

DELEGATED DECISION

Regeneration and Local Services

5th September 2018

Adoption of a Sustainable Drainage System (SuDS) at Heathway, Seaham



Report of John Reed, Head of Technical Services

Purpose of the Report

1. To authorise the Council to enter into a suite of legal documents to enable the adoption of a sustainable drainage system (SuDS) at the Heathway site in Seaham and for the Council to maintain it for the life of the development.

Background

2. 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.
3. 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>

Powers

4. The Council shall use its powers under S123 of the Local Government Act 1972 to acquire the SuDS serving the Heathway, Seaham site which has been given planning permission dated 13th November 2017 ref: DM/17/01164/FPA. The Council have agreed with the landowners to manage and maintain the SuDS as set out 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.

Details of any alternative options considered and rejected when making the decision

5. None

Recommendations and Reasons

6. To authorise the Council to take on 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.

Decision

7. To authorise the Council to take ownership of the SuDS by way of freehold transfer and take on the 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

8. None

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Finance

Maintenance cost for the SuDS over the life of the development has been estimated at £5060.28 per year.

The total maintenance cost will be apportioned between the properties on the development according to individual plot sizes and varies from £14.06 to £ £59.97 per property per year.

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

Staffing

None.

Risk

As detailed in the report.

Equality and Diversity / Public Sector Equality Duty

None.

Accommodation

None.

Crime and Disorder

None.

Human Rights

None.

Consultation

None.

Procurement

None.

Disability Issues

None.

Legal Implications

As detailed in the report.