



PINS NOTE 02/2015r2

To:	All Inspectors (England)
Relevancy:	Planning appeals and Secretary of State casework; local and neighbourhood plan casework; and national infrastructure proposals
Date of Issue:	19 January 2015
Currency:	review at 6 months after issue
Last Updated:	30 March 2015 – paragraph 3 updated to take account of changes to the statutory consultee arrangements; paragraph 7 inserted to provide background to the consultation on consultation arrangements and the related government response.

DELIVERING SUSTAINABLE DRAINAGE SYSTEMS THROUGH THE PLANNING SYSTEM

Action

1. Inspectors will need to be aware that the Government has published the summary of responses to the consultation on delivering sustainable drainage systems (SuDS) and the government response. The response contained a commitment to make a Written Ministerial Statement (WMS) to Parliament setting out the next steps and the date that the changes to planning policy would take effect.
2. The WMS made on 18th December 2014 advised that the following changes will take effect from 6th April 2015:
 - Local planning policies and decisions on planning applications relating to major development should ensure that SuDS are put in place, unless demonstrated to be inappropriate;
 - When considering planning applications, Local Planning Authorities should:
 - consult the relevant lead local flood authority on the management of surface water;
 - be satisfied that the proposed minimum standards of operation are appropriate;
 - ensure through the use of planning conditions or planning obligations that there are clear arrangements

in place for on-going maintenance over the lifetime of development. The SuDS should be designed to ensure that maintenance and operation requirements are economically proportionate.

- The policy will apply to all developments of 10 homes or more and to major commercial development¹;
- The statement should be read in conjunction with the policies in the National Planning Policy Framework. It should be taken into account in the preparation of local and neighbourhood plans and where relevant it is a material consideration in planning decisions.

The Government's Planning Practice Guidance² has been amended to provide further details regarding this change in policy. [Non-statutory technical standards for the design, maintenance and operation of SuDS](#) have also been published.

3. With effect from 15th April 2015, the Development Management Procedure Order 2015³ makes the lead local flood authority a statutory consultee in relation to major development with surface water drainage implications.

Background

4. The Independent review into the causes of the 2007 flood ([the Pitt Review](#)) concluded that the use of SuDS should be encouraged as an effective way of reducing flood risk from new development.
5. Provisions to increase the uptake of SuDS in new development were included in the Flood and Water Management Act 2010 (schedule 3). In 2011 Defra consulted on [proposals for a new consenting regime to implement schedule 3](#) but this [identified a number of issues](#), in particular the impact upon development of approving SuDS under a consenting regime separate from the regime approving planning applications.
6. Defra and DCLG issued a consultation on proposals to deliver SuDS via the planning system in September 2014.

¹ See definition of major development at article 2(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010. [wef 15th April 2015, article 2(1) of the the Town and Country Planning (Development Management Procedure)(England) Order 2015]

² The following amendments have been made:

Flood Risk & Coastal Change – paragraphs [45](#) & [51](#) updated; new paragraphs [79-86](#) inserted.

Water Supply, Waste Water & Water Supply – paragraph [6](#) updated.

³ The Town and Country Planning (Development Management Procedure)(England) Order 2015 SI 2015 595, schedule 4, paragraph ze.

7. DCLG issued a consultation outlining 'Further changes to the statutory consultee arrangements for the planning application process' in December 2014, regarding the provision of advice in relation to surface water drainage management. The Government response to the consultation was published on 10th March 2015.
8. The changes to strengthen the delivery of SuDS through the planning system relate to England only.
9. PINS Note 16/2014 is cancelled.
10. Please contact XXXX if you have any queries on this Note.

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Acting Chief Planning Inspector