

**Adoption of a Sustainable Drainage System (SuDS) at Oakerside Drive, Peterlee**



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**Report of Brian Buckley, Strategic Highways Manager**

**Electoral division(s) affected:**

Passfield.

**Purpose of the Report**

- 1 To authorise for the council to enter into a suite of legal documents to enable the adoption of a sustainable drainage system (SuDS) at Oakerside Drive in Peterlee and for the council to maintain it for the whole life of the development.

**Executive summary**

- 2 The council shall use its powers under S123 of the Local Government Act 1972 to acquire the SuDS serving Oakerside Drive, Peterlee, which has been given planning permission dated 19 December 2018; ref: DM/18/00969/FPA. The council have agreed with the landowners to manage and maintain the SuDS as detailed in this report. The council shall rely on its powers pursuant to the Localism Act 2011 and Section 20 of the Land Drainage Act 1991 for the ongoing maintenance liability of the SuDS and its power to charge for providing the service.

**Recommendation**

- 3 To authorise for the council to adopt the ongoing maintenance responsibility of the SuDS, once transferred to the council, in accordance with the SuDS policy and to enter into and execute any legal documents required for this purpose.

**Background**

- 4 SuDS is an alternative drainage system that has been introduced to reduce flood risk, improve water quality and present options for biodiversity and public amenity. The Government has decided to replace the regime for the approval and adoption of the SuDS pursuant to the Flood and Water Management Act 2010 with a procedure that makes SuDS part of the planning consent regime.

- 5 The council has developed a SuDS policy which can be found at the following link:

<http://www.durham.gov.uk/media/9133/Sustainable-Drainage-System-Adoption-Guidance-2016/pdf/SustainableDrainageSystemAdoptionGuidance2016.pdf>

### **Main implications**

- 6 To provide maintenance of the SuDS scheme for the whole life of the development at Oakerside Drive in Peterlee.
- 7 To administer the collection of the rent charge of the development at Oakerside Drive in Peterlee.

### **Conclusion**

- 8 To authorise for the council to adopt ownership of the SuDS by way of freehold transfer and adopt ongoing maintenance responsibility of the SuDS in accordance with the SuDS policy and to enter into and execute any legal documents required for this purpose.

### **Background papers**

) None.

### **Other useful documents**

) None.

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**Contact:** Brian Buckley

Tel: 03000 268097

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## **Appendix 1: Implications**

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### **Legal Implications**

As detailed in paragraph 2 within the Executive Summary.

### **Finance**

Maintenance cost for the SuDS over the whole life of the development has been estimated at £4070.21 per year.

The total maintenance cost will be apportioned between the properties on the development according to individual plot sizes and varies from £29.44 to £104.22 per property per year.

Individual rent agreements, deeds of apportionment and deeds of covenant will allow the council to collect the annual maintenance fee from the property owners.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

As detailed in paragraph 4 within the Background Summary.

## **Procurement**

Text.