

Changes to consulting the Environment Agency

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Date 23 June 2015

Statutory Duties

- ➔ Government announcement
- ➔ DMPO revision
- ➔ LLFAs statutory consultation status for surface water.



Changes to EA consultation

- EA Consultation Checklist

External Consultation Checklist

Version 3



When to consult the Environment Agency

Advice for Local Planning Authorities

April 2015


This guidance informs Local Planning Authorities (LPAs) of the types of planning consultations where the Environment Agency would like to be consulted. It describes the categories of development that could potentially impact on the environment and includes those for which we are listed as a statutory consultee in the [Development Management Procedure Order 2015](#) (DMPO) and current Government planning policy.

The guidance does not override the requirement to use the Environment Agency's Flood Risk Standing Advice (FRSA).

Pre-application and planning application consultations

Category	Description
Cemeteries	Development relating to using land as a cemetery, including extensions.
Coastal erosion	Development (excluding minor development) located within Coastal Change Management Areas, as defined by the LPA.
Environmental Impact Assessment (EIA)	Development requiring an EIA, including scoping opinions and the environmental statement.
Flood risk	Development, other than minor development or as defined in our FRSA.

Changes to PPG

 **Planning Practice Guidance**

National Planning Policy Framework Planning Practice Guidance About

Planning Practice Guidance > Guidance > Flood Risk and Coastal Change > Reducing the causes and impacts of flooding > Why are sustainable drainage systems important?

Guidance

Flood Risk and Coastal Change

Why are sustainable drainage systems important?

How can you demonstrate that the most vulnerable development is located in areas of lowest flood risk within the site?

Reducing the causes and impacts of flooding

Why are sustainable drainage systems important?

Paragraph: 051 Reference ID: 7-051-20150323

Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.


Further guidance on the planning considerations on sustainable drainage in relation to water supply and water quality are [here](#) and [here](#).

Revision date: 23 03 2015 [See revisions](#)

When should a sustainable drainage system be considered?

Paragraph: 079 Reference ID: 7-079-20150323

Whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. Sustainable drainage systems may not be practicable for some forms of development (for example, mineral extraction). New development should only be considered appropriate in areas at risk of flooding if [certain conditions have been met](#).

 **Planning Practice Guidance**

National Planning Policy Framework Planning Practice Guidance About

Planning Practice Guidance > Guidance > Flood Risk and Coastal Change > How the local planning authority should involve the lead local flood authority when determining planning applications, and what advice should be given about local flood risks

Guidance

Flood Risk and Coastal Change

How the local planning authority should involve the lead local flood authority when determining planning applications, and what advice should be given about local flood risks

Paragraph: 045 Reference ID: 7-045-20150323

What are the responsibilities of lead local flood authorities and how can they assist local planning authorities in considering planning applications?

Information about the responsibilities of lead local flood authorities and guidance on securing compatibility between Local Plans and local flood risk management strategies can be found [here](#).

 **Planning Practice Guidance**

National Planning Policy Framework Planning Practice Guidance About

Planning Practice Guidance > Guidance > Water supply, wastewater and water quality > Water supply, wastewater and water quality – considerations in plan making > Water Quality

Guidance

Water supply, wastewater and water quality

Infrastructure

Water Quality

Wastewater

Cross-boundary concerns

Using strategic environmental assessment and sustainability appraisal

Water supply, wastewater and water quality – considerations in plan making

Water Quality

Paragraph: 006 Reference ID: 34-006-20150323

Plan-making may need to consider:

- How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of potable water supplies (designated source protection zones or near surface water drinking water abstractions)?
- The type or location of new development where an assessment of the potential impacts on water bodies may be required.
- Where particular [types of sustainable drainage systems may not be practicable](#).

Revision date: 23 03 2015 [See revisions](#)

Related policy

National Planning Policy Framework

- Paragraph 109
- Paragraph 110
- Paragraph 120

Flood Risk Standing Advice

Gov.uk website

- No change FZ3 and 2
- Removal of culverting
- No FZ1 consultation
- Developments in FZ3 or 2 with FRA – EA will comment on Flood Risk (LLFA = s/w).

FRSA England (national) version 3.1
Advice issued: April 2012

Environment Agency

Route to this page -->Matrix

Restart Print Form Cell Text Flood Risk Vulnerability Classification

Consult Environment Agency with information as detailed. Note: Highly Vulnerable development (including basement dwellings) is NOT appropriate in Flood Zone 3 and only Water Compatible development is appropriate in Functional Floodplain (Flood Zone 2b).

Do not consult the Environment Agency - no comment.

Standing advice/standard comments.

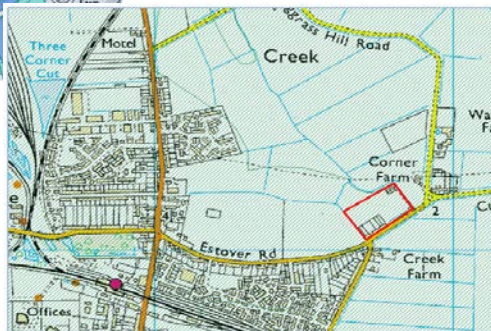
* EA has no comment to make regarding change of use applications not defined within the matrix, i.e. no change in vulnerability

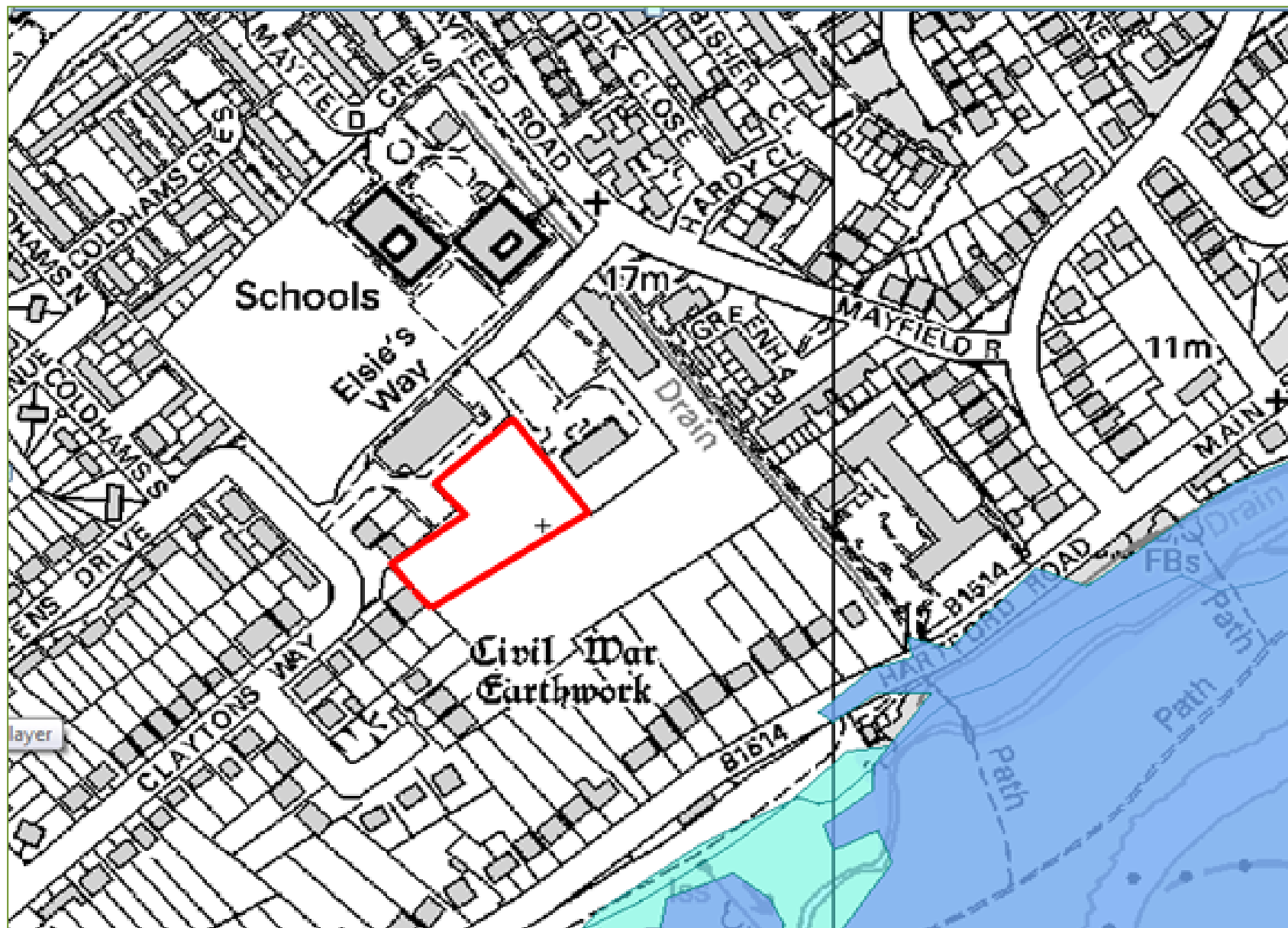
A1 Development Category	B1 Development (including boundary walls etc.) within 20 metres of the top of a bank of a Main River	C1 Includes culverting or control of flow of any river or stream	D1 Within Flood Zone 3	E1 Within Flood Zone 2	F1 Within Flood Zone 1
A2 Non-residential extensions with a footprint of less than 250 sq. metres, and Householder development and alterations	B2 Consult EA on flood defence consent requirements	C2 Consult EA with FRA showing design details of any culvert or flow control structure proposed	D2 No Consultation - see standard comment	E2 No Consultation - see standard comment	F2 No EA consultation required
A3 Change of use FROM 'Water Compatible TO 'Less Vulnerable' development"	B3 Only consult EA if site also falls within Flood Zone 3. FRA Required	C3 No EA consultation required	D3 Consult EA with FRA	E3 No EA consultation required	F3 No EA consultation required
A4 Change of use RESULTING IN 'Highly Vulnerable' or 'More Vulnerable' development"	B4 Only consult EA if site also falls within Flood Zone 3 or 2. FRA Required	C4 No EA consultation required	D4 Consult EA with FRA	E4 Standing advice only - choose from list	F4 No EA consultation required
A5 Operational Development less than 1 hectare	B5 Consult EA on flood defence consent requirements	C5 Consult EA with FRA showing design details of any culvert or flow control structure proposed	D5 Highly Vulnerable - EA likely to object but consult EA with FRA Other vulnerabilities - consult EA with FRA and Sequential Test evidence and where required confirm Exception Test has been applied	E5 Standing advice only - choose from list	F5 No consultation required - see surface water management good practice advice - see
A6 Operational Development of 1 hectare or greater	B6 Consult EA on flood defence consent requirements	C6 Consult EA with FRA showing design details of any culvert or flow control structure proposed	D6 Highly Vulnerable - EA likely to object but consult EA with FRA Other vulnerabilities - consult EA with FRA and Sequential Test evidence and where required confirm Exception Test has been applied	E6 Highly vulnerable - consult EA with FRA and Sequential Test evidence and where required confirm Exception Test has been applied Other vulnerabilities - consult EA with FRA and Sequential Test evidence	F6 Consult EA with FRA

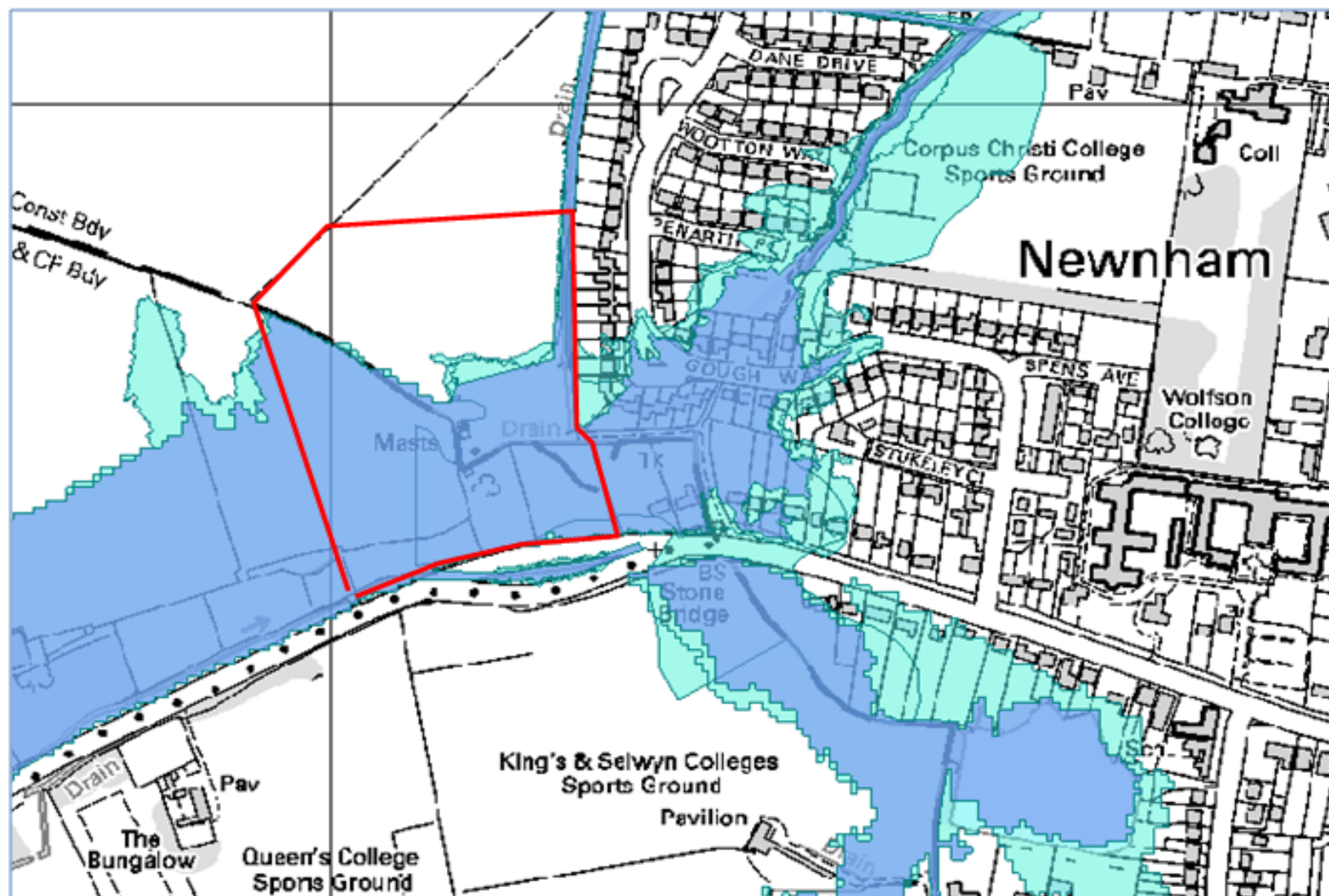
Surface Water Consultation Table

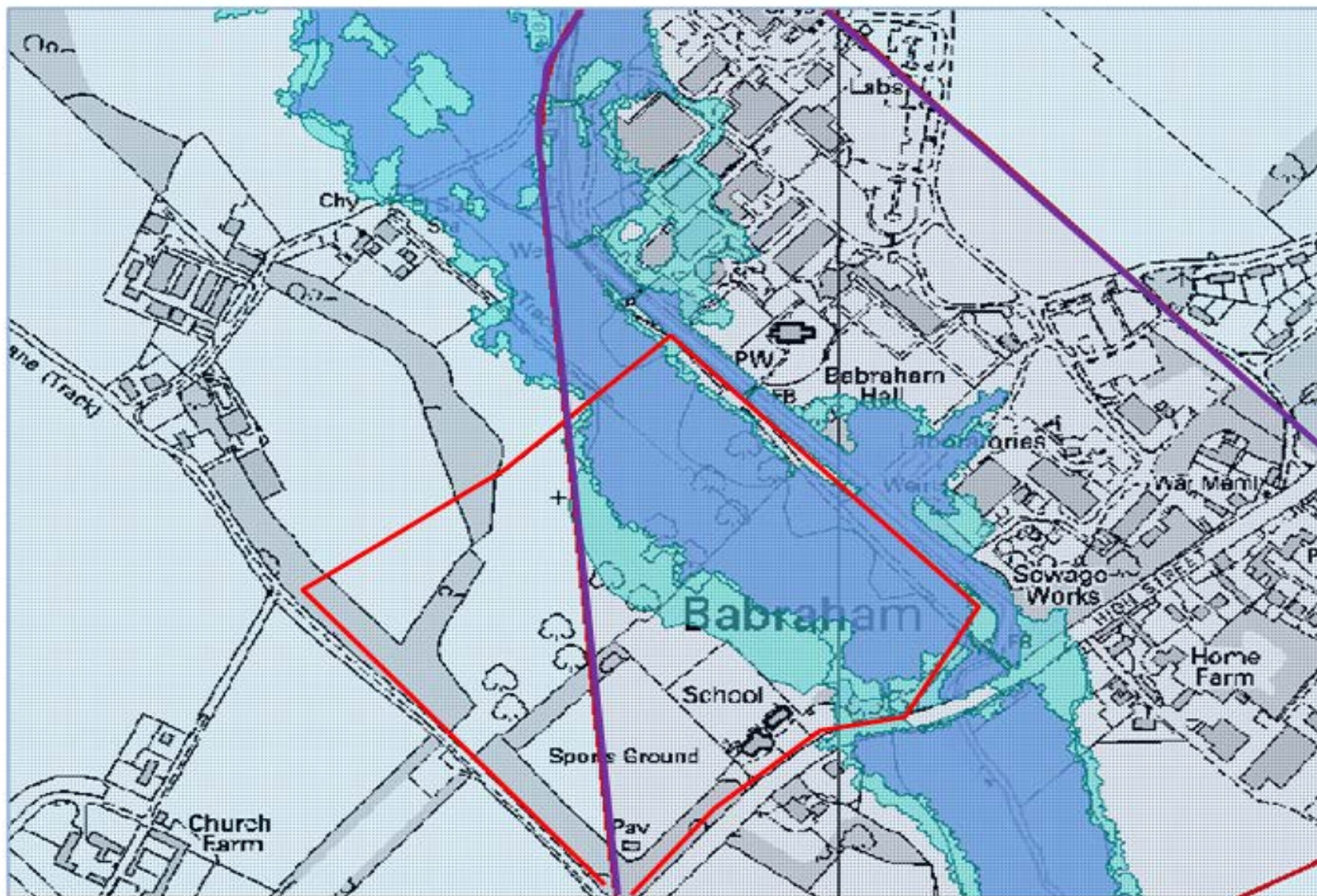
Consultation type:	Lead:	EA Support?:
Brand new site	LLFA	EA (SP team) will email LLFA notifying them of a new consultation (this will only be for a limited time - EA will stop when they are confident LLFA are receiving direct consultation from LPAs) PSO will provide support to LLFA officers if requested
New consultations for reserved matters, DOC, VOC, etc where the Agency responded to the original outline/ full application	LLFA If LLFA are not providing a response to a DOC application and the EA originally recommended the condition, they must notify the EA and the LPA. The EA will then decide whether to issue a response. <i>*note - this will be reviewed in 3 months - 15 July*</i>	PSO will provide support to LLFA officers if requested
Ongoing consultation that ONLY the EA have commented on to date (outline, full, DOC, etc)	EA EA will notify LLFA that we are leading and they do not need to respond. EA will copy LLFA into our response to planners. <i>*note - this will be reviewed in 3 months - 15 July*</i>	n/a
Ongoing consultation that BOTH the EA and LLFA have commented on to date (full, outline, DOC, etc)	LLFA (EA will not review. EA will send a short response to the LPA / developer explaining LLFA are lead. EA will forward consultation to LLFA to ensure they've received it)	PSO peer review
EA have charged for pre-application advice	LLFA (EA will not review. EA will send short response to customer explaining LLFA are lead and reassuring the customer that there is ongoing support from the EA)	PSO will provide support to LLFA officers if requested

Practical Examples

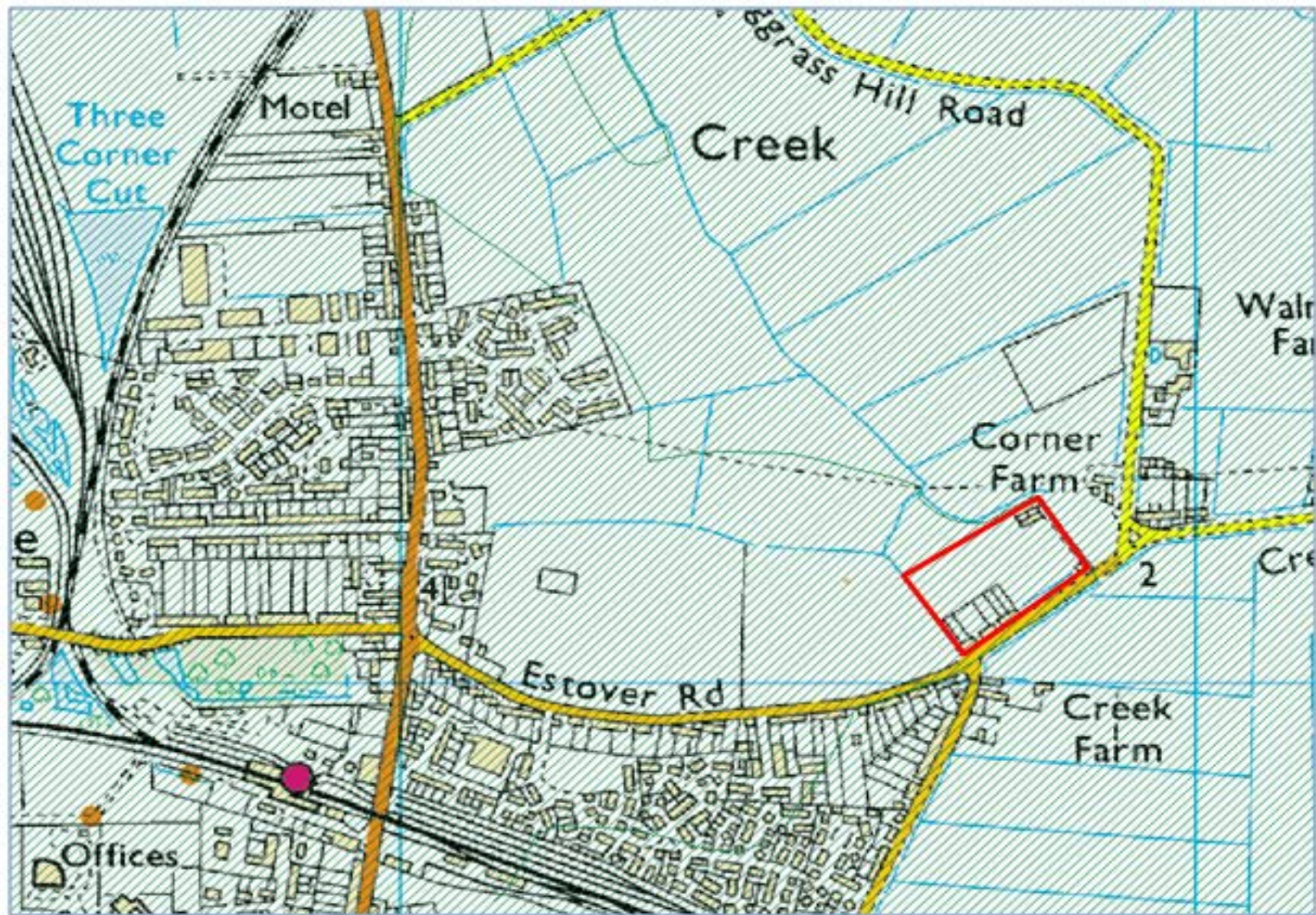








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