Lancashire County Council

Lead Local Flood Authority (LLFA) Standing Advice for Minor Planning Applications

What is Lead Local Flood Authority Standing Advice?

Lead Local Flood Authority (LLFA) Standing Advice is provided to the Local Planning Authority to help process lower-risk applications without the need for direct consultation with the Lead Local Flood Authority, in regard to surface water drainage.

For the avoidance of doubt, this advice does not cover the implications from fluvial flood risk, highway drainage, sewers or groundwater.

How is this different to the Environment Agency's Flood Risk Standing Advice?

This Standing Advice provides advice on surface water flood risk and surface water drainage for minor development. This is different to the **Environment Agency's Flood Risk Standing Advice (FRSA)** because their Flood Risk Standing Advice considers fluvial flood risk (flood zones), whereas our advice does not.

This reflects our different roles and responsibilities as flood risk management authorities and therefore comments we provide on different types of flood risks and drainage as part of the planning process.

The Local Planning Authority should also consider what advice from the Environment Agency is required. The Lead Local Flood Authority Standing Advice does not encompass or replace the Environment Agency's Flood Risk Standing Advice.

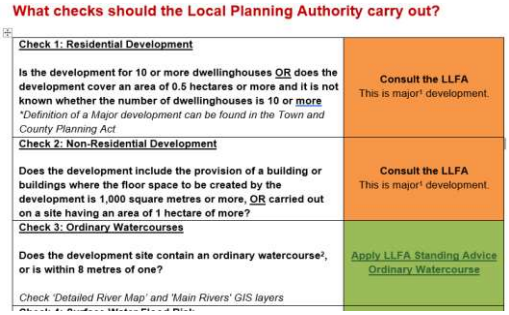
What should I apply this advice to?

This standing advice is provided for minor planning applications. **'Pre-application advice'** is also provided for Local Planning Authorities to apply to all minor pre application requests.

All major planning applications with surface water drainage require direct consultation with the Lead Local Flood Authority. The Lead Local Flood Authority will provide case-specific advice on major development and other development types as indicated for formal consultation in the checks below.

How do I use this Standing Advice?

1. The table on Page 3 should be used to determine whether to consult the Lead Local Flood Authority or which Standing Advice notes to apply.



What checks should the Local Planning Authority carry out?

Check 1: Residential Development **Is the development for 10 or more dwellinghouses OR does the development cover an area of 0.5 hectares or more and it is not known whether the number of dwellinghouses is 10 or more** **Definition of a Major development can be found in the Town and County Planning Act*	**Consult the LLFA** This is major[1] development.
Check 2: Non-Residential Development **Does the development include the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, OR carried out on a site having an area of 1 hectare of more?**	**Consult the LLFA** This is major[1] development.
Check 3: Ordinary Watercourses **Does the development site contain an ordinary watercourse[2], or is within 8 metres of one?** *Check 'Detailed River Map' and 'Main Rivers' GIS layers*	Apply LLFA Standing Advice Ordinary Watercourse

2. Then, read through the 'Advice to the Local Planning Authority' to ensure you have taken account of everything you may need to look for or check.

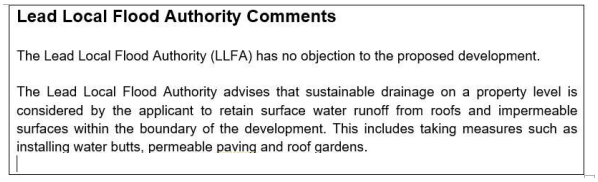
Advice for the Local Planning Authority

Site-Specific Flood Risk Assessment

You do need to provide a Site-specific Flood Risk Assessment if:

- The site is in Flood Zone 2 or Flood Zone 3 for river or tidal flooding or is at 'high risk' of surface water flooding.

3. Copy and paste our advice from the 'Lead Local Flood Authority Comments' box, if relevant to the application, into your Planning Officer and/or Planning Committee Report and the Decision Notice. Minor planning applications may need to apply more than one standing advice note. All applicable standing advice notes should be applied.



Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

The Lead Local Flood Authority advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.

Where can I find the GIS layers referenced in this advice?

You can download the freely available GIS layers referred to from the **Defra Data Services Platform:**

- **Risk of Flooding from Surface Water (RoFSW)**
- **Main River Map**
- **Detailed River Network**

Where can I find the Flood Risk Asset Register?

The Flood Risk Asset Register is a register of structures or features which are likely to have a significant effect on flood risk. You can find our Flood Risk Asset Register **here.**

What checks should the Local Planning Authority carry out?

Check 1: Residential Development **Is the development for 10 or more dwellinghouses OR does the development cover an area of 0.5 hectares or more and it is not known whether the number of dwellinghouses is 10 or more** **Definition of a Major development can be found in the Town and County Planning Act*	**Consult the LLFA** This is major[1] development.
Check 2: Non-Residential Development **Does the development include the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, OR carried out on a site having an area of 1 hectare of more?**	**Consult the LLFA** This is major[1] development.
Check 3: Ordinary Watercourses **Does the development site contain an ordinary watercourse[2], or is within 8 metres of one?** *Check 'Detailed River Map' and 'Main Rivers' GIS layers*	**Apply LLFA Standing Advice Ordinary Watercourse**
Check 4: Surface Water Flood Risk **Is the development site at risk of or adjacent to an area at risk of surface water flooding[3]?** *Check Risk of Flooding from Surface Water (RoFSW) GIS layer*	**Apply LLFA Standing Advice Area at Risk**
Check 5: Low Surface Water Flood Risk **Is the site at low risk of surface water flooding as shown on the RoFSW maps?** *Check Risk of Flooding from Surface Water (RoFSW) GIS layer*	**Apply LLFA Standing Advice Low Risk**
Check 6: Climate Change Allowances and Urban Creep **Has a Climate Change Allowance been applied? Has an Urban Creep Allowance been applied, if relevant?** Check guidance provided by Lead Local Flood Authority	**Apply LLFA Standing Advice Climate Change & Urban Creep Allowances**
Check 7: Permitted Development[4] **Is the development a change of use to a more vulnerable classification?** Check Annex 3 of the National Planning Policy Framework	**Apply LLFA Standing Advice** **Removal of Permitted Development Rights[4]**
Check 8: Front Driveways **Is the development for paving over a front driveway?** *Check the size of the driveway is 5m² or more, and that the material proposed is impermeable.*	**Apply LLFA Standing Advice Front Driveways**

Endnotes

[1] *Major development as defined in Part 1(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:*

> *"Major development" means development involving any one or more of the following:*
>
> *a) the winning and working of minerals or the use of land for mineral-working deposits;*
> *b) waste development;*
> *c) the provision of dwellinghouses where—*
> *i. the number of dwellinghouses to be provided is 10 or more; or*
> *ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
> *d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
> *e) development carried out on a site having an area of 1 hectare or more.*

[2] *An ordinary watercourse means any watercourse, ditch, stream, culvert or pipe; (except Main Rivers which are regulated by the Environment Agency).*

[3] *Any sites that are on an obvious flow route or indicate high or medium risk areas on the Risk of Flooding from Surface Water (RoFSW) map.*

[4] *Permitted development rights are set out in the* Town and Country Planning (General Permitted Development) (England) Order 2015*, as amended.* Permitted development rights for householders: technical guidance *has been issued by the government.*

Pre-Application Advice for Minor Development

Use for all minor pre-application advice

Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) advises that for a full application the applicant provides:

- A drainage layout to show how surface water will be sustainably managed.
- Use of a sustainable drainage system to manage surface water from the additional impermeable surfaces resulting from the development.

The Planning Practice Guidance (PPG) states that the following drainage hierarchy should be investigated by the developer when considering a surface water sustainable drainage system and that surface water runoff should be discharged as high up the following hierarchy of drainage options as reasonably practical, maximising the potential of each level:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water hierarchy of drainage options outlined above.

Discharge rates from the site should be contained and must not exceed pre-development run-off rates and volumes.

In accordance with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), the site should be drained on separate foul and surface water systems where they are available, with foul water draining to the public sewer and surface water draining in the most sustainable way, in line with the hierarchy of drainage options specified in the Planning Practice Guidance (PPG).

Ordinary Watercourse

Lead Local Flood Authority Comments

Informative: Ordinary Watercourse Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority or an Internal Drainage Board (IDB) where one exists (*currently there is only Earby and Salterforth IDB in Pendle*) to:

- erect any mill, dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstructions; **or**
- erect a culvert in an ordinary watercourse; **or**
- alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse

If works are proposed as part of this planning application that are likely to affect flows in an ordinary watercourse, then the applicant is likely to need the consent of the Lead Local Flood Authority.

NOTE: The Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses.

You must obtain Ordinary Watercourse Consent from the Lead Local Flood Authority before undertaking any works on site; failure to do so may result in enforcement action.

For the avoidance of doubt, once planning permission has been obtained it does not mean that ordinary watercourse consent is guaranteed to be granted.

For advice and information for obtaining consent for works on ordinary watercourses in Lancashire, visit: **Alterations to a watercourse - Lancashire County Council**

Area at Risk of Surface Water Flooding

Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

The development site is at risk from surface water flooding. The Lead Local Flood Authority advises that the applicant provides to the Local Planning Authority:

- A drainage layout to show how surface water will be sustainably managed
- Use of sustainable drainage systems to manage surface water from the additional impermeable surfaces resulting from the proposals

The Planning Practice Guidance (PPG) states that the following drainage hierarchy should be investigated by the developer when considering a surface water sustainable drainage system and that surface water runoff should be discharged as high up the following hierarchy of drainage options as reasonably practical, maximising the potential of each level:

5. into the ground (infiltration);
6. to a surface water body;
7. to a surface water sewer, highway drain, or another drainage system;
8. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water hierarchy of drainage options outlined above.

Discharge rates from the site should be contained and must not exceed pre-development run-off rates and volumes.

In accordance with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way, in line with the hierarchy of drainage options specified in the Planning Practice Guidance (PPG).

Advice for the Local Planning Authority

Site-Specific Flood Risk Assessment

You do need to provide a Site-specific Flood Risk Assessment if:

- The site is in Flood Zone 2 or Flood Zone 3 for river or tidal flooding or is at 'high risk' of surface water flooding.
- If in Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

Developers do not need to provide a Site-specific Flood Risk Assessment if:

- The site is in Flood Zone 1 for river and tidal flooding (the lowest risk) and none of the site is at 'high risk' of surface water flooding:

  AND
- The proposal is for a change of use or conversion (rather than new development).

Flood Risk Vulnerability Classification

It is advised you check whether the development proposal changes the 'flood risk vulnerability classification' set out in Annex 3 of the National Planning Policy Framework, and whether its new use if compatible.

Making Development safe from flood risk

Refer to the Planning Practice Guidance (PPG) on this matter.

The Local Planning Authority should check the planning application to ensure that the risk of flooding from surface water has been assessed and that, where applicable, steps have been taken to reduce the risk of surface water flooding on-site and elsewhere. Where a residual surface water flood risk remains, the Local Planning Authority should consider whether the development proposal can be made safe from flood risk based on the applicant's proposals.

The predicted risk to the site from surface water can be checked by viewing the Environment Agency's Risk of Flooding from Surface Water (RoFSW) map. This

mapping highlights broadly how surface water flooding from surface water flow paths and areas of pooling might affect the site.

Hard surfacing in front gardens

As of 1st October 2008, householders are not permitted to install hard surfacing in front gardens exceeding 5m² without making provision to ensure permeability, otherwise planning permission is required. See **'Front Driveways' section** for more advice.

Basements in areas at flood risk

Due to the risk of rapid inundation by floodwater, basements should be avoided in areas at risk of flooding. The Local Planning Authority may hold additional guidance for basement extensions. Self-contained basement dwellings are classified under the Planning Practice Guidance as `highly vulnerable' development and the Lead Local Flood Authority advises they should not be permitted in areas at risk of surface water flooding.

Cumulative flood risk effect

There is potential for cumulative impact of minor extensions to have a significant effect on flood risk. Where local knowledge suggests this is the case, the guidance contained on the **Environment Agency's Flood Risk Assessment webpage** should be applied. This guidance can also be applied where permitted development rights have been removed for flood risk reasons.

Maintenance of Sustainable Drainage Components

Paragraph 169(c) of the National Planning Policy Framework makes it clear that sustainable drainage systems should have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Where sustainable drainage components are installed serving a number of properties or in a communal area, maintenance should be secured by any combination of the following options:

- The developer enters into a Section 106 agreement (Town and Country Planning Act 1990) with the Local Planning Authority to secure maintenance of
- the developer can offer the sustainable drainage components to a Water and Sewage Company for adoption as a sewer via the Design and Construction Guidance (DCG) under a Section 104 of the Water Industry Act 1991. United Utilities have provided helpful guidance on what sustainable drainage components they can adopt: **Sustainable drainage - United Utilities**

Sustainable drainage components that serve one property only (i.e. non communal), such as a soakaway, can be maintained by the private property owner, and the developer should ensure information is provided to homeowners. The Local Planning Authority should ensure these property level sustainable drainage components can be safeguarded against removal via appropriate legal means.

Separate Foul and Surface Water Sewers

In accordance with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Low Risk of Surface Water Flooding

Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

The Lead Local Flood Authority advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.

Advice for the Local Planning Authority

As of 1st October 2008, householders are not permitted to install hard surfacing in front gardens exceeding 5m² without making provision to ensure permeability, otherwise planning permission is required. See **'Front Driveways' section** for more advice.

Climate Change & Urban Creep Allowances

Lead Local Flood Authority Comments

The Lead Local Flood Authority has no objection to the proposed development subject to the application of the appropriate X% allowance for climate change, in accordance with 'Climate Change Allowances' and the application of an appropriate allowance for urban creep of 10% in accordance with C753 The SuDS Manual, as specified in the Planning Practice Guidance.

Or if no allowance is provided for climate change:

The Lead Local Flood Authority objects to the development proposal and recommends the applicant applies the appropriate climate change allowance and urban creep allowance, where applicable, within their surface water drainage calculations.

Advice for the Local Planning Authority

Climate Change Allowances

Detailed guidance on climate change allowances can be found on Lancashire County Council's website, specifically the section on 'New Allowances'.

- **Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)**
- **New climate change allowances - Lancashire County Council**

Urban Creep Allowances

An allowance for urban creep is based on a potential for the change in impermeable areas of the development. An allowance of up to 10% for urban creep should be applied either to the impermeable area plan or incorporated into the surface water drainage calculations, in accordance with C753 The SuDS Manual as referenced in the Planning Practice Guidance or in line with urban creep allowances specified in the Local Plan.

Applicants should robustly demonstrate to the Local Planning Authority if an urban creep allowance is not appropriate.

The Local Planning Authority should consider removing permitted development rights if an urban creep allowance has not been applied and is deemed to be required by the Local Planning Authority. See **'Removal of Permitted Development Rights'** for further guidance.

Removal of Permitted Development Rights

Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

The Lead Local Flood Authority advises that permitted development rights on this development are removed to ensure surface water flood risk can be managed as a result of [then insert one of the below options]

- a failure to apply an appropriate allowance for urban creep on the development.
- the use of permeable front driveways, meaning there is a need to ensure any replacement driveway is permeable to ensure surface water drainage is not compromised so surface water flood risk from the development can be managed in the future.

Advice for the Local Planning Authority

Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

On occasion it may be appropriate for the Local Planning Authority to remove permitted development rights to minimise surface water flood risk where, for example, an urban creep allowance is not applied by the developer.

Local Planning Authorities should also consider removal of permitted development rights on permeable front driveways to ensure any replacement driveway requires planning permission and therefore their future permeability can be safeguarded.

The Local Planning Authority may wish to remove permitted development rights in areas at high flood risk so that change of use applications that will result in a more vulnerable use will require planning permission.

Permitted development rights can be removed by the Local Planning Authority, either by **means of a condition on a planning permission**, or by means of an **article 4 direction**. The restrictions imposed will vary on a case by case basis and the specific wording of such conditions or directions.

Further guidance can be found in the **Planning Practice Guidance.**

Front Driveways

Lead Local Flood Authority Comments

The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

The Lead Local Flood Authority advises that surface water run off from the impermeable front driveway is managed and discharged within the property boundary only. No surface water is to be discharged onto the public highway or into the public highway drain or public sewer.

Surface water from a paved surface can be managed within the property boundary using three main approaches:

1. Soaking into ground (soakaway)
2. Rainwater harvesting or storage for later use
3. Flowing to the drains, but this should be the last option considered and may require consent from the asset owner, usually the Highway Authority (Lancashire County Council) or the Water and Sewerage Company.

Advice for the Local Planning Authority

Permeable Front Driveways - Planning permission is not required if a new or replacement driveway of any size uses permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

The Local Planning Authority is advised to always encourage permeable driveways as a 'first option' to avoid the need for planning permission and also to help manage surface water most effectively on-site.

Impermeable Front Driveways - As of 1st October 2008, householders are not permitted to install hard surfacing in front gardens exceeding 5m² without making provision to ensure permeability, otherwise planning permission is required.

Surface water run off generated from the impermeable front driveway must be managed within the property boundary. Water from a paved surface can be dealt with using three main approaches:

1. Soaking into ground (soakaway)
2. Rainwater harvesting or storage for later use
3. Flowing to the drains, but this should be the last option considered and may require consent from the asset owner, usually the Highway Authority (Lancashire County Council) or the Water and Sewerage Company.

There is a wealth of guidance on managing water from front driveways available online from the following reputable sources:

- Ministry of Housing, Communities and Local Government: **Permeable surfacing of front gardens: guidance - GOV.UK (www.gov.uk)**

Royal Horticultural Society: ***Front gardens: permeable paving / RHS Gardening***