Frequently Asked Questions (FAQs): Surface Water Development Contributions ("SWDCs")

Q1 When is a Surface Water Development Contribution ("SWDC") incurred?

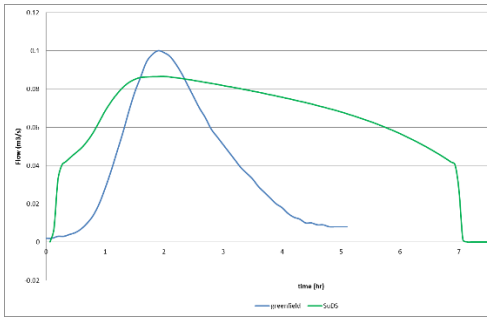
- Prior written consent is required from the River Stour (Kent) Internal Drainage Board (RSIDB) under Byelaw 3 of the Board's Byelaws where a development will directly or indirectly increase the flow or volume of water into any drainage/flood risk management infrastructure in the Board's Internal Drainage District (IDD).
- The purpose of regulating discharges into the Board's IDD is to reduce the impact unregulated discharges would have on the RSIDB's infrastructure.
- In line with the provision of Byelaw 29(c), any consent granted may be either unconditional or subject to such conditions as the Board may consider appropriate. One of the conditions imposed as part of surface water discharge consent approval is the payment of a SWDC to the Board.

Q2 What is a Surface Water Development Contribution? ("SWDC")

- A SWDC is a one-off charge placed on a development by the RSIDB. The SWDC, net of its collection cost, is intended to reflect the actual or potential cost of work required to be undertaken by the IDB at some stage to manage the additional run-off (rate and/or volume) that is a consequence of the positive discharge of new impermeable areas directly or indirectly into the Board's drainage district.
- The works described above can include maintenance activities, the operation of structures or the physical improvements of the Board's drainage/flood risk management infrastructure. It can also include the surveying, monitoring and modelling of infrastructure capacity.
- It should be noted that the SWDC does not involve any profit-making for the RSIDB. Indeed, the likelihood is that the sums paid amount to no more than a part-contribution to eventual works undertaken.

Q3 Why do I need to pay this charge?

- Introducing impermeable areas to greenfield sites generally increases the volume of surface water runoff downstream. Even when peak runoff rates have been limited to less than greenfield rates, the actual volume would have been increased. To illustrate this please see the following graph.



- The volume would be calculated by the area under each line on the graph. Defra's non-statutory technical standards for sustainable drainage systems acknowledged this impact by introducing standards S4, S5 and S6 which seek to control the run-off volume from development.

- As such, even where attenuated, the discharge will still represent an increase from the agricultural discharge rate and more particularly increase the volume of water discharged into our district.

- Where this is the case, the Board can apply a Surface Water Development Contribution as a condition of consent.

- By way of an example, increases in the volume of water discharged into pumped catchments could require the operation of pumping stations for longer to maintain the same water levels as prior to development. Alternatively, if the capacity of the station is limited this may require the widening of drains and/or the creation of new off-line storage to ensure the volume of water can be accommodated at the pump

Q4 Isn't the Board already funded to manage the discharge from my development?

- Whilst Internal Drainage Board's receive funding from other sources it should be noted that these are specifically designed to cover the costs incurred by mitigating the effects on the drainage district from the current built and agricultural environment. They are not aimed at reflecting the additional burdens placed on the Board by the creation of additional impermeable areas positively discharged directly or indirectly to our area.

Q5 Has the Planning process already secured the funding for drainage through Section 106 of the Town and County Planning Act 1990

- No, the consenting process under the Land Drainage Act 1991 and the RSIDB's adopted Byelaws is separate to the process of obtaining planning permission (much in the same way as any separate agreements/consents required from organisations such as the Highway Authority and utility providers).

Q6 Has the Planning process already secured the funding for drainage through a Community Infrastructure Levy?

- No, a Community Infrastructure Levy (introduced by the Planning Act 2008) is a charge levied by some Local Planning Authorities to help them deliver infrastructure needed to support development in their area. Local Planning Authorities then use the Levy that has been collected to fund a wide range of infrastructure as defined by section 216(2) of the Planning Act 2008. Drainage and water level management infrastructure are not included within Section 216(2) of the Planning Act 2008, and Internal Drainage Boards do not receive any part of this funding.

Q7 How are you able to make this additional charge?

- In line with the provision of Byelaw 29(c) in the RSIDB's adopted Byelaws, any consent granted may be either unconditional or subject to such conditions as the Board may consider appropriate. One of the conditions imposed as part of surface water discharge consent approval is the payment of a SWDC to the Board.

Q8 How do you calculate the Surface Water Development Contribution? ("SWDC")

- SWDCs are payable at the time and rate applicable when the consent application is validated by the Board.
- The current RSIDB charging schedule was adopted on the 1st September 2021.
- The methodology used to calculate a SWDC is contained within the Board's Development Control Charges and Fees document. This is available online;

  RSIBD-Development-Control-Charges-and-Fees-Jan-2025.pdf

- The contribution is calculated by;
  - Determining the impermeable area of the site to be positively drained (in square metres, m^2)
  - Establishing the charging band the impermeable area (in hectares) of the site that is to be positively drained will fall into.
  - Establishing the charging band the proposed discharge rate (in litres/second/impermeable hectare) will fall into
- The Surface Water Development Contribution equation is therefore;

$$\text{SWDC Fee} = \text{Impermeable area band in } (£/m^2) \times \text{area of impermeable surface proposed as part of development } (m^2) \times \text{discharge rate banding } (\%)$$

- Please note the following scenarios are also provided for within the current SWDC methodology as set out in the aforementioned Development Control Charges and Fees document;
  - High level overflows from infiltration type Sustainable Drainage Systems ("SuDS") designed with sufficient capacity to cater for a 1 in 100 year plus climate change event
  - High level overflows from infiltration type SuDS designed with insufficient capacity to cater for a 1 in 100 year plus climate change event

Q9 What happens if I do not wish to pay the Surface Water Development Contribution? ("SWDC")

- If a developer does not want to pay the contribution, all surface water runoff from the development would have to be stored on the development site with no outfall into the ordinary watercourse or any drainage system which will convey the water to the Board's district.

- Alternatively, where developers are confident that their drainage design reduces the rate **and volume** of surface water downstream, they should provide evidence of this in the form of flow hydrographs at the location of each discharge point for the pre- and post-development scenarios. These should demonstrate that there is **no change** to the areas under the graph (volume) between the pre and post development scenarios.

- If you have signed the Board's notice of intention to grant consent and the Board has issued formal consent, you will either need to amend the drainage system to meet the requirements set out above or pay the SWDC. If the invoice for the SWDC remains unpaid within the required time period (usually 28 days) the Board will seek a County Court judgement for the recovery of the costs.

Q10 At what stage should I apply for discharge consent or pay the Surface Water Development Contribution? ("SWDC")

- While it is for the Local Planning Authority (LPA) to determine the appropriate level of detail required to determine an outline planning application, we strongly recommend that the viability of the drainage strategy is evidenced (or at least assured) prior to determination of a planning application.

- A viable strategy at the outline stage enables both the applicant and the LPA to proceed with increased confidence in the site's ability to drain (and thereby prevent flooding - a material planning consideration) and the ability to implement the outline permission, if granted.

- Prior to engagement with the consenting process (outlined in table 1 on the next page), no assurance can be provided by the Board that the wider drainage network has sufficient capacity to accept the proposed positive discharge connection.

Stage 1	If the Board deem that the proposed additional rate or volume of surface water will not lead to an increased flood risk then a *'notification of intention to grant consent'* letter is sent. In their assessment the Board's officers may cite evidence, such as models and hydrographs, often provided by the applicant. A *'notification of intention to grant consent'* letter is not the formal consent, but lists conditions such as technical specifications and required development contributions. This letter asks the applicant to sign to confirm acceptance of the conditions, and is only valid for 28 days (to avoid 'reserving' volumetric capacity within the catchment). Previously, it has been considered that the *'notification of intention to grant consent'* is an assurance to both the applicant and the LPA that the Board considered that the catchment had capacity for the proposals which (at the time of submission) would not lead to an increased risk of flooding elsewhere in the catchment. Developers seeking assurance for outline plans may submit an application based on a likely scenario. This allows the developer and the LPA a level of assurance (not to be confused with evidence) regarding the site's ability to drain ahead of detailed design.
Stage 2	<u>If the applicant is ready to accept the conditions</u> and sign the *'notification of intention to grant consent'* document then the final document is issued and consent is granted. <u>Alternatively, if the applicant is not ready to accept the conditions</u> (for example if the proposals were indicative, or the applicant is awaiting planning permission) then the 28 days will elapse and the *'notification of intention to grant consent'* will become invalid. When ready, the applicant can re-apply for consent with increased confidence regarding the ability of the system to accept surface water from the site (assuming no material changes to the catchment's volumetric capacity has occurred). Please be aware that despite the assurances provided by an elapsed *'notification of intention to grant consent'*, consent is not guaranteed and there remains a risk that the capacity required by the development will not have been retained in the system by the time the applicant (or their successors) wish to re-apply for consent. This is particularly true when discharging increased volumes to pumped or otherwise heavily constrained catchments.

Table 1: *The process by which the Board grants discharge consent, defined by two stages.*

Q11 Why is there a charge for treated effluent discharge?

- Independent of water quality, the discharge of treated effluent increases the overall volume of water entering our system, adding to the hydraulic load on our drainage and flood risk management infrastructure, whether the effluent comes from smaller package treatment plants or regional Wastewater Treatment Works.

- Unlike surface water runoff, which originates within the catchment, treated effluent introduces additional water that would not naturally be present in the District. This must be accommodated within our drainage network, increasing the demand on our infrastructure. Even where discharge rates are controlled, the cumulative impact of additional effluent must be managed to prevent capacity issues and maintain effective drainage.

- The contribution is specifically for managing this increased rate and volume of water, ensuring that our infrastructure can continue to operate effectively and that flood risk is not exacerbated.

- This charge is not related to water treatment or quality and does not generate profit for the Board. It is a partial contribution towards the cost of accommodating the additional hydraulic burden placed on the system by new developments.

- The Board's responsibility is to manage water levels and flood risk within its Drainage District whilst preserving and enhancing biodiversity and ecology. We are not responsible for monitoring or regulating the quality of treated effluent; this remains the responsibility of the relevant environmental and water regulatory authorities.