

## ENVIRONMENT AGENCY PLANNING APPLICATION GUIDANCE

The following guidance provides information on environmental issues within our remit which need to be considered as part of a planning application. This is not an exhaustive list so we may request additional information to proceed with the advisory process.

The information below forms part of the free service we offer to applicants / developers. If our technical advice is required outside of the statutory planning process, then our charged service may be applicable. Please contact us using the details at the end of this guidance note if you have an enquiry about our charged service.

### CHECKING ENVIRONMENTAL RISK

Maps showing areas with environmental risk are available online<sup>1</sup>. Applicants and developers should assess their site against the information found on these maps. Particular attention should be given to the Flood Map for Planning, Groundwater Source Protection Zones and Aquifers. Planning applications will need to demonstrate that environmental risks can be managed, through design and construction, for the development's lifetime.

Guidance follows on particular aspects of environmental risk.

### FLUVIAL AND TIDAL FLOOD RISK

#### Sequential Test

Paragraphs 100-102 of the National Planning Policy Framework (NPPF)<sup>2</sup> and the Planning Practice Guidance<sup>3</sup> require LPA to steer new development to areas at lowest probability of flooding by applying a flood risk sequential test. We recommend applicants / developers discuss this matter with the relevant Local Planning Authority (LPA) if a proposed site is located within Flood Zone 2 and / or 3 (medium and high probability of flooding) on our maps.

#### Exception Test

If the LPA confirm that the Sequential Test has been passed, the development will need to pass the Exception Test in accordance with Paragraph 103 of the NPPF. The first part requires demonstration of the development providing wider sustainability benefits; this should be agreed with the LPA. The second part requires the production of a site specific Flood Risk Assessment.

#### Flood Risk Assessment (FRA)

Information on which developments require a FRA and what to include is available online<sup>4</sup>. We have produced guidance for LPAs on assessing applications where the flood risk is deemed to be low. This is called Flood Risk Standing Advice<sup>5</sup>. We will only be consulted and comment on applications where the risk is sufficiently great.

Applicants / developers are strongly recommended to view the LPA's Strategic Flood Risk Assessment (SFRA) as this may contain pertinent information such as defended areas, functional floodplain and developer guidance.

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<sup>1</sup> <https://www.gov.uk/check-local-environmental-data>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/>

<sup>4</sup> <https://www.gov.uk/planning-applications-assessing-flood-risk>

<sup>5</sup> <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

For sites located in the Borough of King's Lynn and West Norfolk, planning applicants must refer to the flood risk information on the Borough Council's website<sup>6</sup> for guidance.

FRAs should be undertaken by suitably experienced professionals. We do not recommend consultants but a simple web search may help you to source a competent individual or company.

### **Flood Levels**

If you wish to enquire about the availability of modelled or historic flood levels to assist with a FRA, please e-mail [ANC.enquiries@environment-agency.gov.uk](mailto:ANC.enquiries@environment-agency.gov.uk). There may be a fee for this data.

## **SITE DRAINAGE**

### **Surface Water**

The implementation of Sustainable Drainage Systems (SuDS) should be carefully considered. These techniques can provide a method for reducing runoff that could otherwise lead to flooding. They can also minimise pollution impacts, improve biodiversity and provide amenity areas.

If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 2.0 m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document<sup>7</sup>. In addition, they must not be constructed in ground affected by contamination.

National standards on SuDS are currently being produced. Design guidance is available on the internet.

### **Foul Drainage / Wastewater Network**

In accordance with the NPPF Planning Practice Guidance, new development should be connected to the public mains (with the prior written approval of the statutory undertaker) where possible. Proliferation of individual treatment plants can cause deterioration in local water quality (ground and surface water). This would be contrary to the principles of the EU Water Framework Directive<sup>8</sup>. Some 'non mains' foul water drainage systems will require our prior written Consent. Consent is required irrespective of planning approval.

The LPA is likely to have a Water Cycle Study (WCS) which will indicate any constraints in wastewater networks and the available headroom at some Water Recycling Centres (Wastewater Treatment Works). We recommend that the applicant / developer checks the WCS to ascertain if capacity is available and also contacts the sewerage undertaker about connection to the public sewer. Confirmation from the sewerage undertaker should be submitted with your planning application.

## **POLLUTION PREVENTION**

### **Contaminated Land**

The NPPF takes a precautionary approach to land contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean up (remediation).

Where contamination is known or suspected a desk study, investigation, remediation and other works may be required to enable safe development (Paragraph 121 of the NPPF). Our minimum requirements for submission with a planning application where contamination is suspected are a desk study and preliminary risk assessment such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for

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<sup>6</sup> <http://www.west-norfolk.gov.uk/default.aspx?page=26871>

<sup>7</sup> <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

<sup>8</sup> <http://ec.europa.eu/environment/water/water-framework/>

submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found. The local council's Environmental Health team may hold records on locations of known / potential land contamination. If during site works contaminated material is suspected, you are advised to stop works and seek further guidance. Remediation of contaminated land may require an authorisation under environmental permitting legislation.

Further information can be found in our GP3 document which is referenced on Page 2 of this guidance note.

Contaminated land assessments should be undertaken by suitably qualified persons. We cannot recommend individual consultants but a simple web search may help you to source a suitably qualified individual or company.

### **Potential Polluting Activities**

A number of guidance notes on pollution prevention are available online<sup>9</sup>.

### **BIODIVERSITY & PROTECTED SPECIES**

Where a proposal may have a negative impact on local ecology or fisheries, an assessment of the potential risks should be carried out. This would need to show that the development can proceed without demonstrable harm and propose mitigation, compensation or enhancements where required.

A survey should be carried out if protected species are thought to be present within the proximity of a proposed development. If the survey confirms the presence of protected species or their habitat, measures should be taken to manage the risks posed by the development. These measures may include compensation, mitigation or enhancement.

### **GUIDE FOR DEVELOPERS**

We have produced a guide for developers<sup>10</sup> which describes our role in development and how we can help the planning application process run smoothly. This document includes further information on environmental considerations for new developments.

### **OTHER CONSENTS / PERMITS REQUIRED IRRESPECTIVE OF PLANNING PERMISSION – WHICH INCLUDE:**

#### **Works in proximity to Main Rivers**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of a main river or tidal defence. Our consent may also be required for works more than 9 metres away which might affect the structural integrity of the bank, for example excavations. Please contact us at [PSO-Brampton@environment-agency.gov.uk](mailto:PSO-Brampton@environment-agency.gov.uk) should you wish to discuss your proposals.

#### **Works Affecting Ordinary Watercourses**

Any works affecting an ordinary watercourse, including culverting, may require prior written consent from the Lead Local Flood Authority (LLFA) under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010). Further information can be obtained from the relevant LLFA which, in general, is the upper tier authority (ie. County or Unitary).

### **Environmental Permitting**

You might need an Environmental Permit if your proposed development manages or produces waste or emissions that pollute the air, water or land.

The Environmental Permitting Regulations (England and Wales) 2010 cover water discharges, groundwater activities, radioactive substances, waste, mining waste and installations. They also include provision for a number of Directives including batteries.

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<sup>9</sup> <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

<sup>10</sup> <https://www.gov.uk/government/publications/planning-a-guide-for-developers>

Please visit our website for further information on Environmental Permitting.

### **CONTACT DETAILS**

Address: Environment Agency  
Cambridgeshire and Bedfordshire Area  
Bromholme Lane  
Brampton  
Cambridgeshire  
PE28 4NE

E-mail: [planning\\_liaison.anglian\\_central@environment-agency.gov.uk](mailto:planning_liaison.anglian_central@environment-agency.gov.uk)

Website: <https://www.gov.uk/government/organisations/environment-agency>

Telephone: 03708 506 506<sup>11</sup>.

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<sup>11</sup> (Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02))