

Flood Risk and Planning Frequently Asked Questions (FAQs)





Who approves planning applications for new developments in flood risk areas?

The Local Planning Authority (LPA) and Planning Committee are responsible for approving planning applications for new development in flood risk areas, anything from an extension on a house to a new shopping centre.

Local planning authorities appoint planning officers to assist with the operation of the planning system. Most minor and uncontroversial planning applications – around 90% received by most local planning authorities – will be dealt with by local planning authority officers.

Larger and more controversial developments are often decided by the planning committee, informed by officers' recommendations and taking into consideration if the application complies with the policies in the development plan (Local Plan and neighbourhood plans) and material planning considerations. The Planning Committee then either grant planning permission, or refuse it.

Source:

[Planning Aid England](#)

[Planning Portal](#)

[Local Government Association](#)



Who are the Statutory Consultees in regard to flood risk on planning applications?

For Planning Applications, the Statutory Consultees in regard to flood risk specifically are the Lead Local Flood Authority and the Environment Agency. They must be consulted by the Local Planning Authority, according to law, before planning permission is granted.

The Lead Local Flood Authority must be consulted in regard to a major development with surface water drainage. The criteria for a major development includes:

- Providing 10 or more dwellinghouses or, where the number of dwellinghouses is not known, the site area is 0.5 hectares or more.
- Providing a building or buildings where the floor space to be created by the development will be 1,000 square metres or more.
- Development on a site of 1 hectare or more.

The Environment Agency must be consulted for proposed major development if an application is for flood zones 1, 2 or 3 or 3b and matches the following criteria:

Flood Zone	When to consult the Environment Agency
1	<ul style="list-style-type: none"> • If proposed development is within 20 metres of a main river. • In an area with critical drainage problems, other than minor development.
2	<ul style="list-style-type: none"> • If proposed development is within 20 metres of a main river. • Other than minor development, will have a vulnerability classification of: <ul style="list-style-type: none"> • Essential infrastructure • Highly vulnerable • More vulnerable and it's a landfill, waste facility site, caravan or camping site. • 'Less vulnerable' and it's a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant
3 or 3b	<ul style="list-style-type: none"> • Development (including change of use) proposed within 20 metres of a main river or flood defence. • Development other than minor development (check the development class in the above section). • Changes of use where the vulnerability classification will: <ul style="list-style-type: none"> • Be 'more vulnerable' or 'highly vulnerable'. • Change from 'water compatible' to 'less vulnerable'.

Water and Sewerage Companies, such as United Utilities, are not a Statutory Consultee on planning applications. However, many water and sewerage companies proactively comment on planning applications to make local planning authorities aware of any potential impact a development proposal may have on their adopted sewer network.

When a planning application is refused and then goes to appeal, who can overturn this and grant approval?

If a planning application is refused and goes to appeal, the Secretary of State and Planning Inspectorate can overturn this decision and grant approval.

You can appeal a planning decision if any of the following apply:

- You were refused planning permission for reasons that you think go against the LPA's development plan or planning policy (you can usually find these on their website).
- You were granted planning permission with conditions you object to - you'll need to explain why you think they're unnecessary, unenforceable, vague, unreasonable or irrelevant.
- The LPA has not given you a decision on your application and 8 weeks have passed since the date they told you they'd received it (or a different deadline you agreed with them has passed).

The Planning Inspectorate is responsible for the decision on most planning and enforcement appeals on behalf of the Secretary of State.

The Secretary of State has a more direct role in a small number of decisions through the appeals system. Their role is to oversee the planning system as a whole.

Source: [.gov.uk](https://www.gov.uk)

How do local plans influence local development?

The Local Plan is a plan drawn up by the Local Planning Authority which is the Unitary or District Council, **not** the County Council. The plan addresses the needs and opportunities for future development within the local area as well as providing the opportunity to safeguard the environment and adapt to climate change.

The community has the opportunity to consult and influence the Local Plan at various stages and again during the examination of the plan before it is adopted by the Council. This allows for the needs and priorities of the community to be reflected.



What is a Site-Specific Flood Risk Assessment (FRA) and who carries them out?

What is a Site-Specific FRA?

A site-specific FRA is required under the National Planning Policy Framework (NPPF). It must show how flood risk will be managed now and over the lifetime of the development, taking climate change and the vulnerability of the developments users into account, and ensure that flood risk is not increased elsewhere as a result of the development.

The site-specific FRA should be proportionate to the degree of flood risk, scale, nature and location of the development, and effectively use the information available.

The site-specific FRA should identify if the proposed development will:

- Be affected by current or future flooding from any sources.
- Increase flood risk elsewhere.
- Include appropriate measures to deal with these effects and risks.
- Include evidence required for the LPA to apply the Sequential Test, if necessary.
- Include evidence to show the development would be safe and would pass an Exception Test, if required.
- Where there remains a residual flood risk, the developer should satisfy requirements to make the development flood resistant and resilient.

You will need to carry out a flood risk assessment for most developments within one of the Flood Zones, you can find out what flood zone you're in by clicking here:

<https://flood-map-for-planning.service.gov.uk/>

You will need to carry out a flood risk assessment if the development is in:

- Flood zone 2 or 3, this includes minor development and change of use; and,
- Flood zone 1 where the site is:
 - a) 1 hectare (ha) or more in size.
 - b) On land identified by the Environment Agency as having critical drainage problems.
 - c) On land less than 1 hectare (ha) in size which:
 - i. has been identified in a strategic flood risk assessment as being at increased flood risk in the future.
 - ii. includes a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs).

Who carries out a Site-Specific FRA?

A site-specific FRA is carried out by developers or a consultant on behalf of the developer and requires them to assess all sources of flood risk to and from a new development.

More information on site-specific FRA can be found here:

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

Do you think development leads to in an increase in flood risk?

New development should not increase flood risk and although developers don't have to address the existing flood risk, often development can improve flood management in the area.

What could be incorporated into new developments to manage flood risk?

There are several management options which can be incorporated into new developments to manage flood risk. Currently, these are not mandatory management options, however a developer could incorporate these into a new development to factor in the effects of climate change.

Management measures can include:

- **Sustainable Drainage Systems (SuDS)** – These mimic natural drainage patterns to manage rainfall and surface water runoff close to the source. They manage the transport of water and the speed that it runs off hard surfaces before it enters watercourses. They can be designed to store water and control its infiltration into the ground to allow for evaporation and transpiration. Examples of SuDS include water butts, permeable paving and green roofs. More information can be found on our SuDS page by clicking here: <https://thefloodhub.co.uk/suds/>
- **Property Flood Resilience (PFR)** – Property flood resilience (PFR) includes measures that reduce the risks to people and property, enabling households and businesses to reduce flood damage, speed up recovery and reoccupation. PFR measures should reduce the amount of water entering buildings (known as resistance measures), or limit the damage caused if water does enter a building (known as resilience measures). More information on PFR can be found by clicking here: <https://thefloodhub.co.uk/pfr/>
- **Flood Storage Areas (FSA)** – Flood storage areas involve the use of an outlet structure which holds floodwater and then returns it to a river at a controlled rate, once the flood peak has passed. These structures provide a spillway and are especially useful in extreme events when there is more water than the watercourse can hold. This detention of floodwater can reduce peak flows down the river and ease flooding downstream, spreading the overall volume of water passed downstream over a longer period. Water storage can be classed as online or offline and can be both a man-made or natural flood management measure.
- **Increased raised thresholds and sacrificial areas** – In a property, there are sometimes areas which are purposely allowed to flood during extreme weather, these are known as sacrificial areas. For example, a three-storey property may have the garage on the bottom floor, as there will be minimal impact on the living arrangements of a family, should it flood. In addition, there's also the option of elevated base levels, whereby a property is built at a higher level, to reduce the risk of floodwater entering a property.

Before buying a property, how can you check it's flood risk?

Before buying a property, you should always check whether it is at risk of flooding. There are numerous types of flooding, for example river flooding, surface water flooding, coastal flooding, groundwater flooding etc, more information on the different types of flooding can be found by clicking here:

<https://thefloodhub.co.uk/am-i-at-risk/#section-2>.

To check a property's flood risk, you can use the Environment Agency's Flood Risk Maps, which visually represent the risk from some of the different types of flooding where the property is located and in the surrounding area. The following maps are available to use:

- A map showing the potential extent of flooding to properties from main rivers and the sea, surface water or reservoirs across the UK, as well as details of the long-term risk of flooding for a property. By entering your postcode and selecting your address from the drop down menu, you can find out who your Lead Local Flood Authority (LLFA) is and then click through to the map to learn more about your flood risk. To view the map, please click here: <https://www.gov.uk/check-long-term-flood-risk>. Although there are some limitations to this service, it should help to give you an idea of an area's flood risk and whether a more detailed flood risk assessment may be required.
- The flood map for planning is used in development planning to find out the probability of flooding for a location, and indicates the flood zone an area is in. To view the map, please click here: <https://flood-map-for-planning.service.gov.uk/>.

There may be extra information available for your local area from your Local Authority or County Council.

Which of the following activities require planning permission which may affect flood risk?

Building a new wall over one metre around your property.

Most flood prevention work to a listed property.

Paving over drives and front gardens with an impermeable surface over five square metres if surface water drains to offsite drainage and ends up in the sewer system.

If your property is a listed building or is in a conservation area, it is important to speak to your Local Planning Authority who will be able to assist you, as there are likely to be differing conditions that will need to be adhered to in order to have your application approved.

Building a new wall under one metre around your property.

Paving over back gardens.

Paving over drives and front gardens with an impermeable surface over five square metres, providing that surface water drains on site to a soakaway/garden border etc.

Culverting a watercourse which flows on your land (you need to speak to your Lead Local Flood Authority or Environment Agency regarding Land Drainage Consent and permitting).



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