



Devon Cornwall and Isles of Scilly Area

Preliminary Opinion Advice Note

January 2019

This document sets out the environmental issues we will consider when providing our planning application consultation advice to Local Planning Authorities. It can be used by applicants, developers and consultants at the pre-planning stage.

Further pre-application options

We are able to provide detailed and bespoke advice and answer technical questions for a charged fee which equates to £100 per hour plus VAT.

If you are interested in finding out more about this service, please email:

SPDC@environment-agency.gov.uk

We can explain this service and provide you with a bespoke quote for further pre-application advice that you may require.

Fluvial/Tidal Flood Risk

Development must be safe and should not increase the risk of flooding.

You can view a site's flood zone on the Flood Map for Planning on the .gov.uk website

<https://flood-warning-information.service.gov.uk/long-term-flood-risk>

If your proposed development is located within flood zone 2 or 3 you should consult the Flood Risk and Coastal Change pages of the National Planning Policy Guidance (NPPG)

<http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

Here you can determine whether the flood risk vulnerability of your proposed development and the flood zone are compatible. You can also establish if there are flood risk sequential test and exception test requirements for your proposed development.

If your proposed development is located within flood zone 2 or 3 and its vulnerability and flood zone are considered acceptable under the NPPG then a site specific Flood Risk Assessment (FRA) is required to support any subsequent planning application. This is required by paragraph 103 of the National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Guidance on the content of a site specific FRA can be found on the NPPG and the .gov website:

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

We are in the process of making the majority of our data open source. Flood risk data is available from .gov.uk <https://data.gov.uk/data/search?q=Flood&publisher=environment-agency&unpublished=false>

However, if you need more detailed flood risk modelling data to help you produce a FRA then please contact our Customers and Engagement team at DCISEnquiries@environment-agency.gov.uk

Climate Change Allowances

On 19 February 2016, we published new guidance for planners and developers on how to use climate change allowances in a site-specific FRA: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

If you have any questions regarding this guidance, please contact our Customers and Engagement team:

DCISEnquiries@environment-agency.gov.uk

Groundwater Quality

Development must not cause pollution to the water environment.

Source Protection Zones

These zones indicate that an area is very sensitive to pollution risks due to the proximity of drinking water sources and the way groundwater flows. In these areas we may consider it inappropriate for development to discharge foul or surface water into the ground.

To see if your proposed development is located within a Source Protection Zone, please use our online map: <http://apps.environment-agency.gov.uk/wiyby/37833.aspx>

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 remediation.

Where contamination is known or suspected, a desk study, site investigation, remediation and other works may be required to enable safe development (paragraph 121 of the NPPF). Minimum requirements for submission with a planning application are a preliminary risk assessment, such as a site walkover or desk top study.

Site investigation and remediation strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination, or uncertainty, is found. When dealing with land affected by contamination, developers should follow the risk management framework provided in the CLR11, Model Procedures for the Management of Land Contamination:

<https://www.gov.uk/guidance/land-contamination-risk-management>

Pollution

If the proposed development use has the potential to pollute ground or surface water receptors then an assessment to establish whether the risk of pollution is acceptable or can be satisfactorily mitigated for will be required within any planning application.

Foul Drainage

When drawing up wastewater treatment proposals for any new development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area prior to the submission of a formal planning application.

If connection to the public sewerage system is not feasible, a private foul drainage system may be considered. Under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Further guidance is available at:

<https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

Main Rivers

Ecology

If a Main River is located on or within 8 metres of your proposed development site an ecological survey is required to establish whether development is likely to have a detrimental impact on the biodiversity of the watercourse. We would not support development proposals if there was shown to be a likely detrimental impact on the water environment. In accordance with the National Planning Policy Framework (NPPF), any development proposal should avoid significant harm to biodiversity and seek to protect and enhance it. Opportunities to incorporate biodiversity in and around the development will be encouraged.

Your scheme should be designed with a naturalised buffer zone of at least 8 metres from the main river to protect and enhance the conservation value of the watercourse and ensure access for flood defence maintenance.

This buffer zone should be managed for the benefit of biodiversity for example by the planting of locally appropriate, UK native species. The buffer zone should be undisturbed by development with no fencing, footpaths or other structures. This buffer zone will help provide more space for flood waters, provide improved habitat for local biodiversity and allows access for any maintenance requirements.

To identify any Main Rivers in proximity to your proposed development please see our Main Rivers Consultation Map: <http://apps.environment-agency.gov.uk/wiyby/151293.aspx>

Water Framework Directive (WFD)

With any development alongside watercourses, consideration should be given to the requirements of the Water Framework Directive (WFD) <http://ec.europa.eu/environment/water/water-framework/>. This includes preventing overall deterioration in water quality and promoting improvement in the ecological status of any water body. Actions to achieve this are listed in the South West River Basin Management Plan (RBMP) <https://www.gov.uk/search?q=River+Basin+Management+Plans>.

Where appropriate, a WFD Assessment (<http://planningguidance.communities.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/>) should assess any potential impacts on the watercourse and demonstrate that the required enhancements will be delivered. In some cases the requirements of a WFD assessment can be incorporated into an Environmental Impact Assessment (EIA). Any development that has the potential to cause deterioration in classification under WFD or that precludes the recommended actions from being delivered in the future is likely to be considered unacceptable to us.

Environmental Permitting Regulations

To see if your proposed development requires an Environmental Permit under the Environment Permitting Regulations please refer to our website:

<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

From 6 April 2016 an Environmental Permit is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated Main River and within 16 metres of a tidal defence.

Please note

This document is a response to a pre-application enquiry only and does not represent our final view in relation to any future planning application made in relation to any site. You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

If you have any questions please contact the Sustainable Places team:

SPDC@environment-agency.gov.uk