristics however public consultation will be undertaken and this may raise issues officers are not currently aware of. The EIA will be reviewed (and updated) once the initial consultation has taken place.		**X (to be carried out)**

Proceed to full impact assessment? (Please tick)	**Yes**	**No**	**Date: 24/05/2021**
Lead officer sign off		**Date**	

EQUALITY IMPACT ASSESSMENT

Head of service sign off		**Date**	

If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

EQUALITY IMPACT ASSESSMENT

Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	Is the policy (function etc….) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations *List what negative impacts were recorded in Stage 1 (Initial Assessment).*	Are there any positive impacts of the policy (function etc….) on any of the groups? Please include evidence (qualitative & quantitative) and consultations *List what positive impacts were recorded in **Stage 1** (Initial Assessment).*	Please rate the impact taking into account any measures already in place to reduce the impacts identified ***High:*** *Significant potential impact; history of complaints; no mitigating measures in place; need for consultation* ***Medium:*** *Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures* ***Low:*** *Little/no identified impacts; heavily legislation-led; limited public facing aspect*	Further action (only an outline needs to be included here. A full action plan can be included at Section 4) *Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.*
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				

Pregnancy and maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)				

Stage 4 Review and Conclusion **ASSESSMENT**

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
Specific actions to be taken to reduce, justify or remove any adverse impacts	**How will this be monitored?**	**Officer responsible**	**Target date**
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?			
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off	Tom Evans	**Date:** **23/03/21**	
Head of service sign off		**Date:**	

Please publish this completed EIA form on the relevant section of the Cheshire East website

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Working for a brighter future together

Environment and Communities Committee

Date of Meeting:	7th July 2021
Report Title:	Neighbourhood Services – Service Specific Enforcement Policies
Report of:	Frank Jordan – Executive Director Place
Report Reference No:	EC/04/21-22
Ward(s) Affected:	All

1. Executive Summary

1.1. Neighbourhood services is responsible for a number of enforcement activities on behalf of the council, including fly-tipping, littering, public space protection orders and anti-social behaviour. In order to have the best opportunity for successful enforcement against these activities the service requires up to date and clear polices.

1.2. The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan also sets out priorities under the three broad aims including "*welcoming, safe and clean neighbourhoods"*. These polices will support the achievement of this priority and in particular the action to have *"clear and integrated enforcement approach with relevant fit for purpose policies for each enforcement service"*.

1.3. Cabinet approved the overarching Cheshire East Enforcement Policy on 8th October 2019 and delegated authority to Portfolio Holders that have responsibility for enforcement activity to approve changes to service specific policies as required. Following the transition to the committee system for decision making the Environment and Communities committee is responsible for determining policies in relation to anti-social behaviour and community enforcement.

2. Recommendations

2.1. That the committee approves the proposed policies for Community Enforcement, Anti-Social Behaviour Enforcement, and Body Worn Camera as set is appendices 1-3.

3. Reasons for Recommendations

3.1. There is a need to address ongoing issues around a number of enforcement activities. In order to achieve this, it is important to set out the council's expectations and what actions will be taken if they are not followed. This will enable officers to follow-up with education, engagement, encouragement and where necessary, enforcement activity.

3.2 The Body Worn Video policy sets out the Community Enforcement Team's intention to use body worn cameras as part of their day to day work. The cameras will allow officers to undertake their duties in a safe and effective way by allowing them to activate their cameras to protect themselves and the public. It also allows for more effective and efficient investigation allowing officers to film and capture pictures of fly tipping and evidence-based work, enhancing their investigative standards.

4. Other Options Considered

4.1. In order to address, and where appropriate enforce against, the environmental offences and persistent anti-social behaviour listed within these policies there needs to be in a place up-to-date and fit for purpose policies, therefore no other options have been considered.

5. Background

5.1. The overarching Cheshire East Enforcement Policy was updated and approved by Cabinet on 8 October 2019. The Policy was designed to apply to all regulatory areas covered by the council. Whilst some legislation and sanctions apply across the range of enforcement services, in some cases legislation and sanctions are limited to a specific service area. Service specific policies are therefore aimed at providing clarity on relevant legislation and enforcement options to those who are the subject of enforcement action.

5.2. The council's enforcement policies provide guidance to officers, businesses and the public on the range of options that are available to achieve compliance with legislation and regulations. They are designed to help businesses and individuals understand our objectives and methods for achieving compliance as well as the criteria we consider when deciding the most appropriate response to a breach of legislation. The council follows the 4 Es approach to enforcement - engage, explain, encourage, and enforce only when there is a failure to cooperate or persistent breaches.

6. Consultation and Engagement

6.1. There is no statutory requirement to consult on the draft enforcement policies. When consultation has been undertaken on similar policies previously, the response rate has been low. However, by following the 4 Es approach to enforcement the council's enforcement officers will seek to engage, explain and encourage residents and businesses to comply with legislation and regulations, and only enforce when necessary.

7. Implications

7.1. Legal

7.1.1. The local authority's duties and powers of enforcement in relation to the policies being proposed are in the main prescribed by:

- Environmental Protection Act 1990 (EPA 1990)
- Cleaner Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Anti Social Behaviour, Crime and Policing Act 2014
- Regulations of Investigatory Powers Act 2000 (RIPA)
- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996

7.1.2. The Body Worn Video cameras will be used in accordance with the following National Legislation and guidance at all times:

- General Data Protection Regulation
- Data Protection Act 2018
- Human Rights Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Information Commissioners CCTV Codes of Practice
- Surveillance Camera Commissioners Codes of Practice

7.1.3. BWV Cameras, as is set out in the body of the policy document, will not be used for anything other than the overt recording of video footage in connection with the Council's enforcement activities. The policy also requires officers to announce that they are turning the cameras on. BMV Cameras may not be used for Covert or Directed Surveillance purposes. Directed Surveillance by Council Officers is only ever permissible when it has been approved by a Magistrates' Court in accordance with Part II of the Regulation of Investigatory Powers Act 2000

7.1.4. In clearly setting out the Council's Community Enforcement, Anti-Social Behaviour Enforcement and Body Warn Camera polices, residents will be in no doubt of what is expected of them. This clarity will enable the adoption of the 4 'Es of enforcement, starting with engagement, education and encouragement to be carried out with the knowledge that, if enforcement action is required, the Council will be able to carry this out.

7.2. Finance

7.2.1. Implementing the service specific enforcement policies will incur staff time but no additional costs. Staffing costs are already covered by base budgets within Neighbourhood Services.

7.3. Policy

7.3.1. The adoption of these policies supports the council's priority within the Corporate Plan 2021-25 to provide welcoming, safe and clean neighbourhoods, to reduce anti-social behaviour and improve our environment.

7.4. Equality

7.4.1. An equality impact assessment has been undertaken; no equality implications have been identified.

7.5. Human Resources

7.5.1. There are no HR implications

7.6. Risk Management

7.6.1. There is a reputational risk to the Council in not having transparent and robust polices. There is also a risk that enforcement action would be ineffective without a robust policy.

7.7. Rural Communities

7.7.1. These policies will support enforcement of fly-tipping and anti-social behaviour across all neighbourhoods and communities of the borough, including rural communities.

7.8. Children and Young People/Cared for Children

7.8.1. There are no implications for Children and Young People/Cared for Children

7.9. Public Health

7.9.1. The enforcement policies should help in the reduction of incidents of fly tipping and ASB which should in return have a positive impact on residents' health through cleaner and safer neighbourhoods.

7.9.2. The use of Body Worn Cameras and Body Worn Video will assist in protection for officers undertaking their duties and general patrols under the relevant acts in which they are authorised to and also provide protection for members of public

7.10. Climate Change

7.10.1. There are no direct implications from the policies on climate change.

Access to Information	
Contact Officer:	Christopher Allman – Head of Neighbourhood Services Christopher.allman@cheshireeast.gov.uk 01270 686689
Appendices:	Appendix 1- Community Enforcement Policy Appendix 2- Anti-Social Behaviour Enforcement Policy Appendix 3- Body Warn Cameras Policy
Background Papers:	Cheshire East Enforcement Policy

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Appendix 1

Service
Specific Enforcement Policy

Community Enforcement

July 2021

To be read in conjunction with the Cheshire East Council Corporate Enforcement Policy and Cheshire East Waste management and Fly-tipping Policy

1. Aims of this Policy

1.1 To advise and inform businesses and individuals with regards to:

- The legislative powers available to the Community Enforcement Team in relation to the effective enforcement of waste and abandoned and nuisance vehicle offences
- The decision-making process when considering enforcement action

1.2 This policy must be read in conjunction with the Cheshire East Corporate Enforcement policy which provides details of the overarching approach taken by Cheshire East in its enforcement duties

1.3 This policy must also be read in conjunction with Cheshire East Councils Waste Management and Fly tipping policy which provides details of the authority's expectations in relation to residents and businesses management of waste.

2. Introduction

2.1 The Council within its published corporate plan has a stated ambition to have 'Welcoming, safe and clean neighbourhoods' and in particular to use the full range of education, engagement and enforcement tools to protect our communities; and take formal enforcement action as appropriate, to reduce offending and increase compliance with the law from individuals or businesses.

2.2 The Community Enforcement Team are responsible for enforcement of waste management, fly tipping and nuisance and abandoned vehicle offences. The Community Enforcement Team are jointly managed alongside the Councils Anti-Social Behaviour Team, and are also responsible for:

- Enforcement of Public Spaces Protection Orders (including those tackling dog fouling and promoting responsible dog ownership – please see section 6.5 of our Anti-Social Behaviour Enforcement Policy for more information)
- Enforcement of Community Protection Notices (please see 6.6 of our Anti-Social Behaviour Enforcement Policy)
- Assisting the Anti-Social Behaviour Team with wider Neighbourhood and Community based Anti-Social Behaviour

The above responsibilities are covered in more detail within the Cheshire East Councils Anti-Social Behaviour Enforcement Policy. The list is not exhaustive but includes Community Enforcement Team's main additional functions.

The Community Enforcement Team's response to potential waste offences is underpinned by the Waste Management and Fly Tipping policy and identifies several issues which are likely to require legal remedies for Cheshire East to enforce against breaches of such.

3 Policy Guidance

3.1 For the purpose of this policy waste enforcement has been split into 5 main categories:

- Fly tipping

- Littering
- Domestic Waste/duty of care (for residents and individuals)
- Business Waste/duty of care
- Vehicles

3.2 In addition to the range of legislation available to the team, national guidance and codes of practice are considered when determining the most appropriate course of action to remedy a problem alongside in-house procedures for operational officers.

National guidance for all areas listed under 3.1 can be found on https://www.gov.uk/

3.3 The Community Enforcement Team possesses various powers and duties to deal with actual or potential breaches of waste management, abandoned and nuisance vehicle legislation and policy. In other words, although there are many things that the service must do, there are also many others which it may do only where it is expedient to do so. Where this discretion is available then the service will consider several wider factors and tests to determine its regulatory approach, taking into account the level of ham caused by the incident or contravention. Further information on these guiding principles can be found in Section 3.0 of the Cheshire East Corporate Enforcement Policy.

3.4 Enforcement action should not normally be considered as an initial remedy for any contraventions of legislation and policy. In most circumstances the Council's approach to enforcement of poor waste management, abandoned and nuisance vehicles will follow the 4 Es principles of Engage, Educate, Encourage, Enforce. Where possible officers should consider informal action/preventative measures in the first instance. However, there may be occasions, depending on the severity of the contravention, threshold or public interest tests within legislation where formal action will be considered as the most appropriate course of action.

3.5 Some of the enforcement actions identified within this policy are running in dedicated areas of the borough as pilot activities. Until such time that the pilots have been concluded, findings reviewed, and approaches agreed, there should be no expectation that the Council will be undertaking the use of these enforcement actions across the whole borough. This policy will be updated accordingly on completion of any pilots.

3.6 In relation to waste enforcement the Community Enforcement Team will make every attempt to attend reports of offences. Where there are high levels of incidents, priority will be given to clear the waste as soon as possible (if on Local Authority Land). If on clearance of the waste, evidence is found our waste clearance team will work closely with the CET in order to ensure an appropriate investigation is conducted.

3.7 Where a waste, abandoned vehicle or nuisance vehicle offence has been witnessed by a member of public, it must be understood that in some circumstances without a formal witness statement it is very likely that pursual of the suspected offence will not be possible.

4 Legislative Framework

4.1 The Community Enforcement Team has key legislative powers, under the Environmental Protection Act 1990 (EPA 1990), Cleaner Neighbourhoods and Environment Act 2005, and other legislation relating to the environment. These offer a wide range of powers to enable the CET to fulfil the duties for which it is responsible when dealing with waste, abandoned and nuisance vehicle offences.

4.2 The below list highlights the main legislative powers by which the Community Enforcement Team undertake its duties to investigate and take appropriate action in relation to waste offences and how investigations of such are undertaken:

- Environmental Protection Act 1990 (EPA 1990)
- Cleaner Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Anti Social Behaviour, Crime and Policing Act 2014
- The Deregulation Act 2005
- Regulations of Investigatory Powers Act 2000 (RIPA)
- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996

4.3 Additional legislation by which the Community Enforcement Team operate under in line with any investigations undertaken can be found under section 3 of the of the Cheshire East Corporate Enforcement Policy. These include considerations under the Human Rights Act 1998 and the Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR)

5 Types of offences

5.1 As highlighted in 3.1 of this policy the 5 main areas of enforcement work the Community Enforcement Team are responsible are split into 5 main categories below.

5.2 **Fly tipping:** Large deposits of waste on private land (e.g. farmers land), highways and laybys, large bulky waste items such as sofas, fridges, beds, garden furniture etc.

Can be used against individuals or businesses.

5.2.1 Bagged Waste: There is no legal definition of what constitutes fly tipping other than offences set out in section 33 of the Environment Protection Act 1990 (highlighted below). The Litter and Refuse Code of Practise published by Defra in 2006 (last updated in September 2019) notes that a single plastic sack of rubbish should usually be considered fly tipping rather than litter. However, the use of the term “usually” indicates an acceptance that definitions cannot be rigid.

In this context, it is commonly assumed that fly tipping is as a result of deliberate, negative behaviour ranging from those that care little about their local amenities to those seeking to profit from the illegal dumping.

The Council recognises that using fly tipping legislation to enforce against individuals acting in a way that they believe to be a fair and reasonable manner, i.e. leaving out additional black bags to be collected alongside their refuse bin on collection day where the motivation is not negative, but rather is intended as being responsible, may not be considered as proportionate under this legislation.

This does not mean that bagged waste left in these circumstances will not be investigated where appropriate. In these cases, the council will look to investigate the matter under

different legislation outlined in this policy (such as 'duty of care', or 'section 46 notice') with an engage, educate and encourage approach in the first instance.

Examples of exceptions to this whereby bagged waste could be investigated under fly tipping legislation are as follows:

- Bagged waste left out/deposited on a non-collection day on any land that is not the persons own.
- Bagged waste left out in numbers that would indicate unusual waste behaviour, i.e. the illegal deposit of trade waste as domestic or quantity that would not normally fit in a domestic wheeled black bin.
- Repeat offenders i.e. those that regularly leave out excess waste as a result of refusing to engage with the council's recycling scheme (silver wheeled bins and garden waste bins etc.), or having documented warnings on a number of occasions in relation to presentation of bagged waste, whether that be on a collection day or not.

5.2.2 Legislation and formal enforcement if deemed appropriate

s33 Environment Protection Act 1990 – Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste:

Breach of legislation is a Criminal Offence

- Fixed Penalty Notice (FPN) of £400 with an option at officer's discretion to offer an early payment rate of £200 if paid within 14 days rising to £400 payable within 28 days of the original FPN being issued.
- Prosecution in Court leading to a fine and/or a term of imprisonment.

The Community Enforcement Team will work with the Environment Agency on identification of larger scale/industrial Fly tipping incidents.

5.3 **Littering:** Failing to throw your litter away in a bin or taking it away with you to throw it in your bin at home. This can include material associated with smoking, takeaway/food and food wrappers, tissues or small bags of waste (for instance leaving your picnic waste behind).

5.3.1 Legislation and formal enforcement if deemed appropriate

Sec 87 and 88 EPA 1990 provide that a person is guilty of an offence if he/she throws down, drops or otherwise deposits any litter in any place which is open to the air to which the public has access, with or without permission.

5.3.2 Breach of legislation is a Criminal Offence

- £80 Fixed Penalty notice or Prosecution in court.

5.4 **Domestic Waste/duty of care (for residents and individuals):**

Duty of care: Not undertaking checks to make sure that the person who is taking your waste away is a licensed waste carrier, and/or; not controlling your household waste property, which has or may allow it to escape onto land that is not yours (for example into the back of an alleyway or across the pavement at the front of your property.

Household waste receptacles: Being served a legal notice, outlining your responsibilities when presenting your wheeled bin for collection. Failure to comply with this notice may lead to a fine. ** *This legislation is currently being piloted in specific*

*areas of the borough and this policy will be updated accordingly as and when the pilot has ended. ***

5.4.1 Legislation and formal enforcement if deemed appropriate

Sec 34 (2A) EPA 1990 – (duty of care for domestic waste)

This provides that the occupier of any domestic property has a legal obligation or Duty of Care to ensure waste is deposited of appropriately or transferred to a licensed waste carrier.

5.4.2 Breach of legislation is a Criminal Offence

A person guilty of this offence is liable to an unlimited fine in either the magistrates' court or the crown court or issued a Fixed Penalty Notice giving the opportunity of discharging liability to conviction for the said offence by payment of the fixed penalty. The fixed penalty amount for this offence is £200.

Sec 46 EPA 1990 – household waste receptacles (Black, Silver and Brown bins) – Notice served on properties in relation to how household wheeled bins should be presented for collection.

5.4.3 Breach of legislation gives rise to a Civil Penalty

- A series of written warnings under section 46b EPA 1990(procedure of which is set out under section 46C EPA 1990
- failure to comply with sec 46 and written warnings will result in a notice to issue a civil £60 Fixed Penalty Notice. (sec 46c EPA (currently pilot area only).

5.5 **Business Waste/Trade Waste/Duty of Care:**

- Escape of waste from a business waste container if it is overfilled or the lid of the container is not locked and as a result waste has escaped.
- Businesses failing to provide receipts evidencing payment to/transfer of waste to a registered company or waste site for business waste.
- Failure to register vehicle/business with the Environment agency as a waste carrier.

5.5.1 Legislation and formal enforcement if deemed appropriate

Sec 34 (1) EPA 1990– Duty of Care

Covers any person who imports, produces, keeps, treats or disposes of controlled waste and all businesses operating in the Cheshire East Borough Councils area must employ a registered waste carrier to collect waste or hold a waste carrier's licence to transport their own waste to another site or transfer station. The waste carrier must be authorised to take the waste for disposal.

A list of registered waste carriers can be found on the Environmental Agency website. All businesses have a duty to ensure that their waste is not dumped by another party and that it does not escape from their premises. They can be prosecuted if they fail in this duty.

All businesses must have two years' evidence of their waste management arrangements (for those operating for 2 years or more – those operating under this time will be asked for documentation dating back to the start of their registered business). This is known as a 'Waste Transfer Note or Duty of Care Certificate'. The CET team can ask at any time

for evidence of such documentation, and for those that do not have the information readily available a notice will be served under section 34(5) of the EPA 1990 requiring that they do so.

5.5.2 Breach of legislation is a Criminal Offence

- Failure to contain waste/preventing escape of waste/not being in control of waste may lead to a prosecution in court.
- Failure to supply waste documentation receipts to evidence transfer of business waste - £300 Fixed Penalty notice or prosecution in court.
- Failure to register as a trade waste business with Environment Agency (EA) – reportable to the EA.

5.6 Vehicle related offences

5.7 **Abandoned Vehicles**

Vehicles that are suspected as abandoned due to any of the below circumstances:

(a) Untaxed – if just untaxed without any of the below then the vehicle will be reported to the DVLA

(b) No current vehicle keeper on the Driver and Vehicle Licensing Agency's (DVLA)record

(c) Stationary for a significant amount of time (minimum period being 4 weeks)

(d) Significantly damaged, insecure, run down or un-roadworthy *(could include vehicles with flat tyres, wheels removed or broken windows etc.)*

(e) Burned out

(f) Lacking one or more of its number plates

(g) Containing waste and/or appears to be used for storage.

(h) Deemed a danger to the public *(e.g. due to damaged parts of the vehicle "sticking out" liable to cause danger or injury to members of the public)*

5.7.1 Legislation and formal enforcement if deemed appropriate

Section 2 of the Refuse Disposal (Amenity) Act 1978 makes it an offence to abandon a motor vehicle or any part of a motor vehicle, on a highway or any land in the open air. This includes any trailer intended or adapted for use as an attachment to a motor vehicle.

There is no statutory definition of an abandoned vehicle and factors to be taken into account include but are not limited to all of those listed under 5.2.1.

5.7.2 Breach of legislation

- The Council is under a duty to remove motor vehicles unlawfully abandoned on any land in the open air and can recover its charges from either the owner or the person who abandoned it. Section 3(2) and 3(2)(A) of the Refuse Disposal (Amenity) Act 1978 provides for notice periods before removal which officers will follow.

- A Fixed Penalty Notice (FPN) can be issued which has been set by the Council of £200 to anyone who abandons a vehicle. Offenders can also be prosecuted.

5.8 **Nuisance Vehicles**

The Community Enforcement Team have legislative powers to investigate any person who advertises two or more vehicles for sale on the highway or any person that is suspected of carrying out works on a motor vehicle on the highway which is not requiring emergency repair works.

5.8.1 Legislation and formal enforcement if deemed appropriate

Section 3 Clean Neighbourhoods and Environment Act 2005 makes it an offence to expose vehicles for sale on a road and a person is guilty of an offence if at any time they leave two or more motor vehicles parked within 500 meters of each other on a road or roads where they are exposed of advertised for sale.

Section 4 Clean Neighbourhoods and Environment Act 2005 makes it an offence for a person to carry out repairs to vehicles on a road unless they have been in an accident within the last 72 hours or have broken down and repairs are necessary.

5.8.2 Breach of legislation is a Criminal Offence

- A Fixed Penalty notice can be issued under section 3 or 4 of Clean Neighbourhoods and Environment Act 2005 which is £200.
- A person found guilty in Court of either section 3 or 4 of Clean Neighbourhoods and Environment Act 2005 is liable on summary conviction to a fine not exceeding level 4 on the standard scale (which currently stands at £2500).

5.9 The Community Enforcement Team have various internal procedures in relation to the above legislative powers which enable them to assess each report on a case by case basis. The above highlights enforcement action which can be taken to address matters listed between 5.2 and 5.8 if the Councils approach of Engage, Educate and Encourage have either been exhausted and/or it is in the public interest to pursue formal enforcement action. Please refer to section 7 within the Council's Corporate Enforcement Policy to see other methods which might be considered.

5.10 In addition to the above main pieces of legislation (5.2 to 5.8), the Council may consider powers under the Anti-Social Behaviour Crime and Policing Act 2014 whereby use of the powers under 5.2 to 5.8 have proven to either not be effective, remained persistent in their nature and/or have hit the relevant thresholds to evidence detrimental impact on the Community. More information in relation to these powers can be found within our Anti-Social Behaviour Enforcement Policy.

5.11 The Community Enforcement Team may also liaise with colleagues in other departments, such as Planning, Licensing, Highways or Environmental Services in relation to dealing with relevant offences as some may require a multi departmental approach.

5.12 Other environmental waste offences, including illegal waste sites, large scale fly tipping, pollution of rivers/water, chemical waste or accumulations of waste causing a significant health risk, will be dealt with by other departments either within the Council (such as Environmental Protection) or external partners such as the Environment Agency or Police.

5.13 It is important to note that if any fly tipping offences are occurring in "real time" these need to be reported to the Police immediately, on 101 or in the event of threat to life, 999. The Community Enforcement Team do not have powers of arrest or powers to

stop/pursue an individual in a vehicle. Police also have powers to address fly tipping under sec 33 of the EPA and will often work with the Community Enforcement Team to investigate such offences once the initial incident has been attended.

6 Reporting Waste, Abandoned and Nuisance Vehicle Offences

6.1 The Community Enforcement Team will investigate all offences whereby there are reasonable lines of enquiry to be made. This could include one or more of the below.

- Evidence found within the waste/vehicle
- Witness statements from individuals that have seen the offence taking place/knows who committed the offence
- CCTV footage or pictures of the offence taking place.

6.2 It may not be possible for the Council to investigate all incidents reported, especially those where there are no clear evidential leads, lines of enquiry or witnesses to the offence/evidence that would lead to an investigation.

In order to pursue an alleged offence where an investigation is reliant on contact with a reporting person and/or witness, the officer will make 2 attempts to contact. This will be recorded on the Community Enforcement Teams case management system, with a view to close the case. Where practicable, and where a contact address is supplied, the officer may then write to the person to inform them of this.

6.3 Suspected **waste offences** under sections 5.2 to 5.5 of this policy can be reported to the Council using the online reporting forms (making sure that you make it clear you would like the matter investigated rather than just cleared) located at: https://www.cheshireeast.gov.uk/environment/street_cleansing_and_litter/street_cleansing_and_litter.aspx or by telephoning the street cleansing team on 0330 123 5011. The Council will then triage the report and decide if the Community Enforcement Team should investigate, or whether the report should be passed to our street cleansing team and/or closed.

6.4 Suspected offences **abandoned or nuisance vehicles** under sections 5.6 and 5.7 of this policy can be reported to the Council by contacting the Community Enforcement Team on 0300 123 5021. Incidents concerning abandoned vehicles can be reported to the Council by using our online reporting forms, under the “abandoned vehicles” section.

6.5 **Service Standards** – on receipt of a report to the Community Enforcement Team, the investigating officer assigned will undertake an initial assessment of the case within 10 working days. Where they are not able to, the customer will be contacted, where possible, to keep them up to date and make sure they are aware of an expected date the matter will be investigated further.

6.6 **Anonymous complaints –** It may not be possible to investigate such a complaint due to the limited information provided, and as a result of anonymity, officers are unable to make contact to obtain any additional information that may be necessary in ascertaining reasonable lines of enquiry. Anonymous reports of waste offences will be triaged by the Council’s contact centre, where on triage there is enough detail to allow for an initial investigation, the report will be sent to the Community Enforcement Team.

6.7 The Community Enforcement Team cannot accept anonymous reports of **abandoned vehicles.** These reports will be closed on receipt.

7 Investigations

7.1 Any investigations undertaken by an authorised officer of the Community Enforcement Team will be in line with the Councils Enforcement Policy. This covers the Councils approach to enforcement, under what legislation we investigate matters under and how we gather, store and use evidence.

7.2 It is important that every opportunity is taken to focus time and effort on investigations that will be productive in terms of achieving positive outcomes.

7.3 Before a Community Enforcement Officer is authorised to undertake their duties, they will go through a minimum of a 4-week induction period with the Senior Community Enforcement Officer and remain in company with an experienced Community Enforcement Officer throughout this period. Training regardless of any formal qualification the Council will be able to offer will be provided for all enforcement officers, as required, to meet changes in legislation and enforcement procedures.

7.4 The Community Enforcement Team will conduct investigations in a number of ways, some of which are outlined in the below list which is not exhaustive but contain the main methods relevant to offences in which they are authorised to investigate. Please refer to the Council's Corporate Enforcement Policy and/or Data Protection Policy in relation to how we store and obtain certain pieces of information gathered and who we might share that information with:

- Initial contact with reporting person/s – in some circumstances an initial investigation may be opened and closed by means of contacting the reporting person/s. The contact will allow an officer to ascertain the nature of the alleged offence and whether this is something they will be able to make reasonable lines of enquiry around. Depending on the outcome of this call the officer will then decide as to whether the matter requires further investigation.

- Evidence found within waste or vehicle - This can be either by the officer themselves and removed, placed in a labelled bag and stored securely, or via another person who has found the evidence and handed it over to the officer via means of a statement and exhibit. In some circumstances a photograph of the evidence may be taken by the officer as it may not be practical to remove it from the site.

- Witness statements – An offence may have been witnessed in person by an individual/s or they may have video or photographic evidence of an alleged offence taking place. In these circumstances an authorised officer would have to obtain a witness statement if the information supplied is to be relied upon.

- Requests for information from another person/department/business or partner agency/authority There may be information an officer requires in order to further their investigation, for instance an address, land ownership details, a registered keeper of a vehicle, landlord information etc.

- Door to door enquiries – an officer may try to contact nearby residents or businesses to try to gather further information about an alleged offence. A calling

card will be left where appropriate. If no contact has been made and there are no further lines of enquiry for the officer to consider then the investigation will be closed.

- Interviewing a suspect under caution/obtaining information under caution

  It may be appropriate for some offences to give a suspect opportunity to give a clear account under caution of their version of events to assist with an investigation.

- CCTV – The council may use CCTV at their disposal via its CCTV department to place in a hotspot area that has been identified as being subject to relevant offences taking place. This will be in line with legislation outlined in the Councils Corporate Enforcement Policy and service specific CCTV policy.

- Body worn Cameras – It is the intention of the Council to equip the Community Enforcement Team with Body Worn Cameras. Alongside compliance, personal and public protection uses, the body worn video function of these cameras will also be used to obtain evidential footage which may assist an investigation. They will not be used for the purpose of surveillance. Once the Body Worn Cameras are in operation a policy in line with this will be available on the council's website.

8 Enforcement Actions/investigation outcomes

8.1 The full range of investigative outcomes/enforcement actions that the Community Enforcement Team may consider are listed within the Council's Corporate Enforcement Policy. In relation specifically to offences listed under sections 5.2 to 5.7 of this policy the team's main investigation outcomes are recorded as:

- Education/advise given/informal intervention delivered
- Patrol undertaken
- FPN issued (offence type stated)
- Verbal warning
- Formal written warning
- Prosecution file submitted
- Closed at point of contact (mis directed report, or no offences disclosed)
- Unable to proceed
- Vehicle deemed abandoned
- Vehicle deemed not abandoned
- Vehicle removed

8.2 The classification list above is subject to change within the boundaries of the Council's Corporate Enforcement Policy. The Community Enforcement Team will use other methods of enforcement action as and when required under the relevant legislation in which it is authorised to do so. The list under 8.1 is only as a guide in relation to this service specific policy.

8.3 Prosecutions:

The Council will exercise discretion in deciding whether to initiate a prosecution. Other approaches to enforcement may promote compliance with legislation more effectively (as previously detailed within this policy and also the Council's Corporate Enforcement Policy).

However, where the particular circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.

In addition, consideration will be given to best practice guidance from Government Departments and Agencies, other Local Authorities and advice offered by the Council's Legal Department in accordance with the Code of Crown Prosecutors.

Officers will, subject to their statutory duties, act in accordance with the Council's procedures when approaching individual cases of complaints and will initiate the type of enforcement action warranted by the nature and severity of the offence.

Officers will seek to help all members of the public and business community to understand their rights and obligations to comply with relevant legislation.

The Council will take legal proceedings if there is sufficient evidence to do so and where it is in the public interest to do so.

When considering legal proceedings or the issuing of a Fixed Penalty Notice, the immediate consideration is the sufficiency of available, admissible evidence to substantiate the allegation that an offence has been committed.

In determining the sufficiency of evidence, consideration should be given to the following factors:

- Availability of essential evidence
- Credibility of witnesses

Where the case depends in part of admissions or confessions, consideration should be made to their admissibility and whether interviews, statements and other evidence have been obtained in compliance with relevant legislation.

In determining the admissibly of evidence regard should be given to the requirements of the Police and Criminal Act 1984 and the Criminal Procedure and Investigations Act 1996, and associated Codes of Practice.

If the case does not pass the evidential test, they may not go ahead. If the case does meet the evidential test, the Council will decide if formal enforcement action is in the public interest and in line with our Enforcement Policy.

Guidance and advise will be taken from the Council's Legal Department where appropriate.

8.4 Public Interest Criteria

When satisfied that sufficient evidence is available, consideration must be given to whether the public interest test requires a prosecution. Suspected offences should not automatically be the subject of prosecution, but that prosecution should follow whenever it appears that the offence or its circumstances is or are of such a character that a prosecution is required in the public interest.

The factors which can properly lead to a decision not to prosecute will vary from case to case but generally, the more serious the offence, the less likelihood there will be that the public interest will be served otherwise than by prosecution.

More information in relation to Public Interest Criteria can be found in section 3.5 of the Council's Corporate Enforcement Policy.

9 Reporting

9.1 In line with the Councils Waste Management and Fly tipping policy the Community Enforcement Team will also provide relevant enforcement actions to our Waste Strategy Team to populate the 'flycapture' element of 'Waste Data Flow' which is a statutory reporting system enabling a national picture to be built up on the extent of fly-tipping and the financial impact this has on local authorities. More information about this can be found in the Council's Waste Management and Fly Tipping policy.

9.2 A regular report on the performance of the Community Enforcement Team will be presented to the relevant Service Committee for information.

10 Appeals

10.1 In relation to legislation that the Community Enforcement Team deal with that involve criminal matters (for instance the issuing of a Fixed Penalty notice for fly tipping), if the defendant enforcement action has been taken against wishes to appeal as they feel they have not committed the offence this would usually be via making a formal representation in a Magistrates Court. However, the Council will accept initial informal appeals and details of how to make an appeal will be placed on either the Fixed Penalty Notice issued to them or formal correspondence sent to them in line with the enforcement action taken.

10.2 Informal appeals against enforcement action under criminal legislation will only be considered in relation to any representation the defendant makes under the following:

- That they believe they are exempt to the enforcement action taken due to exemptions defined under the relevant legislation.
- That they believe they have been identified falsely
- That they have information in relation to the offence that may reveal further lines of enquiry causing the matter to be placed on hold pending further investigation.

10.3 Appeals in relation to civil legislation (for instance in relation to sec 46 of the EPA 1990 – domestic waste receptacles) have procedures in place via the legislation they fall under that allow for formal appeals to be made to the Council. Details of how and where such appeals can be made will again be contained in any formal correspondence sent to the defendant.

10.4 Appeals will be considered via the relevant Senior Officer or Team manager and not the issuing officer. On receipt of an appeal any payment dates or requirements under the enforcement action taken will be placed on hold until the appeal has been considered. The relevant Senior Officer or Team manager on receipt of appeal will inform the defendant as to when they are to expect an outcome. Any new due dates of payments

required, requirements, or further legal action will be outlined on the appeal outcome correspondence.

10.5 Appeals will not be considered in person or over the telephone. They must be sent either via email or in writing to the contact information supplied to them on receipt of the Fixed Penalty Notice or formal action letter received.

11 Verbal/Physical Abuse Towards Officers

11.1 The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and, where appropriate, will use legal action to prevent abuse, harassment or assaults on officers. To obstruct an officer in carrying out their duties is an offence and legal action may be taken against any person/s doing so.

11.2 Officers are entitled to, if subjected to verbal abuse either in person or on the telephone, terminate the meeting or telephone call.

12 Complaints and Compliments about the service

12.1 In accordance with the Council's Compliments and Complaints procedure persons wishing to submit a compliment or make a complaint about the Community Enforcement Team should do so either by writing to Compliance & Customer Relations Team, 1st Floor Westfields, C/O Municipal Buildings, Earle Street, CREWE, CW1 2BJ or by e-mail to Letusknow@cheshireeast.gov.uk. More information in relation to complaints and compliments can be found on our website at www.cheshireeast.gov.uk.

Appendix 2

Enforcement Policy

Anti-Social Behaviour

July 2021

To be read in conjunction with the Cheshire East Council Corporate Enforcement Policy and Cheshire East Council Community Enforcement Policy

1. Aims of this Policy

1.1 To advise and inform businesses and individuals with regards to:

- The legislative powers available to the Anti-Social Behaviour Team within in relation to the effective enforcement of Anti-Social Behaviour incidents
- The decision-making process when considering enforcement action

1.2 This policy must be read in conjunction with the Cheshire East Corporate Enforcement policy which provides details of the overarching approach taken by Cheshire East in its enforcement duties.

1.3 With regard to Environmental Offences linked to waste, abandoned and nuisance vehicles this policy must also be read in conjunction with the Community Enforcement Policy.

2 Introduction

2.1 The Council within its published corporate plan has stated ambition to have 'Welcoming safe, and clean neighbourhoods' and in particular to use the full range of education, engagement, and enforcement tools to protect our communities; and take formal enforcement action as appropriate, to reducing offending and increase compliance with the law from individuals or businesses.

2.2 This policy primarily covers areas of enforcement the Anti-Social Behaviour Team will consider when managing cases/dealing with incidents. However, this policy also covers areas of work their co-located and joint managed Community Enforcement Team will consider the use of Anti-Social Behaviour Legislation to tackle waste, abandoned and nuisance vehicle offences.

2.3 Both the Anti-Social Behaviour and Community Enforcement Teams are based within Police Partnership offices at Crewe and Macclesfield Police stations. This allows the Anti-Social Behaviour Team to share relevant access to police systems for checks on cases referred and to update police systems on any actions taken. It also allows the Community Enforcement Team to be joint located with the Anti-Social Behaviour Team to allow for cross working in relation to cases that are shared. The Community Enforcement Team do not have access to police systems.

2.4 The Community Enforcement Team are uniformed officers authorised by the council to undertake enforcement action under various legislation linked to Environmental (including waste) and Anti-Social Crime.

2.5 The Anti-Social Behaviour Team are a team of Anti-Social Behaviour Coordinators who have a problem solving, multi-agency approach to talking Anti-Social Behaviour Complaints. They are non-uniformed coordinators and are not a re-active team who attend incidents of Anti-Social Behaviour.

The Anti-Social Behaviour Team utilise powers under the Anti-Social Behaviour Crime and Policing Act 2014 in relation to enforcing against those who have persistently caused behaviour that have had a negative impact on another individual/community/neighbourhood.

The Anti-Social Behaviour Team will also assist other agencies (such as the police) in providing evidence via witness statements and exhibited information in relation to actions they may have taken to curb such behaviour ahead of formal enforcement action they may be considering.

Incidents of Anti-Social Behaviour requiring an officer to attend must be reported to the Police. (further information around reporting can be found on point 9.5 of this policy)

2.6 This policy will not detail policy and procedure around all elements of dealing with Anti-Social Behaviour complaints but will highlight those that have been assessed as requiring enforcement action.

2.7 Co location with police colleagues, also allows the teams to work closely with the Police Beat officers, and relevant teams in relation to tackling Anti-Social Behaviour and Environmental Crime.

3 Policy Guidance

3.1 In addition to the range of legislation available to the team, national guidance and codes of practice are considered when determining the most appropriate course of action to remedy a problem alongside in-house procedures for operational officers.

National guidance in relation to all of the legislative actions within this policy can be found on https://www.gov.uk/

3.2 The Anti-Social Behaviour and Community Enforcement Teams possess various powers and duties to deal with Anti-Social and Environmental incidents, including breaches of legislation and policy. In other words, although there are many things that the service must do, there are also many others which it may do only where it is expedient to do so. Where this discretion is available then the service will consider several wider factors and tests to determine its regulatory approach, taking into account the level of ham caused by the incident or contravention. Further information on these guiding principles can be found in Section 3.0 of the Cheshire East Corporate Enforcement Policy.

3.4 Enforcement action should not normally be considered as an initial remedy for any contraventions of legislation and policy under Anti-Social Behaviour offences. In most circumstances the Council's approach to dealing with Anti-Social Behaviour will follow the 4 E's principal of enforcement - Engage, Educate, Encourage, Enforce. Where possible coordinators should consider informal action/preventative measures in the first instance. However, there are occasions, depending on the severity of the contravention, threshold or public interest tests within legislation where formal action will be considered as the initial and most appropriate course of action.

3.5 Where an Anti-Social Behaviour incident has been witnessed by a member of public, it must be understood that in some circumstances without a formal witness statement it is very likely that pursual of the suspected offence will not be possible

4 Legislative Framework

4.1 The Anti-Social Behaviour Team has key legislative powers, under the ASB Crime and Policing Act 2014. This offers a wide range of powers to enable to fulfil the duties for

which they are responsible when dealing with relevant Anti-Social Behaviour cases/incidents.

4.2 The below list highlights the main legislative powers by which the Anti-Social Behaviour Team undertake their duties to investigate and take appropriate action in relation to Anti-Social Behaviour incidents and how investigations of such are undertaken:

- Anti Social Behaviour, Crime and Policing Act 2014
- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996
- Regulations of Investigatory Powers Act 2000 (RIPA)

4.3 Additional legislation by which the Anti-Social Behaviour Team operate under in line with any investigations they undertake can be found under section 3 of the of the Cheshire East Corporate Enforcement Policy. These include considerations under the Human Rights Act 1998 and the Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR)

4.4 In some instances, specific powers contained within legislation are restricted to those officers who are deemed to have the skills and experience to enforce them. These delegations are formally recorded within individual authorisations granted to and held by each officer, including any officers who may be employed by commissioned services, where appropriate.

5 Anti-Social Behaviour:

5.1 The Council's Anti-Social Behaviour Team consists of 4 x ASB Coordinators based within either Crewe, Congleton or Macclesfield Police Station Partnership offices. They are co located with police colleagues and our Community Enforcement Team to allow for a joint agency approach to tackling Anti-Social Behaviour in the Borough of Cheshire East.

5.2 The Anti-Social Behaviour Team's main functions are to work with neighbourhoods, including businesses and visitors to tackle and focus on a problem-solving, solution-based approach to anti-social behaviour complaints reported into the team. More than often this involves alternate methods to legal/criminal enforcement, working with other agencies and police colleagues to tackle the behaviour reported.

5.3 The Anti-Social Behaviour Team generally do not open cases for those residents that are tenants of a registered housing provider as they have their own policies and procedures in place to tackle reports of ASB. Registered housing providers are also able to act under tenancy agreements in most circumstances. However, where cases may be more complex, or the reports include Neighbourhoods/Communities that are a mixture of both private and social housing residents then the Anti-Social Behaviour Team will work alongside the relevant registered providers and agencies to address the issues.

5.4 Below is a non-exhaustive list of the types of cases the Anti-Social Behaviour Team might deal with, some of which may include incidents involving the Community Enforcement Team:

- Neighbour Disputes leading negative impact on communities including boundaries, parking, building works, conflict of lifestyles, smoking of cannabis/cigarettes near to other properties/windows, parties, neighbours' dogs/animals, and noise that does not hit the statutory requirements for consideration under Environmental Protection enforcement legislation

- Reports of young people involved in anti-social behaviour in and around their communities and neighbourhoods from low level incidents involving large groups causing high levels of noise and intimidation, football games causing damage to others properties, alcohol and drug related anti-social behaviour to those young people engaging in gang activity/persistent criminal activity involving anti-social behaviour as an additional impact of their criminal behaviour.

- Adults either in groups or individually involved in anti-social behaviour within a neighbourhood or wider community/town/area. Behaviours may consist of, alcohol/drug misuse, persistent abusive language or behaviour towards others, begging, busking, anti-social chugging/sales representatives in streets and town centres.

- Anti-social use of vehicles gathering in areas attracting unwelcome, disruptive attention, noise of revving or stereos, damage to areas, parking in a way that impacts negatively on the local community

- Businesses/organisations/private landowners who's lack of engagement and/or willingness to undertake improvements in and around their own sites to reduce anti-social behaviour or that their behaviour towards others has impacted negatively on the local community. This can also include private landlords or letting agents

- Environmental anti-social behaviour (in conjunction with the Community Enforcement Team) such as;

  (i) irresponsible dog ownership either in the community or allowing dogs to stray onto others private land/gardens not accessible to the public

  (ii) persistent mismanagement of household or business waste having a negative impact on the local community that has already been investigated in line with the Community Enforcement Policy

5.5 It is important to note that many of the behaviours listed under 5.4 may also be best initially investigated under existing legislation that may tackle the problem outside of the Anti-Social Behaviour Crime and Policing Act 2014. This will involve the Anti-Social Behaviour Team liaising with other Council departments and outside partner agencies such as the Police.

5.6 There are several interventions the Anti-Social Behaviour Team may undertake in order to first assess the scope and nature of the ASB reported in order to ascertain the size of problem and reach out to Neighbourhoods and Communities. Examples of some of these interventions are below:

- ASB Community Questionnaires - on-line surveys that are either delivered to properties or via a door to door visit of a certain Neighbourhood or Community depending on the size and nature of the anti-social behaviour reported.

- Anti-social behaviour Logbooks - for private own, businesses or private rent sectors
- Residents/Neighbourhood meetings or surgeries – allowing individuals to discuss concerns they might have and received guidance, advice and assistance.
- Liaison with partner agencies - such as those listed under 10.1 of the Council's Corporate Enforcement Policy

5.7 The types of informal interventions the ASBT may consider ahead of use of legislative powers/enforcement may include:

- Informal approaches to those involved in the ASB via any of the above methods under 5.6
- Referral to Mediation Services
- Polite request letters/informal warning letters
- Acceptable Behaviour Discussions
- Referral to appropriate preventative agencies, such as the Councils "front door" services (adult safeguarding/preventative services and young person's safeguarding and preventative services)
- Acceptable Behaviour Contracts
- Voluntary Parent Contracts
- Professionals meetings
- Referral to our place based Multi-Agency Action Group (MAAG)

5.8 The **Multi Agency Action Group** is a bimonthly meeting of core agencies who discuss nominations submitted into them with reference to place based Anti-Social Behaviour issues that require a more enhanced multi-agency approach and support from a wider network of partners.

Nominations to this group are submitted via the appropriate nomination form to the ASB Team who will, alongside Police Colleagues, triage and either accept the nomination or advise on a course of action should the nomination not be suitable for the group.

For a nomination to be accepted onto the panel, the nominating body must be able to evidence:

- Level of incidents at the place-based area that evidence a substantial increase and that they are having a detrimental impact on the local Community/Neighbourhood.
- What has been done already to try to tackle the issue
- Who has already been involved with the issue
- Suggestions in relation to remedies for the issue and who else might need to be involved.

5.9 When undertaking any case work the Anti-Social Behaviour Team will also give consideration as to whether the case may fit the thresholds for a "Community Trigger". If this is the case, the team will advise accordingly or make a trigger application

themselves. More information about the community trigger can be found on our website www.cheshireeast.gov.uk

5.10 If interventions listed under 5.7 have proved not to be effective then the Anti-Social Behaviour Team will look to consider powers it has under the Anti-Social Behaviour Crime and Police Act 2014.

6 Anti-Social Behaviour Crime and Policing Act 2014

6.1 Both the Anti-Social Behaviour and Community Enforcement Teams have joint use of powers it can consider under the Anti-Social Behaviour Crime and Policing Act 2014 to tackle those who are persistently causing anti-social behaviour which is having a detrimental impact on our neighbourhoods and communities.

6.2 It is important to note that certain tests need to be met within the legislation for the Council to consider implementation of any of the powers and subsequent enforcement under this act. More information in relation to the Anti-Social Behaviour Crime and Policing Act 2014 can be found at www.gov.uk and accessing the Statutory Guidance (last updated January 2021).

6.3 In line with this the Council also needs to consider the Code for Crown Prosecutors when looking to enforce under this act under the Evidential Test and the Public Interest Test, more details of which can be found within sect 3.5 of the Councils Corporate Enforcement Policy.

6.4 The below powers listed are not the full range of powers under this act, but more those that the Anti-Social Behaviour and Community Enforcement Team's may commonly consider when dealing with complaints of anti-social behaviour and environmental incidents/offences if there has been no behaviour change when using other interventions.

6.5 **Public Spaces Protection Orders (PSPO's)**

Public Spaces Protection Orders replaced gating orders and dog control orders and can be used to control behaviours which are having or are likely to have a detrimental effect on the quality of life of those in the locality. Behaviours which can be controlled through restrictions or positive requirements within a PSPO can include:

- controlling access over public land
- the consumption of alcohol
- dogs roaming freely and/or fouling
- public urination/defecation
- busking/street entertainment
- storage of household items or waste /wheelie bins
- littering
- anti-social use/parking of vehicles
- aggressive behaviours linked to begging, street peddling or preaching

This list is not exhaustive and restrictions or positive requirements will be dependent upon the nature of the issues the PSPO is imposed to deal with. The Council does have a procedure in relation to Public Spaces Protection Orders and how they are to be applied for and accessed. Details of Public Spaces Protection Orders the Council

currently has in force and or any under consultation/review can be found by visiting our website www.cheshireeast.gov.uk

6.5.1 Legislation and formal enforcement if deemed appropriate

Legislation relating to Public Spaces Protection Orders are within sections 59-75 of the Anti-Social Behaviour Crime and Policing Act 2014. It specifies two conditions that must be met in order for a Public Spaces Protection Order to be considered which are:

Condition 1 is that:

- activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect. Or the likely effect of the activities:

- is, or is likely to be, of a persistent or continuing nature
- is, or is likely to be, such as to make the activities unreasonable
- justifies the restrictions imposed by the order

6.5.2 Breach of legislation is a Criminal Offence

The Community Enforcement Team are authorised to issue a fixed penalty notice of £100 if appropriate.

6.5.3 Police Officers and Police Community Support Officers are also authorised to issue fixed penalty notices for breach of Public Spaces Protection Orders. Some of the Council's Public Spaces Protection Orders are primarily monitored by Cheshire Constabulary due to the nature of behaviour they cover and times of day the breaches occur.

If Prosecuted, a fine of up to level 3 can be given (which currently stands at £1000).

6.5.4 In relation to offences relating to failure to clean up dog foul and responsible dog ownership, the Council have adopted Public Spaces Protection Orders to deal with these matters. Our Community Enforcement Team are the primary service responsible for the policing of this order. More information about our "responsible dog ownership Public Spaces Protection Orders" can be found on our website www.cheshireeast.gov.uk

6.6 **Community Protection Notices (CPN's)**

The Community Protection Notice can be used to deal with, ongoing problems or nuisances which are having a detrimental effect on a community's quality of life by targeting those responsible. These can be issued to an individual or body (business, organisation etc) if their conduct is having a detrimental effect on the quality of life of those in the locality, that the conduct is persistent and continuing and that the conduct is unreasonable.

6.6.1 There are a number of processes that need to have been undertaken before a Community Protection Notice is issued. The Anti-Social Behaviour or Community Enforcement Team may choose to write to the individual/body to inform that the

Community Protection Notice process may be followed if the behaviour does not improve. Should this not have the desired impact then the team must:

- Inspect/monitor reports they have received, or the relevant team has received in relation to the behaviour
- Issue an official Community Protection Warning which is a requirement of the Act before a Community Protection Notice is issued
- If the behaviour continues, issue a Community Protection Notice specifying the conduct to be stopped or action to be taken
- Monitor the behaviour of the offender after the Community Protection Notice is served

6.6.2 Legislation and formal enforcement if deemed appropriate

The Community Protection Notice is covered in sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014. The legal test to allow the use of this power is that the behaviour has to:

- have a detrimental effect on the quality of life of those in the locality.
- be of a persistent or continuing nature.
- and be unreasonable.

6.6.3 Breach of legislation is a Criminal Offence

A fixed penalty notice can be issued of up to £100 if appropriate.

A fine of up to level 4 (for individuals which currently stands at £2500),

or a fine for businesses. (which currently can be up to £20000)

6.6.4 The Council's use of Community Protection Notices

Community Protection Notices can be used to tackle several anti-Social behaviour issues if they meet the legal test. The Council are currently reviewing how and when they might issue Community Protection Notices. As a result, the Anti-Social Behaviour and Community Enforcement Teams will be piloting their use during 2021/22. Once this has been decided, our procedures around this will be amended accordingly.

6.7 **Criminal Behaviour Orders and Civil Injunctions**

These are orders that can be placed on individuals either "tagged" onto a matter that a defendant is already appearing for in criminal court for (Criminal Behaviour Orders) or applied for separately in the County Court. (Civil Injunctions).

Criminal Behaviour Orders or Civil Injunctions will include prohibitions to stop the anti-social behaviour but can also include positive requirements to encourage the offender/individual to address the underlying causes of their behaviour.

6.7.1 Legislation and formal enforcement if deemed appropriate

Civil Injunctions are covered under sections 1 to 21 of the Anti-social Behaviour, Crime and Policing Act 2014 and the legal test for Councils for such injunctions are based on the balance of probabilities that the respondent has engaged in or threatens to engage in;

- Conduct that has or is likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); and

- That it is just and convenient to grant the injunction to prevent anti-social behaviour

Criminal Behaviour Orders are covered under sections 330 to 342 of the Sentencing Code (which is a product of the Sentencing Act 2020 amends sections 22-33 and s.179(3) of the Anti-social Behaviour, Crime and Policing Act 2014). Orders can only be granted if the defendant is found guilty of the offence in which they are attending court for. The legal test is

- That the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and

- The court considers that making the order will help prevent the offender from engaging in such behaviour

6.7.2 Breach of a Criminal Behaviour Order is a Criminal Offence, Breach of Civil Injunction is a Civil Offence

Breach of a **Criminal Behaviour Order** is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.

- For over 18s on summary conviction: up to six months imprisonment or a fine or both.

- For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.

Breach of a **Civil Injunction** is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond a reasonable doubt.

- Over 18s: civil contempt of court with unlimited fine or up to two years in prison

7 Considerations given to young people subject to Enforcement Powers under the ASB Crime and Policing Act 2014

7.1 The Anti-Social Behaviour Team work closely with Police, the Youth Justice Service, Cheshire East Family Service, and the Cheshire East Safeguarding Partnership in relation to any young person involved in or at risk of anti-social behaviour. A young person can be subject to enforcement of any of the powers listed above, some with different age thresholds – for instance any young person over the age of 10 years, can be subject to a Civil Injunction or Criminal Behaviour Order, any young person over the of 16 could be issued a Fixed Penalty Notice for breach of a Public Spaces Protection Order.

7.2 There are Robust systems in place via the Team's Youth Anti-Social Behaviour Alert letter warning process, Acceptable Behaviour Discussion (ABD) and Acceptable Behaviour Contract (ABC) processes to enable them to ensure young people involved in such behaviour have the offer of early help as soon as possible.

7.3 Those young people subject to an Acceptable Behaviour Contract will also be nominated onto the Council's Young Person's Contextual Safeguarding Panel so as they can be

monitored, and have available to them the correct level of intervention to try to avoid further actions such as a Criminal Behaviour Order or Civil Injunctions

7.4 The Anti-Social Behaviour Team also have process in place, alongside the Youth Justice Service in order to hold "Criminal Behaviour Order professionals meetings" as and when either the team, or Cheshire Constabulary feel that an application for such an order will need to be considered. There is a legal requirement that Police and/or The Council must have a signed certificate of consultation from the Youth Justice Service in the case of an application for a Criminal Behaviour Order being made against any young person between the age of 10 and 17 years. Within this the Council have also written procedures, in line with the consideration of any publicity of a young person subject to a Criminal Behaviour Order.

8 Reporting Anti-Social Behaviour

8.1 It is important to note that the anti-social behaviour team are not a team who respond to live anti-social behaviour incidents or log incidents on behalf of the Police. It is important that Cheshire Constabulary are contacted to report any anti-social behaviour that has left you or an individual feeling threatened, intimidated, harassed, caused any form of damage to you, another, or your property. Especially if an officer is required to attend the incident.

Cheshire Constabulary can be contacted via any of the below methods:

Telephone:

- **101** for non-emergency enquiries/incidents
- **999** if a serious offence is in progress or has just been committed, someone is in immediate danger or harm, property is in danger of being damaged or a serious disruption to the public is likely

Online/Website: You can also report incidents to the police via their website:
https://www.cheshire.police.uk/

8.2 The Anti-Social Behaviour Team have a partnership approach to dealing with complaints of anti-social behaviour in our neighbourhoods and communities. This often means that not one specific department or agency would be involved in an anti-social behaviour problem. The team will more than often facilitate partnership working and identification of lead agencies who are best placed to deal with the reported behaviour.

To report concerns in relation to Anti-Social Behaviour, the Anti-Social Behaviour Team can be contacted either by email safer@cheshireeast.gov.uk or by telephone on **0300 123 5030.** The Anti-Social Behaviour Team's phone lines and mailbox are monitored between normal office hours and are not monitored 24 hours.

8.3 The Anti-Social Behaviour Team will investigate all Anti-Social Behaviour incidents/concerns reported to them listed under section 6 of this policy whereby there are reasonable lines of enquiry to be made. This could include one or more of the below;

- Evidence found when conducting a patrol (for legislation under the Anti-Social Behaviour Crime and Policing Act 2014 that the Community Enforcement Team are responsible for)

- Witness statements from individuals that have seen the offence taking place/knows who committed the offence
- CCTV footage or pictures of the offence/offence taking place.
- Evidence supplied via initial contact to the team, an Anti-Social Behaviour Logbook, Anti-Social Behaviour Community Questionnaire, or via another involved agency/party.

8.3.1 It may be that on receipt of an anti-social behaviour enquiry made to the team, it is apparent that incidents have also been reported to other departments or agencies such as the Councils Environmental Protection Team, a Registered Housing Provider or the Police. In these circumstances the Anti-Social Behaviour Team will liaise with the relevant departments to ascertain how best to tackle the problem (as outlined under section 8.2), feeding back to the customer the best agent/s to report any further incidents of the behaviour to so as to avoid multiple reporting where possible.

8.4 It may not be possible for the Council to investigate all reports of alleged offences under section 6 of this policy, especially those where there are no clear evidential leads, lines of enquiry or witnesses to the offence/evidence which would lead to an investigation.

8.5 In order to pursue an alleged offence where an investigation is reliant on contact with a reporting person and/or witness, the Anti-Social Behaviour or Community Enforcement Team will make 2 attempts to contact. This will be recorded, with a view to close the case if the reporting person has not made contact back to the relevant team. Where practicable, and where a contact address is supplied, the relevant team may then write to the person to inform them of this.

8.6 Some suspected offences under section 6.5 (breach of Public Spaces Protection Orders) of this policy can be reported to the Council by contacting the Community Enforcement Team on 0300 123 5021. Other Public Space Protection Orders may be reportable to the Police, reporting methods will be listed under each relevant order on our website: www.cheshireeast.gov.uk

8.7 **Service Standards** – on receipt of a report/enquiry an initial assessment of the case will be made by the relevant team within 10 working days. Where they are not able to, the customer will be contacted, where possible, to keep them up to date and make sure they are aware of an expected date the matter will be investigated further.

8.8 **Anonymous complaints –** It may not be possible to investigate a complaint due to the limited information provided, and as a result of anonymity, the teams are unable to make contact to obtain any additional information that may be necessary in ascertaining reasonable lines of enquiry.

Anonymous reports will be triaged, if on receipt there is enough information to warrant an investigation then this will be forwarded to the relevant team. If not, the report will be closed or if relevant, retained for intelligence purposes (for instance ASB incidents).

9 Investigations

9.1 Any investigations relating to enforcement of anti-social behaviour undertaken by either the Anti-Social Behaviour or Community Enforcement Team will be in line with the Councils Enforcement Policy. This covers the Councils approach to enforcement, under

what legislation we investigate matters under and how we gather, store, and use evidence.

9.2 It is important that every opportunity is taken to focus time and effort on investigations that will be productive in terms of achieving positive outcomes.

9.3 Before an Anti-Social Behaviour Team Coordinator undertakes their role, they will go through a minimum of a 4-week induction period with an experienced team member and relevant Manager. Training regardless of any formal qualification the Council will be able to offer will be provided for all ASB Team Coordinators, as required, to meet changes in legislation and enforcement procedures.

9.4 Please see section 7 of the Council's Community Enforcement Policy for information on how the Community Enforcement Team conduct their investigations.

9.5 The Anti-Social Behaviour Team will conduct investigations in a number of ways, some of which are outlined in the below list which is not exhaustive but contain the main methods relevant to offences in which they are authorised to investigate. Please refer to the Council's Corporate Enforcement Policy and/or Data Protection Policy in relation to how we store and obtain certain pieces of information gathered and who we might share that information with:

- Initial contact with reporting person/s – in some circumstances an initial investigation may be opened and closed by means of contacting the reporting person/s. The contact will allow a coordinator to ascertain the nature of the alleged anti-social behaviour and whether this is something they will be able to make reasonable lines of enquiry around. Depending on the outcome of this contact the coordinator will then decide as to whether the matter requires further investigation.

- Witness statements – Alleged anti-social behaviour may have been witnessed in person by an individual/s or they may have video or photographic evidence of an alleged offence taking place. In these circumstances a coordinator may have to obtain a witness statement if the information supplied is to be relied upon.

- Requests for information from another person/department/business or partner agency/authority There may be information a coordinator requires in order to further their investigation, for instance an address, land ownership details, a registered keeper of a vehicle, landlord information etc.

- Door to door enquiries – a coordinator may try to contact nearby residents or businesses to try to gather further information about an alleged offence. This would normally be via an "ASB Community Questionnaire", but may require joint visits with either the Community Enforcement Team or Police Colleagues. If no contact has been made and there are no further lines of enquiry for the coordinator to consider then the investigation will be closed.

- Interviewing a suspect under caution/obtaining information under caution

  It may be appropriate for some offences to give a suspect opportunity to give a clear account under caution of their version of events to assist with an investigation. Where this is required the Anti-Social Behaviour Team will look for assistance from the Community Enforcement Team to conduct these.

- CCTV – The council may use CCTV at their disposal via its CCTV department to place in a hotspot area that has been identified as being subject to relevant offences taking place. This will be in line with legislation outlined in the Councils Corporate Enforcement Policy and service specific CCTV policy.

9.6 In relation to the above, the Anti-Social Behaviour Team, may seek assistance from the Community Enforcement Team or Police colleagues when considering extra patrols, the issuing of Fixed Penalty Notices and obtaining witness statements.

10 Prosecutions

10.1 The Council will exercise discretion in deciding whether to initiate a prosecution. Other approaches to enforcement may promote compliance with legislation more effectively (as previously detailed within this policy and also the Council's Corporate Enforcement Policy).

However, where the particular circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.

In addition, consideration will be given to best practice guidance from Government Departments and Agencies, other Local Authorities and advise offered by the Council's Legal Department in accordance with the Code of Crown Prosecutors.

Coordinators will, subject to their statutory duties, act in accordance with the Council's procedures when approaching individual cases of complaints and will initiate the type of enforcement action warranted by the nature and severity of the offence.

Coordinators will seek to help all members of the public and business community to understand their rights and obligations to comply with relevant legislation.

The Council will take legal proceedings if there is sufficient evidence to do so and where it is in the public interest to do so.

When considering legal proceedings or a Fixed Penalty Notice, the immediate consideration is the sufficiency of available, admissible evidence to substantiate the allegation that an offence has been committed.

In determining the sufficiency of evidence, consideration should be given to the following factors:

- Availability of essential and relevant evidence
- Credibility and reliability of witnesses

Where the case depends in part of admissions or confessions, consideration should be made to their admissibility and whether interviews, statements and other evidence have been obtained in compliance with relevant legislation.

In determining the admissibly of evidence regard should be given to the requirements of the Police and Criminal Act 1984 and the Criminal Procedure and Investigations Act 1996, and associated Codes of Practice.

If the case does not pass the evidential test, they may not go ahead. If the case does meet the evidential test, the Council will decide if formal enforcement action is in the public interest and in line with our Enforcement Policy.

Guidance and advise will be taken from the Council's Legal Department where appropriate.

10.2 Public Interest Criteria

When satisfied that sufficient evidence is available, consideration must be given to whether the public interest test requires a prosecution. Suspected offences should not automatically be the subject of prosecution, but that prosecution should follow whenever it appears that the offence or its circumstances is or are of such a character that a prosecution is required in the public interest.

The factors which can properly lead to a decision not to prosecute will vary from case to case but generally, the more serious the offence, the less likelihood there will be that the public interest will be served otherwise than by prosecution.

More information in relation to Public Interest Criteria can be found in section 3.5 of the Council's Corporate Enforcement Policy.

11 Appeals

11.1 In relation to legislation that involve Fixed Penalty notices or formal legal actions under section 6 of this policy, if the defendant wishes to appeal as they feel they have not committed the offence this would usually be via making a formal representation in a Magistrates Court of equivalent. However, the Council will accept initial informal appeals and details of how to make an appeal will be placed on either the Fixed Penalty Notice issued to them or formal correspondence sent to them in line with the enforcement action taken.

11.2 Appeals in relation to any actions the Anti-Social Behaviour Team have considered outside of formal criminal or civil legislation; for instance an informal warning letter, can be made directly to the team via email safer@cheshireeast.gov.uk

11.3 Appeals in relation to powers covered in section 6 of this policy are covered by the relevant legislation within the ASB Crime and Policing Act 2014. Any individual or body subject to any of the warning, notices, orders or injunctions in this section will be informed in writing as to the relevant appeals process some of which is via the relevant courts.

11.4 Informal appeals against enforcement action up to and including Fixed Penalty Notices under criminal legislation will only be considered in relation to any representation the defendant makes under the following circumstances:

- That they believe they are exempt to the enforcement action taken due to exemptions defined under the relevant legislation.
- That they believe they have been identified falsely
- That they have information in relation to the offence that may reveal further lines of enquiry cause the matter to be placed on hold pending further investigation

11.5 Appeals will be considered via the relevant Senior Officer or Team manager and not the issuing officer or coordinator. On receipt of an appeal any payment dates or requirements under the enforcement action taken will be placed on hold until the appeal has been considered. The relevant Senior Officer/Team manager on receipt of appeal

will inform the individual/defendant as to when they are to expect an outcome. Any new due dates of payments required, actions to be taken, or further legal action will be outlined on the appeal outcome correspondence.

12 Verbal/Physical Abuse Towards Coordinators

12.1 The Council is committed to ensuring that its coordinators are able to carry out their work safely and without fear and, where appropriate, will use legal action to prevent abuse, harassment or assaults on coordinators. To obstruct a coordinator in carrying out their duties is an offence and legal action may be taken against any person/s doing so.

12.2 Coordinators are entitled to, if subjected to verbal abuse either in person or on the telephone, terminate the meeting or telephone call.

13 Reporting

13.1 The Anti-Social Behaviour and Community Enforcement Teams have responsibilities in relation to the reporting of offences listed under section 6 of this policy under the Anti-Social Behaviour Crime and Policing Act 2014. This includes publication and consultation of Public Spaces Protection Orders. More information on these responsibilities can be found at www.gov.uk

13.2 A regular report on the performance of the Anti-Social Behaviour Team will be presented to the relevant Service Committee for information.

14 Complaints and Compliments about the service

14.1 In accordance with the Council's Compliments and Complaints procedure persons wishing to submit a compliment or make a complaint about the Anti-Social Behaviour Team should do so either by writing to Compliance & Customer Relations Team, 1st Floor Westfields, C/O Municipal Buildings, Earle Street, CREWE, CW1 2BJ or by e-mail to Letusknow@cheshireeast.gov.uk. More information in relation to complaints and compliments can be found on our website at www.cheshireeast.gov.uk

Appendix 3

Body Worn Video Policy
Community Enforcement Team
July 2021

POLICY STATEMENT

The purpose of this Body Worn Video Camera Policy is to provide guidance as to when the use of Body Worn Video cameras is considered to be beneficial. It should always be used in conjunction with Cheshire East Council CCTV Code of Practice. Cheshire East Council is committed to maximising the use of its resources to capture the best possible evidence and protect our authorised staff and members of public. Recordings made by Body Worn Video will also provide evidence that is seen as independent and will improve the quality of compliance monitoring and prosecution evidence.

As part of this we need to make sure the use of our cameras is in line with and complies with National Legislation and any Statutory Acts that are in place to safeguard the use of Body Worn Video for overt video/audio recording.

The policy will set out the legislation we must comply with and local policies/procedures within our authority of which it will be aligned to. It will detail key areas the Body Worn Video cameras will be used, how they will be used and how we will protect and use the data captured. It will also set out governance and compliance around the use of Body Worn Video both locally and nationally.

1. Introduction

1.1 This policy sets out the aims, objectives, processes and procedures of Cheshire East Council in its use of Body Worn Video cameras and will be a living document that will be reviewed on a regular basis to reflect any further changes in National Legislation. This document will also be available on the Cheshire East Councils website to ensure that there is always transparency on the use of Body Worn Video in relation to our Community Enforcement Team.

1.2 Cheshire East Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Heath, Safety and Welfare of its employees. It is important that it helps to protect and support its mobile workers whilst they are carrying out their duties away from the office. We have a small team of officers who are authorised to undertake certain investigations as outlined in this policy. Due to the size of the team this often entails lone working. Unfortunately, our Community Enforcement Officers, through the nature of their work, are sometimes open to aggressive and/or abusive behaviour.

1.3 Cheshire East Council are responsible for providing the service of protecting the environment within the Borough. In order to support us in achieving this objective we have in place policies and procedures that allow us to engage, educate and enforce in line with National Legislation.

1.4 The use of Body Worn Video cameras will support our officers in obtaining the necessary evidence to assist them in their investigations under the legislation they are authorised to enforce under. In most circumstances this will allow for swifter, more streamlined and timely investigations as well as more improved compliance and complaints management in relation to complaints against officers/officers' actions.

1.5 The Body Worn Video cameras will not replace other mechanisms that officers already have in place to investigate and deal with incidents/undertake patrols but will act as an extra safeguarding and investigative tool.

2. National Legislation and local policy/procedure

2.1 The Body Worn Video cameras will be used in accordance with the following National Legislation and guidance at all times:

- General Data Protection Regulation
- Data Protection Act 2018
- Human Rights Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Information Commissioners CCTV Codes of Practice
- Surveillance Camera Commissioners Codes of Practice

Website links to the above legislation and guidance can be found in the appendix.

2.2 This policy will be available on our website and will be in line with the following Cheshire East Council policies/documents:

- Corporate Privacy Statement and Service Specific Privacy Statement
- Data Protection asset management register (how we store and retain information)
- Corporate and Service Specific Enforcement Policies
- Cheshire East Council CCTV Code of Practice

All of the above can be accessed via our website www.cheshireeast.gov.uk.

3. Operational areas for use of the Body Worn Video Cameras

3.1 Our aim will be to use Body Worn Video cameras to assist in the operational enforcement duties of our Community Enforcement Officers. They will only be used in conjunction with the investigation of or instigation of an incident.

3.2 The Community Enforcement Team undertake a wide range of duties; however, it is anticipated that the following are the key duties where the use of Body Worn Video cameras will play an integral part:

- Protection for officers undertaking their duties and general patrols under the relevant acts in which they are authorised to and protection for members of public.
- General compliance monitoring when officers are undertaking their duties and allow for review of footages if cameras are activated to assist with investigating any complaints/incidents.
- Waste/Accumulation investigations
- Fly tipping investigations

- Littering enforcement
- Enforcement of Public Spaces Protection Orders (PSPO's)
- Enforcement of Community Protection Notices (CPN's)
- Abandoned Vehicle inspections and investigations
- Investigations involving working on a vehicle on the highway
- General reassurance patrols in line with the Anti-Social Behaviour Team priorities as and when required (Body Worn Video only activated when necessary and not part of any surveillance)

The above list of purposes highlighting where BWV might be used may be added to in the future should there be evidence to support the need. Therefore, Cheshire East Council does reserve the right to extend the use of Body Worn Video if it is necessary and proportionate.

3.3 The introduction of Body Worn Video allows enforcement personnel to record exactly what happened, what was said and when in an indisputable format. For example, it will allow officers to conduct an initial doorstep investigation which may include the cautioning of members of public so as they are aware of their rights without being solely reliant on handwriting such interactions via their pocket notebooks. The Body Worn Video will not however replace the requirement to still record such interactions in their pocket notebooks but further enhance specific details of such conversations, actions and behaviour that a pocket notebooks entry might not.

3.4 The use of Body Worn Video will be in accordance with our policy/process and should be:

- Enforcement related
- Incident specific
- Proportionate
- Legitimate
- Necessary
- Justifiable

3.5 The use of the Body Worn Video will assist officers in:

- Deterring members of the public form verbally or physically abusing our officers when they are carrying out their lawful duties
- The issuing of Fixed Penalty Notices (FPN's) and help identify offenders
- Evidence gathering for criminal and civil prosecutions for environmental or anti-social crime
- Providing the Council, and other organisations as authorised with necessary evidence upon which to take criminal and civil actions in the Courts or relevant judicial procedures.
- Providing compliance with the Council's legal obligations on the Health and Safety of its employees
- Prevention and detection of crime
- The investigation of allegations of inappropriate conduct by officers
- Reduction of complaints against officers and ease complaint management

- Supporting de-escalation and conflict management
- Preserving the reputation management of the authority

4. Body Worn Video Cameras

4.1 The type of Body Worn Video camera that will be used by the Community Enforcement Team is the WCCTV connect system.

4.2 The connect system allows for encrypted video and audio recording to be activated manually when required and once a warning has been given. It also allows for images to be taken and stored to support enforcement duties.

4.3 The connect system also allows for both audio and video to be streamed live from the Body Worn Video camera to the Councils CCTV Control Room where fully trained and licensed CCTV Operators can monitor any incident in real time and aid by means of Police response if required. This transmission is manually activated when required and after a warning has been given.

5. Training

5.1 Community Enforcement Officers, their Supervision and Management have undergone formal training in the use of Body Worn Video cameras. This will include:

- Certified training around legislative requirements and national compliance in line with the use of Body Worn Video – delivered by Tavcom training. Of which a refresh e-learning module will be completed at 12-month intervals.
- Practical training around operational use of the Body Worn Video delivered by WCCTV
- Local training in relation to Council policy and procedure on local use, reporting of incidents/damage/loss or faults with equipment, retention and use of data.

6. Use of BWV cameras by Community Enforcement Officers

6.1 Each officer should ensure that their Body Worn Video camera is always used in an overt manner and it must be worn on the front of their work ware in a camera harness. They must also have a clearly visible warning sign on the front of their work attire so that the public are fully aware when they are using BWV cameras.

6.2 To ensure that there are no ambiguities surrounding the use of the Body Worn Video cameras, the officer must also verbally inform the member of public before switching the Body Worn Video camera on. Specific words should be used for this announcement such as *"I am wearing a body worn video camera which is recording what we both say and do"*

6.3 If an officer feels threatened and has been unable to de-escalate the situation by activating their camera, they may then escalate this by switching on the streaming service which send the live audio and video direct to the CCTV Control Room who are in 24hr radio communications with Police. When doing this, a verbal warning should be made such as *"I am now streaming this footage live to the emergency control room"*

6.4 The Community Enforcement Officer should confirm to the member of public that they have used the Body Worn Video camera system and have available on them information they can give to the member of public detailing how they can apply for access to the recorded data or make a complaint/enquiry.

6.5 Body Worn Video Cameras must be left in standby mode when not in use. They must only be in record or transmit mode during a live incident when a warning has been issued. It should be understood that the camera has a 30 second pre-record in standby mode for the safety of both parties.

6.6 If an officer needs to stop recording for any reason during an incident, a verbal reason should be given on the recording for this before stopping the recording and or transmission. When back at base, a written report covering this should be submitted to supervision.

6.7 Where possible, officers should restrict recordings to areas and persons where absolutely necessary and be mindful of sensitive areas where there would be a strong expectation of privacy to minimize collateral intrusion to those not involved.

7. Data Management

7.1 Body Worn Video camera's will be stored within the Community Enforcement Officers work base (currently Crewe Police Station and Macclesfield Police station). The police stations themselves have secure fob access and the Partnership offices within these have networked CE ICT systems allowing for secure access to the cloud case management systems. The offices have either lockable or coded access doors, and lockable cabinets within them. The BWC's will be placed within these offices on their docks when not in use.

7.2 All the images recorded through the use of Body Worn Video will be downloaded onto a designated secure cloud server at the conclusion of the officer's tour of duty and the recorded data will automatically be accessible through the Council's secure network thereafter. This data will be date stamped. The officer should ensure that a report to accompany any incident is also submitted before the end of their duty period.

7.3 The Body Worn Video camera's themselves, if lost, stolen or damaged, do not have a play back facility, so will not allow authorised or unauthorised individuals to view, play back, edit, amend, download or share any data on the units themselves.

7.4 All images downloaded will be retained for a maximum of 31 days, whereby unless a request for a copy of the image by the officer is made to a senior/manager it will be automatically deleted. The 31-day period gives time for the following:

- An officer to request a copy of the footage is placed on their secure cloud based file as it is required for further investigation in line with the operational uses detailed in point 3 of this policy whereby it can be held for a period of up to 12 months (and in exceptional circumstances and if agreed by the councils Data Protection Manager beyond this)
- A request for a copy of the footage or request to view the footage to be made by the subject via a Subject Access Request (SAR) or a legal representative of the subject.
- A complaint to be submitted to the council's compliance department which requires reviewing and/or retention of the data to allow for council's complaints procedure processes and potential ombudsman enquiries.

7.5 Body Worn Video can collect valuable evidence for use in criminal prosecutions, therefore each individual Community Enforcement Officer should act with integrity and transparency as the data recorded could provide objective evidence of controversial events. The use of Body Worn Video offers protection for both members of the public and council staff. However, this justification may be closely scrutinised by a court, hence BWV recordings will not be retained for longer than 31 days where there is no clear evidence of an offence/contravention, unless some other good reason exists for their retention and the councils DPO has agreed to the retention reason.

7.6 Annual audits of the Body Worn Video camera's use will take place by a senior officer within the community enforcement team who will provide a report locally to managers and heads of service detailing activities such as:

- Number of activations
- Reasons for activations
- Number of retained footages
- Number of prosecutions
- Number of shared footages for criminal investigations
- Number of compliance requests
- Results of monthly dip testing for compliance around use of the cameras

7.7 Audits independent of the department may be taken by the council's CCTV SPOC or Senior Responsible Officer at any time. These audits will be documented to ensure full compliance with all relevant legislation.

8. Body Worn Video Access and Security

8.1 All requests for access to data by the individual data subject, external agencies or internal directorates will be processed through the council's Data Protection Team further information relation to this is on our website.

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/data_protection/data_protection.aspx

8.2 The downloading of data can only be undertaken by specifically nominated officers of supervisor or above level who will be authorised to download and release the data in accordance with the protocols and procedures of the Data Protection Team. Furthermore, only the Community Enforcement Officers, their Supervisor, Manager and Senior Manager will have access to the recorded data.

8.3 Anyone subject to recording via the councils Body Worn Video system should (if possible) be given a card detailing the date and time of the recording and the officers identification number along with the website where the subject can gain more information regarding Body Worn Video (as detailed in 6.4). An example of this card is below:

APPENDIX – Legislation and National/Cheshire East Council guidance

Legislation

Human rights Act 1998

Criminal Procedures and investigations act 1996

Freedom of information act 2000

Protection of freedoms act 2012

Police and Criminal Evidence Act (PACE) 1984

Data Protection Act 2018

National Guidance

College of Policing BWV 2014

https://www.college.police.uk/Pages/Home.aspx

Information Commissioner

https://ico.org.uk/for-organisations/guide-to-data-protection-1998/encryption/scenarios/body-worn-video/

Surveillance Camera Commissioner

https://www.gov.uk/government/organisations/surveillance-camera-commissioner

BWV Steering Group – None Police entity for none police users of BWV

https://www.bwvsg.com/

BSI's BS8593: Code of Practice for the Effective Deployment of Body Worn Video

Council Links:

Freedom of information

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/open-data-and-transparency/freedom_of_information/freedom_of_information.aspx

Cheshire East Council Complaints procedure

https://www.cheshireeast.gov.uk/council_and_democracy/customer-services/complaints_and_feedback/complaints_and_feedback.aspx

Information relating to Data Protection is available from Cheshire East Council's Compliance and Data Protection Team
https://www.cheshireeast.gov.uk/council_and_democracy/council_information/data_protection/data_protection.aspx

In compliance with Article 13 of the GDPR, further information relating to how the Community Enforcement Team use personal data, can be found at;
https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/community-safety-privacy-notice.aspx

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Cheshire East Council

Working for a brighter future together

Environment and Communities Committee Report

Date of Meeting:	7 July 2021
Report Title:	Delegation of Neighbourhood Planning Decisions
Report of:	Frank Jordan; Executive Director of Place
Report Reference No:	EC/05/21-22
Ward(s) Affected:	All

1. Executive Summary

1.1. This report seeks approval to delegate decisions within the neighbourhood planning process to the Head of Planning, in consultation with the Chair of the Environment and Communities Committee.

1.2. Within the process of preparing a neighbourhood plan, regulations require that the Local Planning Authority (LPA) must make formal decisions for a plan to progress through the process. The required decisions are mainly procedural in nature to provide assurance that neighbourhood plans are progressing in accordance with the regulations.

1.3. Cheshire East Council's Corporate Plan sets out three aims. These are to be an open and enabling organisation, a Council that empowers and cares about people, and to create thriving and sustainable places. This decision relates to the creation of thriving and sustianable places and will help to ensure that new development is appropriately controlled, to protect and support our borough.

2. Recommendations

2.1. That the Committee delegates the following decisions, related to the neighbourhood plan process, to the Head of Planning in consultation with the Chair of the Environment and Communities Committee:

2.1.1. Decisions to designate a neighbourhood area

2.1.2. Decisions to designate a neighbourhood forum

2.1.3. Decisions to consider whether plan proposals meet the requirements of Schedule 4B, paragraph 6(2) of the Town and Country Planning Act 1990.

2.1.4. Decisions on Examiners Recommendations (including in regard to modification proposals)

2.1.5. Decisions on plan proposals (including in regard to modification plan proposals)

2.1.6. Decisions on proposals to correct errors or make minor non-material amendments to made neighbourhood plans

3. Reasons for Recommendations

3.1. Neighbourhood Plans are produced by local communities and once complete, form part of the statutory development plan for the LPA. This means the policies in neighbourhood plans must be given due weight when determining planning applications. The Council has a duty to support groups preparing plans, to carry out independent examination and referendums on plans. It therefore has a number of decisions to discharge within the process toward adoption of a neighbourhood plan. This process is outlined in more detail at section 5.

3.2. Much of the decision making involved in neighbourhood plans is prescriptive with limited discretion to be exercised. For example, during examination, neighbourhood plans are tested against the legal requirements and an examiner will exercise their judgement to determine if a plan has met these requirements or not. They may delete policies or recommend modifications that would ensure the plan is compliant. After this exercise is carried out in the examination, and a plan is found to meet the requirements, the Council must then consider the examiner's recommendations and decide whether or not to proceed to the next stage of the process (submitting the plan to referendum).

3.3. Prior to the Councils adoption of a committee system the decisions listed at 2.1.1 to 2.1.3 were delegated to the Neighbourhood Planning Manager; items 2.1.4 to 2.1.6 were taken by the Portfolio Holder for Planning.

3.4. In taking these decisions the Council has limited discretion to decide whether to progress a neighbourhood plan to the next stage of the process and may only refuse to do so on prescribed matters, such as the existence of a procedural error in the preparation of the plan (for example something in relation to a Strategic Environmental Assessment).

3.5. Alongside the limited discretion in decision making, many of the decisions in the neighbourhood planning process have a time limit attributed to them in the relevant legislation. For example, a decision to proceed to

referendum is required to be taken within five weeks of receipt of the examiner's report.

3.6. The Environment and Communities Committee meets every two months and therefore there is a high probability that the timeframes of committee meetings will not align to the required timeframes of procedural decisions. On that basis the Council may fail to discharge its legal requirements within the allotted time scales.

3.7. Further, each neighbourhood plan is subject to a series of formal decisions throughout its process. There are currently 36 made neighbourhood plans across the borough with a further eight at various stages of production. Made neighbourhood plans may be reviewed and updated through a formal process so whilst the 36 made plans may appear to be complete, inevitably a number of these will be reviewed and generate further procedural decision making. Therefore, there is likely to be a variable volume of decision making generated by neighbourhood plans that will populate limited space for other agenda items.

4. Other Options Considered

4.1. The Council could choose not to delegate these decisions and hear each one at committee. However, this would likely delay the neighbourhood planning process for communities and render the Council at risk of failing to discharge its legal requirements in relation to neighbourhood planning.

5. Background

5.1. Neighbourhood plans are prepared by local communities, independent of the Local Planning Authority (LPA) and once complete they form part of the Development Plan and must be given full weight in the decision making process for determining planning applications within the relevant neighbourhood area. Although prepared by a third party, the LPA has a duty to support and assist groups, providing advice and guidance throughout the process.

5.2. The process of preparing a neighbourhood plan is set out primarily in the Neighbourhood Planning Regulations 2012, as amended by a variety of updates and additional regulations. The process begins with the formation of a neighbourhood planning steering group, usually as a subcommittee of a parish or town council. Once the steering group is formed, a neighbourhood area must be defined within which the future policies of the plan will apply. If a proposed area is the same as the administrative boundary of the parish concerned, the designation is automatic. If the proposal is for an alternative boundary, an application to the LPA is required and the LPA must consult on the proposal, then make a decision accordingly.

5.3. Once the community has drafted a neighbourhood plan, it must consult and meet the requirements of Regulation 14 of the Neighbourhood Planning Regulations 2012. Following this consultation, the steering group may submit the plan to the LPA.

5.4. Once submitted, the LPA is responsible for holding a further six-week consultation on the plan and submitting the plan to independent examination. A formal decision must be taken to submit the plan to examination.

5.5. The examiners role is to test the plan against the key legislation and ensure it meets the requirements of the 'Basic Conditions' as set out in the Town and Country Planning Acct 1990.

5.6. The examiner may propose limited modifications to the plan to enable it to meet the basic conditions. The examiner may also propose to delete parts of the plan that do not meet the requirements.

5.7. Once the examination is complete, a report will be issued to the LPA recommending whether the neighbourhood plan has satisfied the requirements or not. If the plan is found to meet the basic conditions a recommendation will be made that the plan proceeds to referendum The LPA must consider the examiner's report and make a formal decision to determine the next course of action (i.e. whether to accept the examiners recommendations and proceed to referendum or not) within five weeks of receiving the examiner's report.

5.8. If the plan is found to meet the basic conditions, the LPA has limited discretion to challenge this conclusion. An alternative conclusion may rest on a procedural error in the plan making process or the planning judgement of the Council. Procedural errors can be corrected through appropriate processes and a planning judgement may be subject to challenge through normal processes (judicial review).

5.9. Assuming a plan proceeds to referendum, and is successful at referendum, the LPA must then take a formal decision to 'make' (adopt) the plan, within eight weeks of the referendum date. 'Making' the plan brings the policies into full effect and confirms that the neighbourhood plan forms part of the development plan for the LPA.

5.10. Made neighbourhood plans may be reviewed and updated through a 'modification' process. A modification plan follows the same process as the original neighbourhood plan, with an examiner determining whether the plan must be subject to referendum. Again, the LPA must decide to submit the plan to the examiner, decide to proceed to referendum (if required) and decide to make the modification plan once the process is complete.

5.11. The process outlined above includes a series of procedural decisions by the Council that are largely prescriptive and offer limited discretion in the decision making itself. Therefore, several procedural decisions are recommended to be delegated from the Environment and Communities Committee to the Head of Planning in consultation with the Chair of the Environment and Communities.

5.12. The decisions are listed at section 2 and the following explains what each decision is for:

5.12.1. Decision to designate a neighbourhood area.

5.12.1.1. At the early stages of the process, a neighbourhood plan group must apply to designate a neighbourhood area. This is the geographical boundary for the plan and defines the area within which the policies of the plan will apply. Designation is automatic where a group applies for an existing, unaltered, parished area. However, if an area is unparished, the area applied for is different to the parished area a consultation exercise is carried out followed by a formal decision on the boundary.

5.12.2. Decision to designate a neighbourhood forum

5.12.2.1. In areas that do not have a parish council a 'neighbourhood forum' can be established as the formal body to prepare a neighbourhood plan. A decision to designate a neighbourhood forum includes a decision on an associated neighbourhood area.

5.12.3. Decisions to consider whether plan proposals meet the requirements of Schedule 4B, paragraph 6(2) of the Town and Country Planning Act 1990.

5.12.3.1. Once a community has prepared a neighbourhood plan it must be submitted to the Local Planning Authority who must determine (amongst other matters) if the correct procedure has been followed and the correct documents have been submitted and the materials submitted are sufficient to proceed to consultation and examination. The requirements at this stage are set out in the legislation cited.

5.12.4. Decision on Examiners Recommendations (including regarding Modification Proposals).

5.12.4.1. Following an examination of a neighbourhood plan, an examiner may recommend that a plan proceeds to referendum or has failed the relevant tests and therefore must be redrafted. The Council must make a formal decision on how to proceed, based on the examiner's recommendations.

5.12.4.2. Made neighbourhood plans may be modified and must follow a similar process to that of new neighbourhood plans, including

(where applicable) submission to an examination. In this instance the Council must also make a formal decision based on the examiner's recommendations.

5.12.5. Decision on a plan proposal (including regarding modification plan proposals).

5.12.5.1. Once a neighbourhood plan has been subject to referendum, if it is successful, the Council must 'make' or adopt the plan to conclude the process. The Council may only refuse to make the plan where a procedural error has occurred.

5.12.5.2. Modification plans must also be made. They may be subject to referendum or not, but a requirement exists to make the updated and modified plan.

6. Consultation and Engagement

6.1. The consultation requirements associated with each stage of the neighbourhood plan process will not be affected by this decision.

7. Implications

7.1. Legal

7.1.1. The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, and these Regulations ("the Regulations"), which came into force on 6 April 2012.

7.1.2. The Regulations establish a series of obligations on the Local Planning Authority to discharge decision making, within specified time limits.

7.2. Finance

7.2.1. There are no financial costs arising from this decision.

7.2.2. Staffing costs associated with this decision are covered from within existing Planning budgets.

7.3. Policy

7.3.1. The decision requested is procedural in nature and has no direct policy implications however will assist communities to complete the neighbourhood plan process in a more efficient and timely way.

7.4. Equality

7.4.1. The decision requested is procedural and has no equality implications.

7.5. Human Resources

7.5.1. There are no implications for human resources, the matters relevant to this decision will be addressed by existing staff in the Strategic Planning team.

7.6. Risk Management

7.6.1. The subject matter of the report does not give rise for any particular risk management measures.

7.7. Rural Communities

7.7.1. The decision requested is procedural and has no implications for rural communities however rural communities are able to prepare plans that introduce policies specific to their needs.

7.8. Children and Young People/Cared for Children

7.8.1. The decision requested is procedural and has no direct implications for children or young people, however communities are able to prepare plans that introduce policies that benefit children and young people in multiple ways, for example through the protection of green recreation space or through the prioritisation of contributions to facilitates the children and young and people may use (bus services, library services, recreation and more).

7.9. Public Health

7.9.1. The decision requested is procedural and has no direct implication for public health, however neighbourhood plans can introduce policies that benefit public health such as requirements to retain playing pitches and improve recreation facilities. Where appropriate neighbourhood plans may also allocate land for new health services are introduce policies that would enable health service provision.

7.10. Climate Change

7.10.1. The decision requested is procedural and has no direct implication for climate change in itself, however neighbourhood plans can introduce policies that will help mitigate the impacts of climate change and may improve low/zero carbon energy provision, for example through allocation of land for green energy uses such as solar farms, wind energy or water-based turbines. Neighbourhood plans may also introduce policies that improve biodiversity and natural habitats through landscaping requirements and can support (limited) higher levels of energy efficiency than required in existing building regulations.

Access to Information	
Contact Officer:	Tom Evans, Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 01625 650023
Appendices:	N/A
Background Papers:	N/A

Working for a brighter future together

Environment and Communities Committee Report

Date of Meeting:	7 July 2021
Report Title:	Delegation of Street Naming and Numbering Decisions
Report of:	Frank Jordan; Executive Director of Place
Report Reference No:	EC/06/21-22
Ward(s) Affected:	All

1. Executive Summary

1.1. This report seeks approval to delegate decisions for street naming and numbering to the Head of Planning in consultation with the Chair of the Environment and Communities Committee.

1.2. Cheshire East Council's Corporate Plan 2021-25 sets out a vision for a more open, fairer, greener Cheshire East, with three broad aims: to be an open and enabling organisation; a Council that empowers and cares about people; and to create thriving and sustainable places. This decision relates to the creation of thriving and sustainable places and will help to ensure that local address data is created and maintained in a timely and efficient manner to support local service delivery.

1.3. The Council has a statutory duty to provide a Street Naming and Numbering service and maintain the Local Land and Property Gazetteer. It is also required to supply address data to the National Land and Property Gazetteer and other public sector organisations.

1.4. The names and numbers assigned to streets and properties within the borough are defined by the Council in accordance with the Cheshire East Street Naming and Numbering Policy. The Council receives proposals for up to 200 individual street names each year.

1.5. Officers are given delegated powers under the scheme of delegation set out in the Council's Constitution and Local Schemes of Delegation. However, Officers may not take decisions unless specifically provided for

within the constitution or specifically delegated by a Committee or Sub-Committee. For the avoidance of doubt, it is recommended that the Committee delegates decisions for street naming and numbering.

2. Recommendations

2.1. That the committee delegates decisions for street naming and numbering to the Head of Planning in consultation with the Chair of the Environment and Communities Committee

3. Reasons for Recommendations

3.1. The timely and accurate addressing of properties is an important duty undertaken by the Council. Many organisations including councils, emergency services, royal mail and utility providers are reliant upon accurate address data to deliver services efficiently and effectively.

3.2. The names and numbers assigned to streets and properties within the borough are defined in accordance with the Cheshire East Street Naming and Numbering Policy. Property developers and local residents may suggest names for new streets. If a suggestion does not meet the requirements of the policy the Council must object to the proposed name within one month of receipt of the notice of the proposed name.

3.3. The council receives, on average, 40 street naming and numbering proposal applications each year for new developments which can include up to 200 individual street names.

3.4. Under the previous system of decision-making responsibility for executive decisions in relation to street naming and numbering lay with the Portfolio Holder. However, the current constitution does not specifically identify street naming and numbering decisions as the responsibility of the Environment and Communities Committee.

3.5. The constitution gives delegated powers for Officers to take decisions in relation to all the functions in their areas of responsibility except where: a matter is prohibited by law from being delegated to an officer, and; a matter has been specifically excluded from delegation by the constitution, by a decision of the Council, a Committee or Sub-Committee. Furthermore, Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.

3.6. The Executive Director of Place is given delegated power to take any decisions in relation to the areas of the council's operations and services within the Place Directorate, subject to the terms of the Constitution. These powers are delegated to other officers through a Local Scheme of Delegation to ensure that decisions are taken at the most appropriate level.

3.7. It is therefore recommended, for the avoidance of doubt, that the committee confirms that street naming and numbering decisions be delegated to the Head of Planning. Furthermore, it is recommended that decisions are in consultation with the Chair of the Environment and Communities Committee to provide assurance that decisions are made in accordance with the approved policy.

4. Other Options Considered

4.1. The Committee could choose not to delegate these decisions and consider each proposal. However, as the Committee meets every two months this would likely delay the decision-making and render it likely the council would time-out its right to object to proposed names. Given the volume of street naming and numbering proposals that are received it would also reduce the time available for the Committee to consider other matters.

5. Background

5.1. The numbers and names assigned to properties and streets within the borough are defined by the Council. Allocation of postcodes is managed by the Royal Mail. The Address Management Team, which sits within the Planning service, are responsible for responding to and managing requests for new postal addresses and requests for changes to existing postal addresses. As part of this process the team contacts Royal Mail to obtain a postcode and adds new addresses and changes to the Local Land and Property Gazetteer.

5.2. The Council has a statutory obligation to maintain a database of land and property addresses within the borough - the Local Land and Property Gazetteer. In addition, the council is required to supply address data to the National Land and Property Gazetteer and other public sector organisations.

5.3. The Cheshire East Street Naming and Numbering Policy defines the approach the Council takes to ensure all properties within the borough are accurately addressed and appropriately named in accordance with relevant legislation and best practice.

5.4. Section 17 of the Public Health Act 1925 allows a notice to be served on the council by a person proposing to name a street. The council has the power to object to any proposed street name and may do so within one month of receipt of the notice of the proposed name. The council also has responsibility under section 19 of the Public Health Act 1925 to ensure that street name plates are displayed.

5.5. Property developers and local residents may suggest names for new streets. The council advises developers to consider proposals for street naming and numbering as soon as possible after obtaining planning permission. Otherwise the owner or occupier of a new property may have

difficulty in receiving mail, deliveries and services including utility connections. Fees are charged for the street naming and numbering service.

5.6. Suggestions must be submitted in writing for consideration against the Street Naming and Numbering Policy, BS7666 National Addressing Standards and best practice. The policy includes guidelines for determining whether a new street name is acceptable. For example, names with a local or historic significance to the area are encouraged; names with a common theme are encouraged on large developments; naming a street name after a living person is not permitted; words of more than three syllables and the use of more than two words should be avoided; names likely to cause spelling difficulties are unacceptable as they may lead to confusion in emergency situations.

5.7. If a suggestion does not meet the requirements of the policy the council will formally object to the proposed name in writing. The person proposing the name has the right to appeal against the objection within twenty-one days.

5.8. Where the proposed name complies with the policy consultation on the proposed street name will take place with the relevant Ward Councillors and the Town or Parish Council. The Ward Councillors and Town or Parish Council may either confirm their support for a suggested name or may object to it and offer an alternative suggestion. Suitable alternative suggestions will be provided to the developer for agreement.

5.9. Where a street is created as part of a new development, all costs for the erection of new street name plates will be paid for by the developer in accordance with the specification provided by the council. Maintenance of street name plates becomes the responsibility of the council once the developer has left the site and the street has been adopted. No street name plate is allowed to be erected until the street name has been confirmed in writing by the council.

5.10. The Council also has powers under section 11 of the Cheshire County Council Act 1980 for the numbering (or naming) of buildings within its administrative area and the marking of such numbers (or names). The numbering guidelines are generally more prescriptive and so consultation is not undertaken. For example, buildings in new streets shall be numbered with odd numbers of the left hand side and even numbers on the right commencing from the primary entrance to the street; where the street is a thoroughfare, the numbering shall commence at the end of the street nearest the centre of the town or village; consecutive numbering may be used in a cul-de-sac.

6. Consultation and Engagement

6.1. There is no requirement to consult on this decision to delegate responsibility for street naming and numbering decision. As explained above, as part of

the decision making process consultation takes place with Ward Councillors and Town or Parish Councils on proposed street names.

7. Implications

7.1. Legal

7.1.1. The powers for street naming can be found in the Public Health Act 1925. The powers for numbering can be found in the Towns Improvement Act 1847.

7.1.2. Under Section 17 of the Public Health Act 1925 before any street is named a notice of the proposed name must be served on the Council. The Council have one month from receipt of the notice to object to the proposed name by serving a notice on the applicant. Where the Council object the applicant may within twenty one days after being served notice appeal against the objection in the Magistrates court.

7.1.3. Failure to respond to applicants within a timely manner may lead to new streets being named contrary to adopted policy and national guidance. This may lead to future problems for the Council as well as third parties such as the Royal Mail and statutory undertakers.

7.2. Finance

7.2.1. There are no significant financial implications from this decision. The net cost of the street naming and numbering service is included within the Planning service budget.

7.3. Policy

7.3.1. The decision requested is procedural and has no policy implications.

7.4. Equality

7.4.1. The decision requested is procedural and has no equality implications.

7.5. Human Resources

7.5.1. There are no implications for human resources.

7.6. Risk Management

7.6.1. The subject matter of the report does not require for any risk management measures.

7.7. Rural Communities

7.7.1. The decision requested has no implications on rural communities.

7.8. Children and Young People/Cared for Children

7.8.1. The decision requested has no implications on children and young people.

7.9. Public Health

7.9.1. The decision requested is procedural and has no public health implications.

7.10. Climate Change

7.10.1. The decision requested is procedural and has no climate change implications.

Access to Information	
Contact Officer:	Paul Bayley, Director of Environment and Neighbourhood Services Email - paul.bayley@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Cheshire East Street Naming and Numbering Policy

Working for a brighter future together

Environment and Communities Committee

Date of Meeting:	7 July 2021
Report Title:	Environment and Communities budgets 2021/22
Report of:	Alex Thompson, Director of Finance & Customer Services
Report Reference No:	EC/07/21-22
Ward(s) Affected:	All wards and all members will be affected and impacted by the content of the MTFS and Corporate Plan.

1. Executive Summary

1.1. The Corporate Plan and Medium Term Financial Strategy (MTFS) for Cheshire East Council for the four years 2021/22 to 2024/25 was approved by full Council on 17th February 2021.

1.2. Cheshire East Council provides in the region of 500 local services every day. During 2020/21 the Council drafted and consulted on a new Corporate Plan to articulate a vision of how these services will make Cheshire East an Open, Fairer and Greener borough. The MTFS matches forecast resources to the costs associated with achieving the Council's vision.

1.3. The Finance Sub Committee meeting on the 1st July 2021 approved the allocation of the approved capital and revenue budgets, related policy proposals and earmarked reserves to each of the service committees.

2. Recommendations

2.1. To note the decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Environment and Communities Committee, as set out in Appendix A.

2.2. To note the MTFS timelines, as set out in paragraphs 5.9 – 5.12.

2.3. To note the supplementary estimates and virements as set out in Appendix B.

3. Reasons for Recommendations

3.1. The Environment and Communities Committee has the responsibility for the oversight, scrutiny, reviewing of outcomes and performance, budget monitoring and risk management of the Directorates of Environment and Neighbourhood, including: Development Management; Spatial Planning; Building Control and Planning systems; Neighbourhood Planning; Environmental Services; Regulatory Services; Libraries; Leisure Commissioning; Emergency Planning; and Neighbourhood Services.

3.2. Finance Sub-Committee met on 1st July and set out the budgets in accordance with the above responsibilities.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. All councils are legally required to set a balanced budget each year. The Budget Setting Process 2021-2025 was developed and endorsed by the Cabinet and Corporate Leadership Team in May 2020 and the MTFS was approved by full Council in February 2021.

5.2. Page 17 of the MTFS includes a Report from the Chief Finance Officer in line with the Section 25(1) of the Local Government Finance Act 2003. This report confirms that the MTFS is balanced and that the Chief Finance Officer is satisfied with the robustness of the estimates and the adequacy of the financial reserves of the Council. The report also highlights the factors taken in to account in arriving at this judgement including relevant financial issues and risks facing the Council during the medium term.

5.3. Finance Procedure Rules set limits and responsibilities for movement of funds within this balanced position, treating reserves as part of this overall position. Any movement within this balanced position is treated as a virement. To increase the overall size of the MTFS requires a supplementary estimate, which must be backed with appropriate new funding and approved in line with the Procedure Rules.

5.4. On 19th November 2020 the Council resolved to cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance to take effect from the Annual Council meeting on 4th May 2021.

5.5. To support accountability and financial control the 2021/22 budget is being reported across the Committees based on their associated functions. This report sets out the allocation of the revenue and capital budgets and earmarked reserves to the Environment and Communities committee in accordance with its functions.

5.6. Each committee Function has been associated with a Director budget. Budget holders are responsible for budget management. Where a team

supports multiple Directors (most notable in Corporate Services) the budget remains with the Director and is not split, for example, Governance and Democratic Services are aligned to the Corporate Policy Committee even though the activity of the team is split across all teams.

5.7. The financial alignment of budgets to each Committee is set out in Table 1 with further details on the Environment and Communities Committee budgets in Appendix A.

Table 1: Revenue and Capital Budgets allocated to service committees as per the approved MTFS

Committee	Expenditure £m	Income £m	Net Budget £m	Total Capital Budget £m	Total Rev + Cap £m
Adults and Health	178.348	-59.304	119.044	**1.434**	**120.478**
Highways and Transport	23.090	-11.849	11.241	**90.996**	**102.237**
Children and Families	74.100	-5.906	68.194	**22.683**	**90.877**
Economy and Growth	32.692	-10.866	21.826	**31.459**	**53.285**
Environment and Communities	52.512	-10.613	41.899	**11.220**	**53.119**
Corporate Policy	112.635	-76.421	36.214	**6.451**	**42.665**
Finance Sub Committee	19.340	-6.662	12.678	**7.030**	**19.708**
			-311.096	**-171.274**	**-482.370**
Original Budget (MTFS Feb 21)	**492.717**	**-181.621**	**0.000**	**0.000**	**0.000**

5.8. The 2021-25 MTFS includes a net revenue budget of £311.1m and an approved capital programme of £171.3m for the financial year 2021/22. Further details on the schemes within the capital programme for the Environment and Communities Committee are provided in Appendix A.

MTFS Timelines

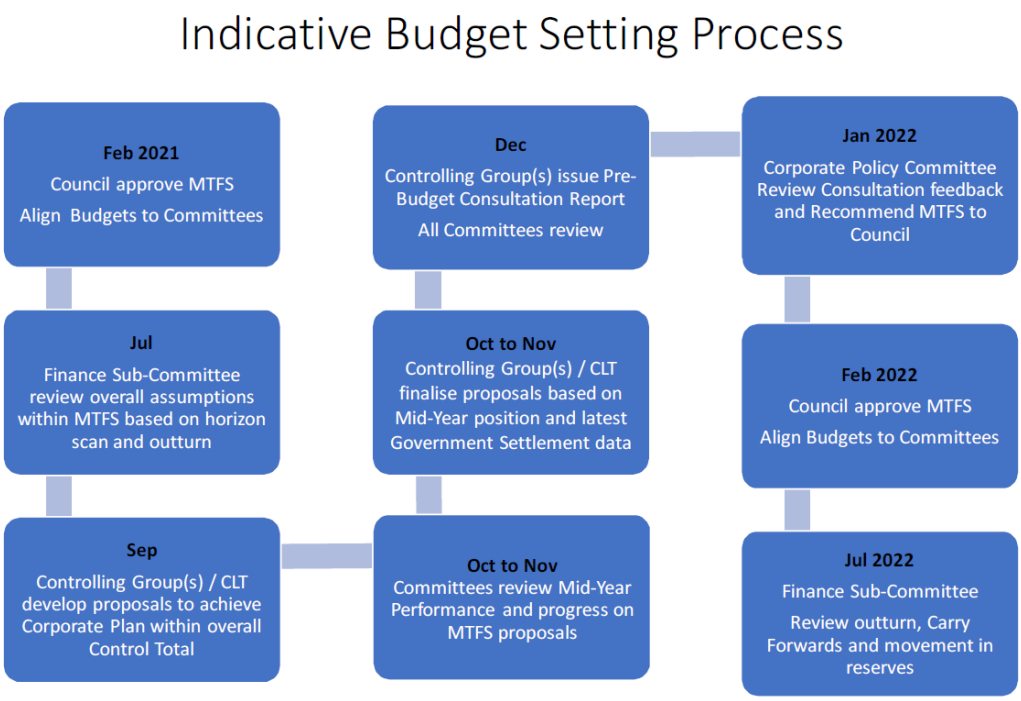
5.9. Council wide budget control rests with the Corporate Policy Committee (and Finance Sub Committee) and Council. Budgets have been aligned with service committees to facilitate expenditure assurance but committees do not hold 'a budget'. Responsibility for budget management remains with officers but the Committee is responsible for assuring the budget is spent on delivering the objectives set out in the policy framework of the Corporate Plan.

5.10. The new budget process will provide each committee with a review of the mid year position and the opportunity to comment on future proposals relating to their areas, by individual service area, which can be considered with the new budgetary consultation process and will be considered by Corporate Policy Committee for recommendation to Council.

5.11. Sessions will be arranged for all members in advance of the wider consultation on proposals. This will increase opportunities for all members to engage with the process to review the Medium Term Financial Strategy. Members will be invited to attend sessions that will allow them to share ideas to support development of future proposals in an informal setting. This

approach was well received when trialled in 2019, but, due to circumstances, could not be re-run in 2020.

5.12. The budget setting process is set out below:



6. Consultation and Engagement

6.1. The annual business planning process involves engagement with local people and organisations. Local authorities have a statutory duty to consult on their Budget with certain stakeholder groups including the Schools Forum and businesses. In addition, the Council chooses to consult with other stakeholder groups. The Council continues to carry out stakeholder analysis to identify the different groups involved in the budget setting process, what information they need from us, the information we currently provide these groups with, and where we can improve our engagement process.

6.2. Cheshire East Council conducted an engagement process on its Medium-Term Financial Plans through a number of stages running from December 2020 to Council in February 2021.

6.3. The budget consultation launched on-line on the 2nd December 2020, included details of the proposals against each (draft) Corporate Plan aim. This consultation was made available to various stakeholder groups and through a number of forums.

7. Implications

7.1. Legal

7.1.1. The legal implications surrounding the process of setting the 2021 to 2025 Medium Term Financial Strategy were dealt with in the reports relating to that process.

7.2. Finance

7.2.1. Contained within the main body of the report.

7.3. Policy

7.3.1. The Corporate Plan sets the policy context for the MTFS and the two documents are aligned. Any policy implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

7.4. Equality

7.4.1. The Council needs to ensure that in taking decisions on the Medium Term Financial Strategy, the Budget and the Corporate Plan, the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as proposals and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.

7.4.2. Any equality implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

7.5. Human Resources

7.5.1. Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

7.6. Risk Management

7.6.1. Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2021/22 budget and the level of general reserves were factored into the 2021/22 financial scenario, budget and reserves strategy.

7.7. Rural Communities

7.7.1. The report provides details of service provision across the borough.

7.8. Children and Young People/Cared for Children

7.8.1. The report provides details of service provision across the borough.

7.9. Public Health

7.9.1. Public health implications that arise from activities that this report deals with will be dealt with as separate reports to Members or Officer Decision Records as required.

7.10. Climate Change

7.10.1. Any climate change implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Access to Information	
Contact Officer:	Alex Thompson Director of Finance and Customer Services (Section 151 Officer) alex.thompson@cheshireeast.gov.uk
Appendices:	**A** - Allocation of capital and revenue budgets, earmarked reserves and policy proposals to service committees **B –** Supplementary Estimates
Background Papers:	The following are links to key background documents: Medium Term Financial Strategy 2021-25

Appendix A – Allocation of capital and revenue budgets, earmarked reserves and policy proposals to service committees.

2021/22 Environment and Communities Committee MTFS page 171	Expenditure £000	Income £000	**Net £000**
Environmental Services	34,827	-2,852	**31,975**
ASB and Community Enforcement	545	-5	**540**
Leisure Commissioning	1,763	0	**1,763**
Libraries	3,944	-305	**3,639**
Strategic / Neighbourhood Planning	1,087	-180	**907**
Development Management	3,758	-4,087	**-329**
Building Control and Planning Support	1,847	-1,755	**92**
Regulatory Services	4,008	-1,372	**2,636**
Emergency Planning	213	-57	**156**
Director / Pay inflation	520	0	**520**
Total	**52,512**	**-10,613**	**41,899**

Environment and Communities Committee

CAPITAL PROGRAMME 2021/22 - 2024/25

Scheme Description	Forecast Expenditure					
	Prior Years £000	Budget 2021/22 £000	Budget 2022/23 £000	Budget 2023/24 £000	Budget 2024/25 £000	Total Budget £000
Committed Schemes - In Progress						
Environment and Neighbourhood Services						
Bereavement Service Data System	0	35	0	0	0	**35**
Congleton Household Waste Recycling Centre Development	20	30	0	0	0	**50**
Congleton Leisure Centre	953	5,647	4,700	0	0	**11,300**
Environment S106 Schemes	1,684	151	0	0	0	**1,835**
Kerbside wheeled bins	1,817	50	50	50	0	**1,967**
Litter and Recycling Bins	58	50	50	50	0	**208**
Nantwich Pool Improvements	157	1,567	0	0	0	**1,724**
Park Development Fund	511	115	0	0	0	**626**
Pastures Wood Farm - Carbon Offet Scheme	17	8	0	0	0	**25**
Planning & Building Control Replacement System	464	67	0	0	0	**531**
Poynton Leisure Centre	419	3,500	687	0	0	**4,606**
Total Committed Schemes - In Progress	**6,099**	**11,220**	**5,487**	**100**	**0**	**22,907**

Earmarked Reserves	Estimated Opening Balance as at 1st April 2021 £m
Strategic Planning	0.48
Trees/Structure Risk Management	0.40

Budget Policy Proposal	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000
[41] Ansa income generation and efficiencies	-259			
[84] Waste contract inflation and tonnage growth	810	644	657	613
[39] ASDV governance review / commercial income	-315	-225	-100	
[85] Carbon Neutral Action Plan delivery	96	20	-81	
[29] Orbitas income and management fee	32	21		
[31] ESAR Annual Management fee	-43	-42	-41	-40

Budget Policy Proposal	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000
[42] Strategic leisure review		-250		
[86] Tree Risk Management		500		
[26] Regulatory Services ICT system		-9		
[22] Flexible resourcing	-50			
[27] CCTV Migration to wireless		-85		

Appendix B – Supplementary Estimates

Table A - Supplementary Estimates less than £1,000,000

Committee	Year	Type of Grant	£000	Details
Environment & Communities	2020/21	Covid-19 National Leisure Recovery Fund (Specific Purpose)	964	Everybody Sport & Recreation (ES&R) has seen very significant reductions in its income due to the pandemic, with receipts from fees and charges effectively reduced to zero during periods of closure required under lockdown rules. Whilst the Trust has been able to reduce costs and access government schemes (including furloughing) to support the Trust's ambition to remain a going concern, it has been necessary for the Council to provide advance payments of management fee to ES&R to ensure service continuity for the Council's leisure centres during and after the coronavirus pandemic. The Council submitted a bid to the National Leisure Recovery Fund in January 2021 and was informed on 22nd February 2021 that it had been successful. As a result, the Council has been awarded £901,542 of funding (£900,000 NLRF funding plus £1,542 Monitoring and Evaluation Grant). A further National Leisure Recovery Fund top-up grant of £61,971 was received on the 31st March 2021.
Environment & Communities	2020/21	Neighbourhood Planning Grant for Local Planning Authorities (General Purpose)	60	The conditions of the grant mean that this funding could be used across the wider Spatial Planning area. This level of funding would be intended to support a number of Community Neighbourhood Plans across the borough.

Committee	Year	Type of Grant	£000	Details
Environment & Communities	2020/21	Mobile Homes Fit and Proper Person Test (General Purpose)	1	The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them in addressing applications under the 'fit and proper person' requirements implemented by the Mobile Homes Act 2013.
Environment & Communities	2021/22	Phase 2 of the Public Sector Decarbonisation Scheme	604	Decarbonisation of heating system at Macclesfield Town Hall Air source heat pump (air to water)
Total Grants £1m or Below			**1,629**	

Table B - For recommendation to Council - Supplementary Estimates over £1,000,000

Committee		Type of Grant	£000	Details
Environment & Communities	2020/21	Rural Mobility Fund (Specific Purpose)	1,260	The Rural Mobility Fund is part of the government's better deal for bus users. The primary objective of the fund is to trial demand-responsive transport solutions in providing transport services which work better for local residents of rural and suburban areas.
Total Grants over £1m Recommendation to Council			**1,260**	

Work Programme – Environment and Communities Committee – 2021/22

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/01/21-22	7 Jul 2021	Waste and Recycling Services- Implications of the Environment Act	To consider the implications of the Environment Act on waste and recycling services within Cheshire East.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	
EC/02/21-22	7 Jul 2021	Contaminated Land Strategy	To consider the results of the consultation and approve the final version of the Contaminated Land Strategy.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	
EC/03/21-22	7 Jul 2021	Sustainable Drainage (SUDs) SPD	To approve the draft supplementary planning document for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EC/04/21-22	7 Jul 2021	Enforcement Policy- Anti Social Behaviour and Waste Management	To approve the service specific enforcement policies.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	
EC/05/21-22	7 Jul 2021	Delegation of Neighbourhood Planning Decision	To delegate decisions relating to the Neighbourhood Planning.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	An open and enabling organisation	
EC/06/21-22	7 Jul 2021	Delegation of Street Naming and Numbering	To delegate decisions relating to Street Naming and Numbering.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	An open and enabling organisation	
EC/07/21-22	7 Jul 2021	Environment and Communities Budget 2021/22	To receive a report on the capital and revenue budgets for 2021/22. To note or approve virements and supplementary estimates as required.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	An open and enabling organisation	
EC/10/21-22	9 Sep 2021	The Minerals and Waste Development Plan	To seek approval to publish the draft Cheshire East Minerals and Waste Development Plan Document (Local Plan part 3) along with its supporting evidence for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/08/21-22	9 Sep 2021	Adoption of Connected Communities Strategy	To approve the Connected Communities Strategy.	Director of Environment and Neighbourhood Services	TBC	TBC	Yes	A council which empowers and cares about people	
EC/14/21-22	9 Sep 2021	Bio Diversity Net Gain SPD	To consider the feedback received to the public consultation and publish the supplementary planning document for public representations.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EC/15/21-22	9 Sep 2021	Developer Contributions SPD	To approve the draft supplementary planning document for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EX/09/21-22	9 Sep 2021	GEN4 (Recovery of forward funded infrastructure costs) D	To approve the draft supplementary planning documents for public consultation. This is guidance on the approach (mainly financial formulas) to securing S106 contributions for infrastructure. This enables the council to recoup investment it has made in for example, a road and then development comes forward that is reliant on the road and could not have happened if the road was not already built.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EC/12/21-22	9 Sep 2021	Houses of Multiple Occupation SPPD	To consider the feedback received to the public consultation and adopt the supplementary planning document.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EC/13/21-22	9 Sep 2021	Housing SPD	To consider the feedback received to the public consultation and publish the supplementary planning document for public representations.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	
EC/11/21-22	9 Sep 2021	Jodrell Bank Supplementary Planning Document	To approve the draft supplementary planning document for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/19/21-22	11 Nov 2021	Food Law Enforcement Plan	To consider the 2021-22 Food Law Enforcement Plan.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	
EC/17/21-22	11 Nov 2021	2021 Air Quality Annual Status Report	To consider the 2021 Air Quality Annual Status Report and the current status of air quality across the borough.	Director of Environment and Neighbourhood Services	N/A	TBC	Yes	A thriving and sustainable place	
EC/18/21-22	11 Nov 2021	Everybody Sport and Recreation Annual Report	To consider the 2020-21 performance of the council's leisure centres and sports development service managed by Everybody Sport and Recreation.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	
EC/16/21-22	11 Nov 2021	Mid-Year Finance Review	To receive an update on the financial position for 2021/22 and to note or approve virements and supplementary estimates as required.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	An open and enabling organisation	
EC/21/21-22	20 Jan 2022	Medium Term Financial Strategy (MTFS)	For the Environment and Communities Committee to respond to the Budget consultation.	Director of Environment and Neighbourhood Services	Yes	Yes	Yes	An open and enabling organisation	
EC/20/21-22	20 Jan 2022	Third Quarter Finance Review	To receive an update on the financial position for 2021/22 and to note or approve virements and supplementary estimates as required.	Director of Environment and Neighbourhood Services	N/A	N/A	No	An open and enabling organisation	

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