



CIWEM

The Chartered Institution of Water
and Environmental Management

14th January 2005

Paul Martin
Office of the Deputy Prime Minister
Planning Policies Division (B)
Zone 4/J4
Eland House
Bressenden Place
London
SW1E 5DU

Dear Mr Martin,

Draft Revised Circular on Planning Obligations

The Chartered Institution of Water and Environmental Management (CIWEM) is the leading professional and qualifying body for those who are responsible for the stewardship of environmental assets. The Institution provides independent comment, within a multi-disciplinary framework, on the wide range of issues related to water and environmental management and sustainable development.

CIWEM welcomes the opportunity to comment on the Draft Revised Circular on Planning Obligations. We support the proposals to retain the ability to specify planning obligations but to speed up the process. We also support the plan-led principles reinforced by the proposals.

Section specific comments:

Numbers refer to numbered paragraphs in consultation document.

Discussion

13 In the context of using planning obligations for mitigating flood risk increased as a result of development, it must be borne in mind that the impact of that development can be felt a considerable distance from the site. Therefore obligations may be required to cover mitigation off-site but this would be as a result of direct impact and should not be precluded by any scaling back of obligations.

- 31 In certain circumstances, such as the provision and maintenance of flood defences by a developer, any maintenance payments imposed should cover the life of the development.
- 33 We support the plan-led principles applied here. It is important though that all National, Regional and Local plans incorporate policies relating to flood risk management and coast protection. We agree that it is better to incorporate policies in plans to ensure that development does not increase flood risk, but planning obligations provide a useful back-up facility.
- 35 The listing of public infrastructure should be extended to cover coastal erosion protection.
- 39 Can this cost recovery extend to the costs of public bodies other than the Planning Authorities?

Annex A

- A2 In the light of our comment on paragraph 13 – see above – should the last sentence of A2 also refer to operations required off-site?

Annex B

- 2 For planning to be effective for flood risk management the Environment Agency should be made a statutory consultee.
- 8 This supports our comment in “discussion para 13” above as increased flood risk away from the development is linked geographically by the river system.
- 18 Our comment in “discussion para 31” above applies.
- 19 This is useful for applying to the provision of Sustainable Drainage Systems (SuDS) for large development areas that are developed in a piecemeal fashion.
- 22 If the Environment Agency were a statutory consultee then developers would be more likely to enter into pre-planning discussions on flood risk.
- 28 It is important to recognise that both natural and man-made drainage systems are infrastructure.

We hope our comments are of use to you. Should you wish us to expand upon or clarify any points we have raised, please do not hesitate to contact us.

Yours sincerely,



Nick Reeves
Executive Director