

# Isle of Wight Strategic Flood Risk Assessment MK2

## Appendix X Environment Agency Standard FRA Response Text



June 2010

### Information Taken from Operational Instruction 1045\_08 Issued 23/03/2009 Version 2

#### EFR O 01 No Sequential Test

##### **Environment Agency position**

We OBJECT to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:

##### **Reasons**

The application site lies within Flood Zone <3a/3b/2> defined by Planning Policy Statement 25 as having a <high / medium> probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

We ask to be reconsulted with the results of the Sequential Test. Our objection will remain until your Authority has carried out the Sequential Test to demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

##### **Advice to planning liaison and consultees**

*This objection is unusually worded in that rather than asking the LPA to refuse the application it asks the LPA not to determine the application until the sequential test has been applied. This reflects the uniqueness of this situation where it is the actions/omission of the LPA that is the issue not something that the developer may or may not have done. Moreover the LPA could legitimately carry out the sequential test after consultation. This response therefore makes clear that the LPA must carry out the ST and should reconsult us once this has been carried out.*

#### EFR O 02 Sequential Test submitted but not demonstrated

##### **Environment Agency position**

We OBJECT to this application because the flood risk Sequential Test submitted with the application fails to demonstrate that the Sequential Test has been adequately applied. We recommend that the application should not be determined until the Sequential Test has been demonstrated for the following reasons:

##### **Reasons**

The application site lies within Flood Zone <3a/3b/2> defined by Planning Policy Statement 25 as having a <high / medium> probability of flooding. Paragraph D.5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance the evidence provided to indicate that this test has been carried out is inadequate for the following reasons:

*Free text: State the deficiencies*



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We wish to be reconsulted on any revised Sequential Test. Our objection will remain until we receive a revised Sequential Test from your Authority which demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

### **Advice to planning liaison and consultees**

*Applying the Sequential Test is a task for the local planning authority as assisted through the supply of information by the applicant. Our ability to challenge the quality of the Sequential Test in most cases will be very limited not least by the fact that we lack access to the evidence base which the LPA will use when determining the Sequential Test. Caution is therefore required in using this objection. However, there may be cases where we have sufficiently strong grounds to challenge the quality of a Sequential Test, for example, where we know there are allocated sites at lower flood risk which appear suitable for the development proposed but which have not even been considered as part of the Sequential Test.*

*As in EFR O 01 –the objection is worded with a request not to determine the application until the Sequential Test has been demonstrated, for the same reasons as explained in the user notes to that paragraph.*

### **EFR O 03 Issue: Sequential Test failed**

#### **Environment Agency position**

We OBJECT to this application because the Sequential Test information submitted with the application has demonstrated that there are reasonably available sites with less flood risk on which this development could proceed instead. We therefore recommend that the application should be refused.

#### **Reasons**

The application site lies within Flood Zone <3a/3b/2> defined by Planning Policy Statement 25 (PPS25) as having a <high/medium> probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ‘Sequential Test’. In this instance the evidence provided to indicate that this test has been carried out indicates that there are reasonably available sites at lower flood risk. Developing this site therefore fails to apply the sequential approach advocated in paragraph 14 of PPS25.

Free text –list the reasonably available sites/sources of information

#### **Advice to planning liaison and consultees**

The previous paragraph covers the situation where the evidence supplied as the Sequential Test is grossly and obviously deficient in some way. In contrast this objection applies where the quality of the Sequential Test may not be in doubt but the outcome indicates that the application should be refused in accordance with PPS25 para D5.

### **EFR O 04 Proposed development incompatible with Flood Zone**

#### **Environment Agency position**



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We OBJECT to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

### **Reasons**

Planning Policy Statement 25 (PPS25) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. PPS25 requires decision-makers to ensure that as part of the Sequential Test, development sites are appropriate to the type of development or land use proposed.

In this case, the application site lies within Flood Zone <3a/3b functional floodplain> defined by Planning Policy Statement 25 as having a high probability of flooding. The development type in the proposed application is classified as <insert vulnerability category in line with table D.2, PPS25> in accordance with table D.2 of PPS25. Tables D.1 and D.3 of PPS25 make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

### *EFR O 05 Part (c) of Exception Test failed*

### **Environment Agency position**

We OBJECT to this application because it has failed to meet the requirements of part (c) of the flood risk Exception Test and recommend that planning permission be refused on this basis for the following reasons:

### **Reasons**

Planning Policy Statement 25 (PPS25) requires the Exception Test to be applied in the circumstances shown in tables D.1 and D.3. Paragraph D9 of PPS25 makes clear that all three elements of the Test must be passed for development to be permitted. Part (c) of the Test requires the applicant to demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. Paragraph D13 requires that compliance with each part of the Exception Test is openly demonstrated.

The application site lies in a within Flood Zone <3a/3b/2> defined by Planning Policy Statement 25 as having a <high / medium> probability of flooding. Development classified as <inset vulnerability classification> is only appropriate in these areas following application of the Sequential Test and where the Exception Test has been applied in full and has been passed. In this instance the submitted flood risk assessment (FRA) fails to:

<state the deficiencies>, for example >:

- i. Demonstrate that the development is 'safe' because....
- ii. Increases flood risk in the surrounding area
- iii. Address the opportunities presented by this development for reducing flood risk for example



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### *EFR O 06 No FRA submitted (development in Flood Zones 3 or 2)*

#### **Environment Agency position**

In the absence of a flood risk assessment (FRA), we OBJECT to this application and recommend refusal of planning permission on this basis for the following reasons:

#### **Reasons**

The application site lies within Flood Zone <3a/3b/2> defined by Planning Policy Statement 25 as having a <high / medium> probability of flooding. Paragraph E9 of PPS25 requires applicants for planning permission to submit a FRA when development is proposed in such locations.

In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25.

We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

### *EFR O 07 No FRA submitted (surface water)*

#### **Environment Agency position**

In the absence of a flood risk assessment (FRA), we OBJECT to this application and recommend refusal of planning permission on this basis for the following reasons:

#### **Reason**

The application lies within Flood Zone 1 defined by Planning Policy Statement 25 as having a low probability of flooding. However the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Paragraph E9 of PPS25 requires applicants for planning permission to submit a FRA when development on this scale is proposed in such locations.

In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25

We ask to be re-consulted with the results of the FRA. Our objection will be maintained until an adequate FRA has been submitted.

#### **Advice to planning liaison and consultees**

Consider whether the PPS25 paragraph 26 reconsultation paragraph (EFR I 09) should be added. Refer to Town & Country Planning (Flooding) (England) Direction 2007



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### EFR O 08 Inadequate FRA

#### Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we OBJECT to the grant of planning permission and recommend refusal on this basis for the following reasons:

#### Reason

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to *<state main deficiencies, for example>*

- i. Take the impacts of climate change into account
- ii. Consider the effect of a range of flooding events including extreme events on people and property.
- iii. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event (as advised by PPS25, paragraph G12 and the PPS25 Practice Guide, paragraph 7.23)

If the applicants or agents wish to discuss this position with us, they should contact *<planning liaison name / contact number>*

#### Advice to planning liaison and consultees

*It is important to detail precisely what aspects of the FRA are defective relative to annex E.*

#### NOTE: Flood emergency planning

In the case of Flood Emergency plans, it is important to be clear that our objection is a procedural one based on the fact that this issue has not been addressed in the FRA as required by Government planning policy in PPS25 and the Practice Guide. Other than flood warning for which we are responsible, we should make clear to the LPA that we will **not comment on the detail** of any Flood Emergency Plan because we are do not the responsible body to do this. Use with informative EFR I 12 'Flood warning and evacuation'.

### EFR O 08 Risk to life and/or Property

#### Environment Agency position

We OBJECT to the application and recommend refusal of planning permission on this basis for the following reasons:

#### Reason

The site lies within Flood Zone *<3a/3b/2>* defined by Planning Policy Statement 25 as having a *<high / medium>* probability of flooding where *<notwithstanding the mitigating measures proposed,>* the risk to life and/or property,



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<both within the development and in upstream and/or downstream locations> from <tidal / fluvial> inundation would be unacceptable if the development were to be allowed.

In particular: *(user to select/amend/add to as appropriate)*

- i. The proposed development does not have a safe means of access and/or egress in the event of flooding. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.
- ii. The site is currently not defended to the appropriate standard taking into account climate change over the lifetime of the development and <no / inadequate> provision is made in the application to improve the existing defences to the required standard.
- iii. The site lies within the flood plain and the proposed development will impede flood flow and/or reduce storage capacity thereby increasing the risk of flooding elsewhere.
- iv. The site lies on a dry Island within the floodplain. Although the site itself would not be inundated during such an event, the area around this site would be flooded. During a flood, residents trying to leave the site would be at considerable danger from the floodwater itself and also from various other hazards such as underwater drops and water bourn debris. The journey to safe, dry areas completely outside the floodplain would involve crossing areas of potentially fast flowing floodwater. Those venturing out on foot in areas where flooding exceeds 100mm or so would be at risk from a wide range of hazards, including for example un marked drops, or access chambers where the cover has been swept away.
- v. The information provided suggests that the proposed development will cause an unacceptable risk of surface water flooding to people and property elsewhere. This can apply in flood zone 1 as well, and will require modification of the wording above in that case.

If the applicants or agents wish to discuss this position with us, they should contact <planning liaison name / contact number>

### *EFR O 10 Culverting*

#### **Environment Agency position**

We OBJECT to the proposed development which involves culverting works and recommend that planning permission be refused for the following reasons:

#### **Reasons**

Environment Agency policy includes a general opposition to culverting except for access purposes. We are opposed to the unnecessary culverting of watercourses, because it can increase the risk of flooding and the maintenance requirements for a watercourse. It can also destroy wildlife habitats, damage a natural amenity and interrupt the continuity of the linear habitat of a watercourse.



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In this application, the proposed culverting is unacceptable because:

*Free text: Add detail, for example:*

- the culvert would cause a restriction of flow in the watercourse
- the culvert would increase the risk of blockage of the watercourse

### Advice to applicant

Culverting of the watercourse will require the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. Consent is highly unlikely to be granted in this instance.

Please contact <planning liaison name/contact number> for a copy of our policy concerning culverting.

### Advice to planning liaison and consultees

*The objection will be much stronger if we can refer to any specific local information, for example, known problems with existing culverts on the same watercourse or capacity problems in the catchment. Local plans often contain policies against culverting thanks to our input over many years. Where a supportive policy in a relevant Local Development Document exists, we should use it.*

*We might also want to suggest options that do not involve culverting, such as reducing the length to the minimum for access crossings, or rearranging the layout of the site to retain an open watercourse. We should be careful however not to go too far in suggesting changes or designing solutions for the developer.*

### EFR O 11 Building next to a watercourse/flood defence

#### Environment Agency position

We OBJECT to the application and recommend refusal of planning permission on this basis for the following reasons:

#### Reason

The proposed development is unacceptable because it involves building <over/ within X metres of> a <watercourse/flood defence/sea wall>. This would:

*Free text: Add site-specific reason or reasons based on following prompts*

- restrict essential maintenance and emergency access to the <watercourse / sea wall / defences> The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works.
- result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding.



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- be likely to adversely affect the construction and stability of the flood defence <embankment/wall/ground anchors/power supplies> which will compromise its function. The proposal will therefore increase the risk of flooding in the locality.

### **Advice to planning liaison and consultees**

Where the proposed development falls within the bye-law distance of a main river, remind the applicant of the need for consent using informative paragraph EFR I 01. Where we are objecting we should warn the applicant that consent is unlikely to be forthcoming. Flood risk (England): Conditions

With all these conditions, consider adding the following link paragraph:

*Ask to be consulted on discharge of conditions*

*NMF LF 02 Request for consultation on discharge of condition*

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

### *EFR C 01 Secure implementation of the FRA*

#### **Environment Agency position**

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment <and/or other planning documents (list)> submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### **Condition**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) <date / reference number / compiler details> and the following mitigation measures detailed within the FRA:

*User to detail as appropriate referring to specific paragraph references or drawing numbers where relevant within the FRA to make the condition as clear as possible, for example:*

- Limiting the surface water run-off generated by the <state return event> critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of compensatory flood storage on / or in the vicinity of the site to a <year standard>.
- Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- Confirmation of the opening up of any culverts across the site.
- Flood-proofing measures detailed on page ...in the proposed development.



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- vii. Finished floor levels are set no lower than < > m above Ordnance Datum (AOD).

*Add others as required.*

### Reason

*To be supplied by DC in free form or as set out below (if appropriate)*

- i. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- ii. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. .
- iii. To ensure the structural integrity of existing <and proposed> flood defences thereby reducing the risk of flooding.
- iv. To ensure safe access and egress from and to the site.
- v. To reduce the risk of flooding from blockages to the existing culvert (s).
- vi. To reduce the impact of flooding on the proposed development and future occupants.
- vii. To reduce the risk of flooding to the proposed development and future occupants.

### Advice to planning liaison and consultees

*In theory, mitigation details set out in a FRA (or other documents e.g. drawings or the Environmental Statement) could be considered to form part of the design approved by any grant of planning permission. If these details are then omitted from the finished development it ought to be possible for the LPA to take enforcement action on this basis. However, paragraph 19 of DOE Circular 11/95 notes that it “may well be easier to for local planning authorities to enforce compliance with a condition that has been breached, than to enforce on a material variation from the approved plans or description of development.” Therefore, where there are important specific elements of mitigation suggested by the FRA which are crucial to the acceptability of the proposed scheme, it is clearer and more enforceable to pull these elements into a condition or series of conditions.*

**EFR C 02**     *Scheme to be agreed - issue not addressed/not satisfactorily addressed in FRA*

### Environment Agency position

The proposed development will only be acceptable if the following planning condition is imposed:

### Condition

The development hereby permitted shall not be commenced until such time as a scheme to <insert from list below> has been submitted to, and approved in writing by, the local planning authority.

*User to detail as appropriate, for example:*

- i. Ensure no raising of ground levels.



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- ii. Improve the existing surface water disposal system.
- iii. Ensure access to/improvement/protection and maintenance of existing flood defences.
- iv. Incorporate flood-proofing measures into the proposed development.
- v. Ensure finished floor levels are set no lower than < > m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

- i. To be supplied by DC in free form or as set out below (if appropriate).
- ii. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- iii. To ensure the structural integrity of existing <and proposed> flood defences thereby reducing the risk of flooding.
- iv. To reduce the impact of flooding on the proposed development and future occupants.
- v. To reduce the risk of flooding to the proposed development and future occupants.

### **Advice to planning liaison and consultees**

This condition needs to be used with **considerable caution**. It covers the situation where the risks posed by the proposed development appear from the FRA to be acceptable but either certain mitigation required has not been identified or has been identified but lacks sufficient detail, hence the need for a scheme to be agreed. Caution is required because if there is any uncertainty about the feasibility of addressing the flood risks associated with the development, for example, SUDS/flood storage and space requirements, or the requested condition would result in a material change to the application a safer course would be for us to object as per EFR O 08 above on the grounds that the FRA is inadequate.

### **EFR C 03**     *Outline application – reserved matters to include scheme to be agreed*

### **Environment Agency position**

We consider that outline planning permission should only be granted to the proposed development if the following planning condition is imposed as set out below.

### **Condition**

The development hereby permitted shall not be commenced until such time as a scheme to <insert from list below> has been submitted to, and approved in writing by, the Local Planning Authority.

*User to detail as appropriate, for example:*



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- i. Ensure no raising of ground levels.
- ii. Improve the existing surface water disposal system.
- iii. Ensure access to/improvement/protection and maintenance of existing flood defences.
- iv. Incorporate flood-proofing measures into the proposed development.
- v. Ensure finished floor levels are set no lower than < > m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

This condition is required for the following reasons: *(to be supplied by function in free form or as set out below if appropriate)*

- i. To avoid adverse impact on flood storage.
- ii. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- iii. To ensure the structural integrity of existing <and proposed> flood defences thereby reducing the risk of flooding.
- iv. To reduce the impact of flooding on the proposed development and future occupants.
- v. To reduce the risk of flooding to the proposed development and future occupants.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information relating to the proposals to an acceptable standard to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

As the matters referred to in the suggested planning condition are not “reserved matters” as defined in the Town and Country Planning Act, 1990, it will be necessary to impose a separate condition for each issue to ensure that these matters are addressed by future developers.

### **Advice to planning liaison and consultees**

*Like EFR C02 above, this condition needs to be used **with caution**. It is only appropriate to condition the matters listed where it is clear from the initial FRA that the mitigation proposed is achievable but some of the detail about exactly how that will be achieved is missing. Where there is doubt the feasibility of the proposed scheme in flood risk terms (for example, whether the space requirements for SUDS can be met within the site constraints), it will be more appropriate to object on the grounds that the FRA is inadequate to enable assess the flood risks posed as per EFR O 08.*



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Historically, applicants for outline planning permission were able to rely on providing very scant detail (often just a red site outline) to accompany applications. Since September 2006, the requirement on applicants to submit a design and access statement with planning applications including at outline stage, means that applicants have to provide more design detail on this type of application. This should help us take a stronger line on outline applications where the applicant has supplied insufficient detail for to assess the associated flood risks.

### *EFR C 04 Working method statement –works in channel/bankside (ordinary watercourse)*

#### **Environment Agency position**

The proposed development will only be acceptable if a planning condition is imposed requiring a working method statement to cover all <channel / bank works>.

#### **Condition**

Prior to the commencement of development, a working method statement to cover <all channel / bank works> shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

#### **Reason**

The construction phase of any proposed development affecting the <bank or channel of a watercourse> poses significant risks of:

*Free text: Add detail of risks*

#### **Information for the applicant/LPA –method statement requirements**

We would expect the method statement to cover the following requirements:

- timing of works
- methods used for all channel, bankside water margin works
- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- protection of areas of ecological sensitivity and importance
- site supervision

We ask to be consulted on the details of this scheme when it is submitted for approval to your Authority.

#### **Advice to planning liaison and consultees**

*This condition applies to situations where works are taking place in the channel or bankside of an ordinary watercourse and won't be covered by the need for a flood defence consent as would be the case with a main river, but the planning application does not provide any/sufficient information about how the developer intends to*



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*undertake in-channel or bankside construction. In this situation the resulting risks are cross cutting. Reasons should not be standard however and should be written for each individual case.*

*EFR C 05 Details of surface water drainage scheme incorporating SUDS to be submitted*

### **Environment Agency Position**

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

### **Condition**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

*Free text: User to detail, for example:*

- \* details of how the scheme shall be maintained and managed after completion

### **Reason**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these <delete/add to as necessary>

### **Advice to planning liaison and consultees**

Like EFR C02 above, this condition needs to be used **with caution**. It is only appropriate to condition the use of SUDS where it is clear from the initial FRA that their use is achievable but some of the detail about exactly how that will be achieved is missing. Where there is doubt the feasibility of the proposed scheme can be met within the site constraints (particularly whether the space requirements for balancing ponds, swales, reed beds etc), it will be more appropriate to object on the grounds that the FRA is inadequate to enable assess the flood risks posed as per EFR O 08.



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Flood risk (England): Informatives

### *EFR I 01 Consent – adjacent to main river*

#### **Advice to applicant**

Under the terms of the Water Resources Act 1991, and the <name local land drainage byelaw/sea defence byelaw>, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within <width> metres of the top of the bank of the <watercourse name>, designated a 'main river'.

### *EFR I 02 Consent – culverting*

#### **Advice to applicant**

Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

### *EFR I 03 Description of SUDS*

#### **Advice to LPA/applicant**

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

### *EFR I 04 Support for SUDS approach (England)*

#### **Advice to LPA/applicant**

Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of Planning Policy Statement 1 (PPS): Delivering Sustainable Development and in more detail in Planning Policy Statement 25: Development and Flood Risk at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage".



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### *EFR I 05 SUDS – infiltration*

#### **Advice to LPA/applicant**

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

### *EFR I 06 SUDS – flow balancing*

#### **Advice to LPA/applicant**

Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.

### *EFR I 07 SUDS scheme to include SUDS strategy*

#### **Advice to LPA/applicant**

The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).

### *EFR I 08 SUDS – further information sources (England)*

#### **Advice to LPA/applicant**

Further information on SUDS can be found in:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on both the Environment Agency's website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's website: [www.ciria.org.uk](http://www.ciria.org.uk)



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### *EFR I 09 Request for LPA reconsultation if minded to approve contrary to Environment Agency objection*

#### **Advice to LPA**

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us as advised in PPS25 paragraph 26.

### *EFR I 10 FRA sources of information*

#### **Advice to applicant**

The Environment Agency does not prepare or provide FRAs. However, our External Relations Team can provide any relevant flooding information that we have available. Please be aware that there may be a charge for this information. Please contact <details> or write in to <details> Your local planning authority should have undertaken a strategic flood risk assessment (SFRA), where information on flood risk locally which may inform your FRA has been collated. Please contact your local planning authority to determine what information may be available.

### *EFR I 11 Flood proofing*

#### **Advice to LPA/applicant**

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: [communities@twoten.com](mailto:communities@twoten.com) for a copy.

### *EFRI 12 Flood warning and evacuation*

#### **Advice to LPA**

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

Planning Policy Statement 25 and the associated Practice Guide (paragraphs 7.23 to 7.31) places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions



**Appendix X**

### *EFRI 13 Flood risk standing advice applies- pre application*

#### **Advice to applicant**

The proposed development falls within Flood Zone <3/2> as defined in Planning Policy Statement 25 and is therefore at risk of flooding.

We have produced a series of standard comments for local planning authorities (LPAs) and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue to replace direct case by case consultation with us. Your proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). FRSA can be viewed on our web site at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

The standing advice relevant to your proposal is attached to this response. **Complete the attached form and include it as part of your planning application submission to your local planning authority.** The local planning authority will then determine whether flood risk has been considered in line with FRSA recommendations. We will not be consulted on this planning application.

We recommend that you view our standing advice in full on our website before submitting your planning application to the local planning authority.

### *EFRI 14 Flood risk standing advice applies- planning application*

#### **Advice to LPA**

The proposed development sits within Flood Zone <3/2> and is therefore at risk of flooding.

We have produced a series of standard comments for local planning authorities (LPAs) and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue to replace direct case by case consultation with us. This planning application sits within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). FRSA can be viewed on our web site at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

The standing advice relevant to this application is attached to this response. We recommend that you view our standing advice in full on our web site before making a decision on this application. The advice relevant to this application is attached for your convenience.

Please refer the applicant to our standing advice at the above web address.

Applicants should follow the advice and submit a completed form as part of their planning application submission. We do not need to be consulted further on this application.



**Appendix X**

### *EFR I 15 Pre-application advice on FRA -no prejudice to sequential approach requirements*

#### **Advice to LPA/applicant**

Please note that notwithstanding the Environment Agency's comments on the applicant's flood risk assessment at pre-planning enquiry stage, we will expect to see evidence submitted with any future planning application to show that the PPS25 Sequential Test (and Exception Test if required) has been applied in accordance with Planning Policy Statement 25 paragraphs 14, 18-19 and D1-D6. If this evidence is lacking we may object to the planning application on these grounds.



**Appendix X**