

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref WQ83522

Janet Finch-Saunders MS
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16 November 2021

Dear Janet Finch-Saunders MS

Thank you for your tabled written question of 1 October asking what assessment had been made of the ability of Local Authorities to carry out their responsibilities with regards to the statutory instruments relating to sustainable drainage systems.

Local Authorities were part of the SuDS Advisory group that helped develop the statutory instruments relating to sustainable drainage systems (SuDS), in particular the fee structures associated with delivering the SuDS Approving Body (SAB) function, which were developed on a cost recovery basis. It was agreed at the time that the regulations and guidance would be reviewed after the first two years of delivery, this being to ensure the availability of sufficient evidence to assess, among other things, that the costs were being recovered effectively without being disproportionate for developers.

As part of the consultations on the draft statutory instruments 2017 and 2018, the Welsh Government undertook the required economic and regulatory impact assessments, which had led to two outcomes relevant to the ability of Local Authorities being able to carry out the new functions. The first was the decision to defer the commencement date from one in 2018 to January 2019, to allow more time for the Local Authorities to build capacity and for which the Welsh Government also delivered training events. The other was the provision of £20,000 grant funding per Local Authority to assist with that capacity building, specifically to assist with SuDS Approving Body set up costs. The Explanatory Memorandum associated with the economic assessments can be found here: <https://gov.wales/sustainable-drainage-systems-suds-explanatory-memorandum>.

The National Strategy for Flood and Coastal Erosion Risk Management in Wales reiterates our commitment to commence a review of the effectiveness of the SuDS legislation before the end of this year, and we have begun work internally towards delivering this. The Welsh Local Government Association has also undertaken a review of how the sustainable drainage systems (SuDS) regime is being implemented, from the point of view of the Local Authorities, and its recommendations will be considered as part of our own. I would be happy to share the findings of the Welsh Government review once completed.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Last December, in my capacity as Minister for Housing and Local Government, in response to some developers' concerns around delayed processing of SAB applications, I sent a joint letter to Local Authority Chief Executives reminding them that the SuDS Approving Body duty falls upon the local authority as a whole. It is worth noting too that drainage considerations have long been a part of the planning regime and do not fall squarely upon those delivering the SuDS legislation. Internal deployment of resources, however, is a matter for Local Authority leaders.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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