

## **AGENDA ITEM 10**

### **DRAINAGE CONTROLS – PLANNING APPLICATIONS**

#### **Foul Water**

There are no set criteria for consulting Severn Trent Water on any particular type of planning application. There is also no statutory obligation. We have asked STW if they wish to provide us with any criteria, they declined.

So this is left to the Case Officer to consider whether to consult with STW if there is a foul drainage issue that is a material consideration in any particular case (i.e. judged on its merits). We have mixed opinions from appeal inspectors on the issue of whether it is capable of being a material consideration.

Any conditions requested by STW which are, in the opinion of the Head of Planning Services, compliant with Circular 11/95 (the Use of Planning Conditions) are normally attached to permissions.

#### **Surface Water**

Article 10 of the Town and Country Planning (General Permitted Development Procedure) Order 1995 (as amended) and Town and Country Planning (General Development Procedure) (Amendment) (No2) Order 2006 sets out a statutory obligation for consultation with the Environment Agency for certain categories of development but not all. To make this clearer the EA has provided LPAs with a Consultation Matrix which states when they need to be consulted and when LPAs are free to act on 'standing advice'. Also of assistance in the consideration of surface water and flooding history is the advice provided by the Council's own Land Drainage Technician (in the Grounds and Facilities Dept (Leisure and Community Services)). He fulfils the Council's responsibility as Land Drainage Authority with powers under the Land Drainage Act 1991.

The Council's Delegation Agreement does not allow for any permission to be granted contrary to the advice of a statutory consultee (this includes the EA). As such the requirements of the EA are always met (usually by attachment of a planning condition). To grant a delegated permission for a development to which the EA objects would be contrary to the Council's Delegation Agreement and has not happened. The Development Control Committee on the other hand can make this decision but the case would then have to be referred to the Secretary of State.

Attached is the more detailed requirements for notifying the EA taken from the Planning Service Manual for Standard Operating Procedures and the EA Matrix.

## **AGENDA ITEM 10**

### **Environment Agency**

*Required by Town and Country Planning (General Development Procedure) Order 1995 and Town and Country Planning (General Development Procedure) (Amendment)(No2) Order 2006: SI 2006, No 2375. Circular 9/95.*

#### Flood Risk

- Development, other than minor development in an area within Flood Zones 2 & 3; or
- Development, other than minor development in an area within Flood Zone 1 which has critical drainage problems and has been notified for this purpose of this provision to the LPA by the EA
- Any development of land of one hectare or more.

(See [Flood Risk Matrix](#) for detail consultation requirements)

#### Other

- Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream.
- Development for the purpose of refining or storing mineral oils and other derivatives.
- Development relating to the retention, treatment or disposal of sewage, trade waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto).
- Development relating to the use of land as a cemetery.
- Development –  
involving the siting of new establishments; or  
consisting of modifications to existing establishments which could have significant repercussions on major-accidents hazards; or  
including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequence of a major hazard.
- Proposals which could lead to increased industrial discharge into a river.
- Proposals sited within 500 metres (measured from the site boundary) of a process subject to Integrated Pollution Control under Part 1 of the Environmental Protection Act 1990, or subject to the Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (SI1989/318)

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Environment Agency Standing Advice  
Development and Flood Risk - England

March  
2007

## Development and flood risk: when to consult the Environment Agency

[welcome](#) | [user flowchart](#) | [consultation matrix](#) | [sequential test results table](#) | [applicant and agent advice](#)  
[householder and other minor extensions](#) | [general surface water drainage information](#)  
[planning policy statement 25](#) | [flood risk assessment note 1](#) | [flood risk assessment note 2](#) |  
[flood risk assessment note 3](#)  
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A1 Development category	B1 <a href="#">Development (including boundary walls etc.) within 20 metres of the top of a bank of a Main River</a>	C1 <a href="#">Includes culverting or control of flow of any river or stream</a>	D1 <a href="#">Within Flood Zone 3</a>	E1 <a href="#">Within Flood Zone 2</a>	F1 <a href="#">Within Flood Zone 1</a>
A2 <a href="#">Householder development and alterations</a>	B2 Consult EA <a href="#">Note</a>	C2 Consult EA with FRA showing design details of any culvert or flow control structure proposed	D2 <a href="#">No consultation - see standard comment</a>  <a href="#">Note</a>	E2 <a href="#">No consultation - see standard comment</a>  <a href="#">Note</a>	F2 No consultation - No EA Advice
A3 <a href="#">Non-residential extensions with a footprint of less than 250m<sup>2</sup></a>	B3 Consult EA <a href="#">Note</a>	C3 Consult EA with FRA showing design details of any culvert or flow control structure proposed	D3 <a href="#">No consultation - see standard comment</a>  <a href="#">Note</a>	E3 <a href="#">No consultation - see standard comment</a>  <a href="#">Note</a>	F3 No consultation - No EA Advice
A4	B4	C4	D4	E4	F4

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<a href="#"><u>Change of use FROM Water Compatible TO 'Less Vulnerable' development</u></a>	<b>Only</b> consult EA if site also falls within Flood Zone 3. FRA Required	No consultation - no EA advice	Consult EA with FRA	No consultation - no EA advice	No consultation - No EA Advice
A5  <a href="#"><u>Change of use RESULTING IN 'Highly Vulnerable' or 'More Vulnerable' development</u></a>	B5  <b>Only</b> consult EA if site also falls within Flood Zone 3 or 2. FRA Required	C5  No consultation - no EA advice	D5  Consult EA with FRA	E5  Consult EA with FRA	F5  No consultation - No EA Advice
A6  <a href="#"><u>Operational development less than 1 hectare</u></a>	B6  Consult EA <a href="#"><u>Note</u></a>	C6  Consult EA with FRA showing design details of any culvert or flow control structure proposed	D6  Consult EA with FRA and Sequential Test Evidence (and where required confirm Exception Test has been applied)	E6  Consult EA with FRA and Sequential Test Evidence (and where required confirm Exception Test has been applied)	F6  <a href="#"><u>No consultation - see standard comment</u></a>
A7  <a href="#"><u>Operational development of 1 hectare or greater</u></a>	B7  Consult EA <a href="#"><u>Note</u></a>	C7  Consult EA with FRA showing design details of any culvert or flow control structure proposed	D7  Consult EA with FRA and Sequential Test Evidence (and where required confirm Exception Test has been applied)	E7  Consult EA with FRA and Sequential Test Evidence (and where required confirm Exception Test has been applied)	G7  Consult EA with FRA