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Dear Philip,

Thank you for requesting my presence at an Environmental Audit Committee hearing on the topic of Water Quality. As I hope you know, I am always keen to help the work of Select Committees where I can, including the important work of your own. As we have discussed, I feel my presence before the Committee would not be the most efficient use of Committee time. However, with thanks to the Clerk of the Committee for providing the list of queries, I can provide below information which will hopefully be of assistance.

As a general observation, I would highlight that the planning system has a cross cutting interest in a range of issues that are led in various areas of government. This includes in relation to water quality. New development, which the planning system is designed to regulate, has the potential to have adverse effects on water quality. Through our planning policies and guidance, we seek to influence this in a positive way. However, ultimately, we rely on Defra and its agencies to ensure we have the appropriate technical input to ensure this is the case. We do this by engaging closely with Defra across all stages of policy development.

Furthermore, through our programme of planning reform, we are engaging constantly with colleagues in Defra as we develop our proposals. In due course, we will be able to elaborate on how our reforms will consider the specific details of how water quality will be addressed. However, it would be premature for me to appear in front of the committee at this stage as this level of detail is yet to be developed and answers to questions around this would necessarily be of a holding nature. I reiterate, though, that officials are working closely across departments.

Rebecca Pow MP will be in attendance and I defer to my colleague's expertise on this matter, and we will of course continue to work closely on these issues. A senior MHCLG official will also be in attendance to provide support on any relevant questions.

**What account MHCLG takes of sustainable drainage issues when establishing and implementing planning policy and guidance on practice, and how advice from Defra and agencies on such issues is taken into account**

1. As set out above, we work closely with Defra in developing new policy, and the technical insight of their policy teams and specialist agencies is integral on matters that relate to issues of water management (for which Defra are the lead department).

2. An example of this close working is the Review of policy for development in areas at flood risk, published on 29 July 2021. This was undertaken by a team assembled from across the departments, and co published by Defra, MHCLG and the Environment Agency.

### **What account MHCLG is taking of potential changes in the frequency and intensity of heavy rainfall, related to climate change, in developing planning policy and guidance**

3. The National Planning Policy Framework has been recently updated to provide clarity that all sources of flooding (which includes flooding caused by heavy rainfall) should be considered.
4. However, how specific elements of flood risk are considered is a matter to be determined locally. The Environment Agency, under Defra, are responsible for providing expert advice on how flood risk varies locally and may be able to provide additional technical detail of how their advice considered changing patterns of rainfall.
5. Measures relating to adaptation to the effects of climate change, such as changes in frequency and intensity of heavy rainfall, are led by Defra and its agencies. MHCLG relies on the expertise of Defra and its executive agencies to inform our decisions. Our colleagues in Defra publish the latest climate change data and our planning policies direct decision makers to that information, which should be taken into consideration.
6. The National Planning Policy Framework will undergo a more thorough review to support the reformed planning system. As part of this, we will ensure that planning measures which can help to address the causes and consequences of climate change are reflected as fully as possible. We engage Defra closely as we develop this.

### **How MHCLG plans to contribute to the Government review, announced on 27 August, of the case for commencement of Schedule 3 of Flood and Water Management Act 2010, which would require Ministers to establish statutory standards for sustainable drainage systems (SuDS) on new developments**

7. MHCLG officials are in discussions with Defra officials with regards to the Government review of the case for commencement of Schedule 3 of the Flood and Water Management Act 2010 to require statutory standards for sustainable drainage systems. Schedule 3 to the Flood and Water Management Act 2010 has already been under consideration by the Government's Storm Overflows Taskforce, which was set up to eliminate harm from storm overflows. We will continue to support cross-Government work on the topic of sustainable drainage and storm overflows.

### **Whether MHCLG supports the implementation of schedule 3 of the 2010 Act so as to create SuDS Approving Bodies within Lead Local Flood Authorities**

8. We will be looking at whether Schedule 3 should be implemented to create approving bodies within Lead Local Flood Authorities. This will be investigated as part of the review announced on 27 August in conjunction with our colleagues in Defra. In addition, our current programme of planning reform is underway and issues including sustainable drainage governance will be considered as the reforms develop. We will be able to say more about the latter in due course.

### **What consideration MHCLG has given to reviewing policy of a ten homes threshold for requiring sustainable drainage in new developments, in light of recent evidence of surface water flood risk and CSO discharge frequency**

9. Within our programme of reform, current policies will be reviewed and this may include the policy where Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. As mentioned above it would not be appropriate to comment on this specific level of detail before the policy is fully developed.

10. It should be noted that this current policy does not prevent sustainable drainage being proposed in non-major development.
11. We will work together with Defra to ensure that our reforms are consistent with supporting the Environment Bill, including matters of drainage and surface water flood risk.

**What assessment MHCLG has made of the merits of establishing water and sewerage companies as statutory consultees to advise on planning applications in respect of water supply and drainage issues**

12. The Environment Agency and various utility companies are already consultees in relation to the development of planning policy and making of planning decisions.
13. We are constantly reviewing the role and list of statutory consultees. Where an organisation or body is not a statutory consultee, they can still work proactively with local authorities to identify developments of interest to them and can comment on proposals within the public consultation period. Our Planning Practice Guidance encourages early engagement between local planning authorities and water/sewerage companies where water quality is likely to be a significant planning concern.

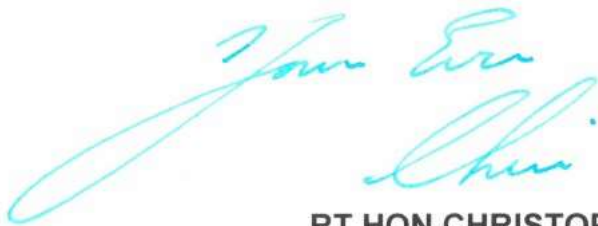
**What account MHCLG is taking of water quality and water management issues in developing proposals to reform the planning system, and what arrangements have been made to ensure that relevant agency and departmental expertise across Government is taken into account in developing these reforms**

14. As already set out we are working closely with Defra in progressing our reforms. Where relevant, their expert advice on water quality and water management issues have, and will continue to, influence the policy decisions made.

**How MHCLG directs local highway authorities to prevent pollution from road runoff into receiving waters**

15. We work closely with our local partners to ensure that our various objectives are being carried out on a local level. The National Planning Policy Framework sets out that transport issues should be considered from the earliest stages of plan making and development proposals so that the environmental effects of traffic and transport infrastructure can be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains. We do not input on the specific issue of run off, since we defer to our colleagues in the Department for Transport and Highways England for matters regarding highways and Defra and the Environment Agency for matters of water quality.

I hope this explanation fully satisfies members of the enquiry and assists them with their questions.



RT HON CHRISTOPHER PINCHER MP

