

Planning advice for developers – FAQs

Introduction

Local planning authorities (LPAs) across Yorkshire are required to consult us on certain planning applications which affect flood risk, groundwater, waste, or water quality.

If your development falls into one of these categories, we'll be invited to comment on your planning application. Your LPA, when considering your application, will take our comments into account.

We've produced this guidance to summarise the environmental issues we're responsible for. The guidance forms part of our free advice service; if you require site-specific or face-to-face advice, we'll need to recover our costs through our charged advice service. Engaging with us early can help you identify the big issues, reduce the chances of subsequent delays and help you design a more sustainable and attractive development.

Development and flood risk

Is my development proposal at risk of flooding?

The flood map for planning shows where flooding from rivers and the sea may occur. Whilst this map isn't suitable for a detailed flood risk assessment, it'll show which flood zone your development is located within and therefore will indicate whether further assessment is needed. You should also refer to your LPA's strategic flood risk assessment which will provide additional local information on flood risk, including the location of functional floodplain and areas which are susceptible to other sources of flooding such as from surface water or reservoirs.

Will my application need to pass the sequential and exception tests?

Local planning authorities apply the sequential test to steer development towards areas at the lowest risk of flooding. If your proposal is located within flood zones 2 or 3, you should contact your LPA to discuss the sequential test **before** submitting your application. The LPA may require you to submit information with your application in support of the sequential test.

If the LPA confirm that the sequential test has ruled out steering the development to lower risk sites, the development may also need to pass the exception test by demonstrating that its sustainability benefits outweigh flood risk and that it can be made safe for its lifetime, through the production of a site-specific flood risk assessment. Planning practice guidance advises when an exception test will be required, which will depend on the vulnerability of the development and the flood zone it lies within.

Do I need to submit a flood risk assessment with my planning application?

You'll need to submit a flood risk assessment if your application lies within flood zones 2 or 3 or is over 1 hectare within flood zone 1. You'll also need to submit an assessment if your proposal could be affected by sources of flooding other than from rivers or the sea. For certain lower risk applications, we've provided 'flood risk standing advice' which enables local planning authorities to assess flood risk assessments without the need to consult us.

What information should I include in my flood risk assessment?

We recommend that you refer to the checklist for a site-specific flood risk assessment for detailed advice on what to include in your flood risk assessment. Alongside referring to your LPA's strategic flood risk assessment, you should contact your LPA to find out whether there are any development guidelines which are specific to your locality.

Can I undertake my own flood risk assessment?

Your FRA must be appropriate to the scale, nature and location of the development whilst being credible and fit-for-purpose. Whilst it's possible to undertake your own assessment, most applicants employ suitably experienced professionals. We're not able to recommend specific consultants, but a simple web search should help you source a competent individual or company.

Do I need to consider how climate change will affect my proposal's flood risk?

Yes, you should demonstrate how flood risk will be managed now and over the development's lifetime, taking climate change into account. Please refer to the following guidance when undertaking your flood risk assessment. In some cases we'll hold the climate change flood data you need. In others you'll need to undertake your own analysis to understand the impacts.

Where can I get modelled or historic flood levels from?

Email our Customers and Engagement team (neyorkshire@environment-agency.gov.uk) to find out whether we have any modelled or historic flood levels available for your development site. A list of the packages of information we're able to provide can be found under the 'get information to complete an assessment' section of the planning practice guidance. They'll aim to provide this information within 20 days. We no longer charge for providing this information.

The risk portrayed by your flood map doesn't seem to reflect the site's actual risk. How do I 'challenge' your flood map?

If you have evidence suggesting that our flood map is inaccurate, please contact our Customers and Engagement team (neyorkshire@environment-agency.gov.uk) who will provide you with any existing data we hold. To formally contest our flood zones, you'll need to submit supporting evidence, such as digital copies of a topographic survey or modelling for quality assurance purposes. Digital files of the proposed new flood zones in ArcMap or MapInfo format should also be supplied. Any new outline data you submit must conform to our flood zones policy, copies of which are available on request.

Whilst we'll usually be happy to review any topographical survey or model prior to the application being submitted, we would have to recover our costs for this work. In some cases where work to review and update our existing models is already underway, we may decline to consider a challenge.

As we have to be certain that the data which informs our flood map is fit-for-purpose, any revisions will need to meet stringent quality checks.

SURFACE WATER AND DRAINAGE

Who's responsible for managing surface water?

Lead local flood authorities are responsible for providing advice on the management of surface water resulting from new major development. Internal drainage boards, where established, have permissive powers to manage water levels within their drainage districts, so also play a key role in managing surface water.

Will I need to provide surface water storage and limit the discharge rate?

You should contact your lead local flood authority to discuss surface water discharge rates and storage requirements. Typically, they'll ask that your development does not increase run-off and limits the discharge to the existing greenfield run-off rate (usually 1.4l/s/ha if not calculated).

Do I need to install sustainable drainage systems?

Sustainable Drainage Systems (SuDS) should always be carefully considered in discussion with your lead local flood authority. A SuDS scheme can reduce flood risk, improve water quality, create better habitats for wildlife, and produce pleasant, more amenable places for people.

Infiltration drainage must not, however, pose a risk to groundwater quality. All infiltration SuDS must:

- Meet the groundwater protection criteria set out on GOV.UK
- Not be constructed in ground affected by contamination

Who should I contact about connecting my development to the mains sewer?

Talk to your water company about connecting to their sewerage system. Here are some contact details for water companies operating in the Yorkshire Environment Agency area:

Yorkshire Water	planningconsultation@yorkshirewater.co.uk
Northumbrian Water	developmentenquiries@nwl.co.uk
Severn Trent Water	new.connections@severntrent.co.uk

My development is a long way from the mains sewer. Can I install a 'non-mains' drainage system, such as a package treatment plant?

New development should connect to the public mains sewer wherever possible. Individual treatment plants can deteriorate local water quality and are more challenging to monitor and regulate. If you can't connect to the mains sewer, your planning submission should outline how you will deal with foul drainage discharge. You should include evidence as to why it is not possible to connect to the mains system, including details of any prohibitive costs. Please note that some 'non-mains' foul water drainage systems will require an environmental permit, irrespective of any planning approval.

OTHER ENVIRONMENTAL CONSIDERATIONS

What other environmental issues will you consider with my planning application?

Your planning application will need to demonstrate that any environmental risks can be managed, through design and construction, for the development's lifetime. Alongside flood risk, the key environmental risks we'll consider are:

- **Land Contamination**
  We're mainly interested in those sites where there is a risk of pollution to controlled waters. You should investigate any contamination to see whether the environmental risk or cost of clean-up (remediation) would hinder your proposal. If contamination is known or suspected, a desktop study, investigation, remediation and other works may be required to enable safe development. Our model procedures for the management of land contamination provide further information.

- **Pollution prevention**
  Your application should demonstrate how you'll minimise the risk of pollution from all aspects of your development, including construction and

operation phases. Groundwater can be vulnerable to pollution, as well as rivers and streams. Some areas (source protection zones and aquifers) are especially sensitive to pollutants as they typically supply public drinking water. To find out whether your development is located in an area sensitive to groundwater pollution, visit our interactive maps. Advice on groundwater protection can be found on GOV.UK

- **Fisheries, biodiversity, geomorphology and protected species**
  If your proposal is likely to affect the ecology of a main river, you'll need to carry out a risk assessment. This assessment should show that your development can proceed without demonstrable harm, and should propose mitigation, compensation or enhancements where required. A survey should be carried out if any protected species are thought to be nearby. If this survey confirms the presence of protected species or their habitat, measures should be taken to manage the development's risks. Natural England are the statutory consultee for other biodiversity-related matters. Further information on their remit can be found on GOV.UK

- **Water framework directive**
  If your proposal affects ground or surface waterbodies, you'll need to consider the Water Framework Directive (WFD) and the actions set out in the Humber River Basin Management Plan. You'll also need to submit a WFD Assessment demonstrating how the development will prevent deterioration and improve the waterbody's ecological status.

- **River buffer zone**
  Your development should ensure that an 8m strip of land (planted with locally appropriate, native species) is left undisturbed next to the bank of any main river. This 'river corridor' will improve habitat connectivity and will ensure we're able to access the bank for any future flood defence construction and maintenance.

- **Culverting**
  We're opposed to culverting. Culverts degrade watercourses' ecology and prevent the movement of wildlife and fish. As culverts can easily become blocked, they increase flood risk. They're also difficult to inspect and maintain. We may object to any planning applications involving culverting on a main river and may refuse to grant an environmental permit. Existing culverts should be removed and the river channel and bankside habitat reinstated to restore the ecological continuity of the river channel and its corridor.

Will I need any other Environment Agency permits for my development?

You might need an environmental permit if your development manages or produces waste or emissions that pollute the air, water or land or is work that affects a main river or a sea defence. The lead local flood authority is responsible for any consents relating to ordinary watercourses.

The Environmental Permitting Regulations (England and Wales) 2015 cover water discharges, groundwater activities, flood risk activities, radioactive substances, waste, mining waste and installations. They also include provision for a number of directives including batteries. Further information, including contact details for further permitting related enquiries, can be found here.

As planning and permitting decisions are often closely linked, we have issued detailed guidance for developments requiring planning permission and environmental permits. This guidance explains how, when responding to planning consultations that require environmental permits, we will advise of three possible positions:

- No major permitting concerns
- More detailed consideration is required and parallel tracking is recommended
- Don't proceed – unlikely to grant a permit.

PRE-APPLICATION ADVICE

Can you provide site-specific advice, review a submission document, or attend a site meeting before I submit my planning application?

We encourage you to seek pre-application advice as it can help you solve key environmental issues early, reduce the chance of an objection and help you design a more sustainable development. If you'd like to take advantage of this service, please email our Sustainable Places team so that we can provide further details and estimated costs.

Please note that any pre-application guidance we provide doesn't represent our final view in relation to any future planning application. We recommend that you seek your own expert advice prior to submitting your application.

Who should I contact for further information?

Yorkshire planning enquiries: sp-yorkshire@environment-agency.gov.uk

General enquiries: 03708 506 506

Environment Agency, Lateral, 8 City Walk, Leeds LS11 9AT
https://www.gov.uk/government/organisations/environment-agency