

## Response ID ANON-UXA2-VPQE-V

Submitted to Reforms to the statutory consultee system  
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### Introduction

1 What is your name?

Name:  
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2 What is your email address?

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3 What is your organisation?

Organisation:  
ADA (Association of Drainage Authorities)

4 Please indicate in what capacity you are responding to this consultation (please only select one)

Professional association/industry representative

### Ensuring the system of statutory consultation supports economic growth

1 Are there other key areas we should be considering in relation to improving the performance of statutory consultees?

Q1 of the consultation:

Skills and capacity of staff both within the flood risk management sector and our wider planning system need long term systemic support by government, to encourage careers in these important sectors for our communities, landscapes, businesses and infrastructure within a changing climate.

2 In exploring reforms to the system, we have so far focussed more on key national statutory consultees. Is there more that government should do in relation to minor and local statutory consultees?

Q2 of the consultation:

### Reviewing the scope of statutory consultation in the Town and Country Planning Act regime

3 In light of the proposed mitigations, do you support the removal of Sport England as a statutory consultee?

Not Answered

Q3 of consultation:

4 In relation to notification requirements for Sport England, should substantial loss of an existing playing field be defined as: 20%; a figure below 20%; a figure above 20%; an alternative approach. Please explain your answer/reasoning if possible.

Not Answered

Q4 of the consultation:

5 Are there impacts of the removal of Sport England as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Q5 of the consultation:

6 In light of the proposed mitigations, do you support the removal of The Gardens Trust as a statutory consultee?

Not Answered

Q6 of consultation:

7 Are there impacts of the removal of The Gardens Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Q7 of the consultation:

8 In light of the proposed mitigations, do you support the removal of Theatres Trust as a statutory consultee?

Not Answered

Q8 of the consultation:

9 Are there impacts of the removal of Theatres Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Q9 of the consultation:

### Removal of other statutory consultees

10 Are there other statutory consultees for which we should consider removal? What evidence would support this approach?

Q10 of the consultation:

### Reforms to key statutory consultees

11 Do you support the proposed changes to National Highways' referral criteria?

Not Answered

Q11 of consultation:

12 Is there anything else we should consider in relation to the role of National Highways as a statutory consultee?

Q12 of the consultation:

13 Do you support the changes to Active Travel England's proposed referral criteria?

Not Answered

Q13 of consultation:

14 Is there anything else we should consider in relation to the role of Active Travel England as a statutory consultee?

Q14 of the consultation:

15 Are there other actions that the government and/or Natural England should be taking to support their role as a statutory consultee?

Q15 of the consultation:

16 Are there other actions that the government and/or the Environment Agency should be taking in relation to the Agency's role as a statutory consultee?

Q16 of the consultation:

It is important that nuanced and technical flood risk knowledge is not lost under the proposed reforms and that where appropriate the Environment Agency is able to seek or recommend advice from other local risk management authorities, such as internal drainage boards, in relation to development within their locality.

17 Do you support the changes to Historic England's proposed notification criteria?

Not Answered

Q17 of consultation:

18 Do you support changes to align Historic England's listed building consent process in London with the process that applies elsewhere?

Not Answered

Q18 of the consultation:

19 Is there anything else we should consider in relation to the role of Historic England as a statutory consultee?

Q19 of the consultation:

20 Do you support the changes to the Mining Remediation Authority's proposed referral criteria?

Yes

Q20 of consultation:

The changes to referral criteria seem sensible and proportionate.

21 Do you support the proposed changes in relation to the Mining Remediation Authority commenting on the discharge of conditions?

Yes

Q21 of consultation:

22 Is there anything else we should consider in relation to the role of the Mining Remediation Authority as a statutory consultee?

Q22 of the consultation:

### Other changes to statutory consultees

23 Are there other statutory consultee referral criteria we should consider amending? What evidence supports this?

Q23 of the consultation:

24 Is there anything further that government should consider in relation to voluntary pre-application engagement and for any statutory consultees in particular? What evidence supports this?

Q24 of the consultation:

Where appropriate in relation to flood risk the Environment Agency should be able to seek or recommend advice from other local risk management authorities, such as internal drainage boards, in relation to development within their locality.

25 Is there anything further government should consider in relation to statutory consultee engagement in post-approval processes, such as agreeing that planning conditions have been fulfilled? What evidence supports this?

Q25 of the consultation:

### Statutory consultee performance

26 Do you have suggestions for how government can effectively incorporate appropriate developer and local authority feedback into consideration of statutory consultee performance?

Q26 of the consultation:

### The role of local planning authorities

27 Do you agree with this approach?

Unsure

Q27 of the consultation:

28 Is there anything else the government should be doing to support local planning authorities in their engagement with statutory consultees?

Q28 of the consultation:

ADA would encourage the government to also support engagement with other relevant public authorities that are not, at present, statutory consultees. Specifically, it is important that any evidence submitted from a risk management authority, including internal drainage boards, is properly taken into account in reaching a decision. It would be welcome to reaffirm this within guidance in relation to planning and flood risk.

29 Are there best practice examples from local authorities that help support statutory consultees and developers, e.g. checklists/proformas for environmental issues?

Q29 of the consultation:

30 How might best practice be expanded to support statutory consultees, including through reducing the volume of material which developers have to produce?

Q30 of the consultation:

31 How best can government and statutory consultees support the increase in capacity and expertise of local and strategic authorities?

Q31 of the consultation:

## Moratorium on new statutory consultees

32 Do you agree that these criteria clearly set a framework for decisions on future statutory consultees?

Yes

Q32 of the consultation:

ADA considers the criteria to be suitable to assist future decision-making. As those within the consultation include, it is important that the criteria should look at capacity as well as function of the authorities being considered.

33 Should the government maintain the moratorium, subject to periodic review, or adopt criteria for consideration of new statutory consultees?

Q33 of the consultation:

ADA believes that the consideration of new statutory consultees should be subject to periodic review and in accordance with the adoption criteria proposed. ADA's response refers in particular to the role and function of internal drainage boards (IDBs).

ADA supports internal drainage boards being actively involved in the planning system for developments within and impacting upon their respective drainage districts. As local experts in the management of water levels and flood risks their expertise should be recognised throughout the planning system.

Internal drainage boards are not statutory consultees, but they do work proactively with local authorities. IDBs already have close working relationships with local planning authorities, such as with IDB officers embedded within local planning departments, and closely liaising with lead local flood authority officers. Where an internal drainage board raises issues that are material to the determination of the application in question, it is essential that local authorities take those into account in reaching a decision, and we are grateful that Minister of State (Housing, Communities and Local Government), Matthew Pennycook, reaffirmed that view to the Planning & Infrastructure Bill Committee on 22 May 2025.

It is recognised that the Environment Agency already acts as a statutory consultee on planning matters related to flood risk management, however the Agency is under resourced and without the local knowledge to consider the detail that is necessary within the complex water level management systems that internal drainage boards managed and maintain within lowland England, such as the Fens.

ADA believes that putting IDBs on a statutory footing in the future would ensure that their advice is given the consideration it deserves. However, ADA is mindful of the resourcing implications of IDBs becoming statutory consultees. Whilst we recognise that larger IDBs and consortia are already well placed to take on this role and would welcome it, smaller IDBs whether administered independent or within a consortium may not yet have the resources to take on this role. A number of smaller IDBs are currently exploring options to amalgamate where there are neighbouring IDBs within an appropriate catchment area, we would welcome government support with these governance and administrative changes, to unlock more efficient and effective IDBs in the future.

We would therefore welcome a more detailed review of IDBs' becoming statutory consultees in the future. Whilst recognising the current moratorium, we would recommend a process of periodic review, with criteria for consideration of new statutory consultees.

34 Is there anything else the government should consider in relation to the criteria?

Q34 of the consultation:

## Impact

35 Are there any equality impacts in relation to the proposals in this consultation that the government should consider?

Q35 of the consultation:

36 The government considers that these measures would have a deregulatory impact. Do you have evidence from engagement with statutory consultees under the current system of the impact this may have?

Q36 of the consultation:

37 Based on the proposed changes to referral criteria, would statutory consultees expect to see performance improvements? Please explain your reasoning.

Not Answered

Q37 of the consultation: