

Technical Appendix 12: Flood Risk Management and Sustainable Drainage

1. Service Overview

- 1.1. Around 64,000 properties in Kent are estimated to be at risk of flooding. This risk is particularly significant in coastal areas, notably the Romney Marshes, Dartford and Gravesend, where flood defences are widely in place. On the floodplains of the Rivers Medway, Beult, Stour and Darent, flood defences are more limited.
- 1.2. A further 24,000 properties, generally concentrated in urban areas, are estimated to be at risk of flooding from surface runoff - one of the highest figures for local authority areas in England.
- 1.3. The Environment Agency has a strategic overview of all sources of flooding and coastal erosion (as defined in the Flood and Water Management Act 2010). Under the [Flood and Water Management Act 2010](#), KCC is the Lead Local Flood Authority (LLFA) for Kent, with statutory oversight of local flooding arising from:
 - Surface runoff
 - Ordinary watercourses
 - Groundwater
- 1.4. KCC is required to produce a Local Flood Risk Management Strategy that sets out how these risks will be managed by the relevant authorities.

2. Pre-Application Advice

- 2.1. Housing and other new developments may present an increased flood risk due either to their location, or the amount of water discharged from the site. These matters must be addressed in planning applications, as set out in the National Planning Policy Framework (NPPF) paragraphs 159 to 169. Local planning direction and information is provided through:
 - Strategic Flood Risk Assessments, developed by individual Local Planning Authorities (LPAs)
 - [Surface Water Management Plans](#) prepared by KCC for specific locations.
- 2.2. Under the Town & Country Planning (Development Management Procedure) (England) Order 2015, KCC is a statutory consultee with respect to surface water drainage. KCC's [Drainage and Planning Policy](#) (November 2019) provides guidance on the application of minimum operational standards as

required under paragraph 165 and as stated within the Defra-published Non-Statutory Technical Standards for Sustainable Drainage.

- 2.3. Flood risk mitigation, including sustainable drainage systems (SuDS) may be combined and delivered with other requirements or initiatives such as green infrastructure, biodiversity net gain, nutrient neutrality, open space provision, urban and landscape design.
- 2.4. KCC encourages early engagement at the pre-application stage to ensure the most efficient design scheme. Contact KCC Sustainable Urban Drainage (SuDS) for further information: suds@kent.gov.uk.

3. Assessing Need and Calculating Demand

- 3.1. Developers will be expected to mitigate any proposed new developments where direct impacts are identified on local drainage and flood risk management.
- 3.2. Contributions will be sought by KCC on strategic sites only, where the complexity of SuDS systems could be more effectively dealt with directly by the LFFA. Planning obligations, secured through the s106 process, may be sought where the developer requests assistance with meeting NPPF paragraph 169 requirements through KCC issuing a Certification of Compliance as LFFA.

Para 169 states: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a. Take account of advice from the lead local flood authority
 - b. Have appropriate proposed minimum operational standards
 - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development, and
 - d. Where possible, provide multifunctional benefits.
- 3.3. In these instances, the LFFA will complete the necessary inspection and assessment of flood attenuation, removing the need for a planning condition to be requested with regards to verification of construction.
 - 3.4. Under the s106 Agreement, KCC and the developer will need to agree the nature of the works to secure appropriate contracts before the development can commence.

4. Indexation

- 4.1. To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC will apply

the BCIS All-In Tender Price Index, based on the date at which the contribution has been calculated.

5. Time Limit on Spend

- 5.1. Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.