

## Guidance Notes: PLANNING AND DEVELOPMENT

*If you are unsure about anything within these notes then please contact the Flood Risk Management (FRM) team using the details at the end of this document.*

There is currently a national drive for new housing from Central Government and Local Planning Authorities (LPAs) are increasingly finding that available land in areas of low flood risk is in short supply. The purpose of the planning system is to help achieve sustainable development ensuring that new development delivers economic, social and environmental benefits. Nationally, flood risk management in the planning process is largely driven by the **Planning Practice Guidance for Flood Risk and Coastal Change**<sup>1</sup>. This guidance provides the criteria within which development should be managed by planning authorities and developers to reduce the impacts on local flood risk.

### Planning Permission

Planning Permission is required for most forms of development in Derbyshire and should be sought from your LPA. LPAs are generally the local District/Borough Councils, although an application for mining operations, minerals extraction, or a waste management facility would be decided by Derbyshire County Council. There are numerous statutory consultees to the planning process. Although the County Council are a statutory consultee to LPAs on major development for surface water drainage, the decision for final approval rests with the LPA. The County Council pass comment and raise awareness of any local flood risk issues to help inform the decisions of the LPA.



**Housing development in Derbyshire**

**If you are worried about a planned development then please contact your LPA. If you are unsure who your LPA is please refer to your local council tax bill.**

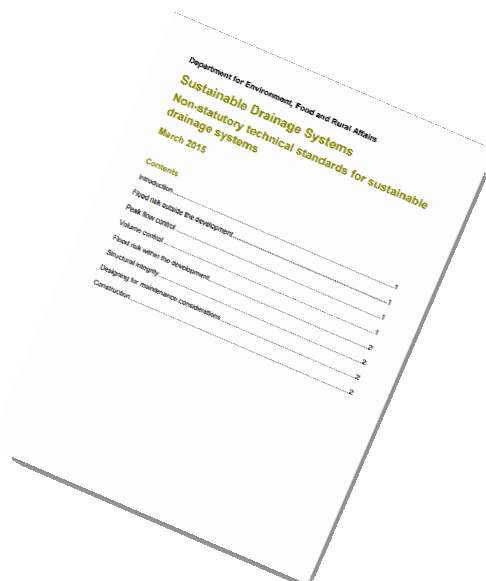
<sup>1</sup> <http://planningguidance.planningportal.gov.uk>

## Design standards for development in Derbyshire

The FRM team recommends that developers design drainage systems in line with the current **Non-statutory Technical Standards for Sustainable Drainage Systems<sup>2</sup>**.

Broadly speaking these technical standards require developments to be drained appropriately according to sustainable drainage principles, avoiding adverse impacts on local flood risk.

Developers are welcomed to contact the County Councils FRM team for any advice or queries relating to design principles for developments in Derbyshire. The team's current level of service relating to our statutory duty to respond to planning applications can be found in Part 2 of the Local Flood Risk Management Strategy. For information relating to local standards please also contact the FRM team.



### *Sustainable Drainage Systems (SuDS)*

The modern and more sustainable approach for drainage and surface water management is SuDS. SuDS help to slow down the water flow rate to pre-existing levels, reduce pollutant loading and where possible reduce the volume of water flowing off paved surfaces by applying multiple stages where water is stored, treated and released back to local watercourses or groundwater at a controlled rate. The County Council strongly encourage SuDS to be incorporated into all planning proposals, where appropriate, as per national guidance. For further information about SuDS please refer to our **Environmental Best Practice Guidance Notes**.

### **Urban creep and small-scale development**

Property owners can choose to pave over the frontages of their property, normally to create off-street parking. Property owners may also wish to erect extensions to their property, conservatories or patios. This process is often referred to as 'urban creep' and is difficult to account for as usually these small property developments do not require



**Example of permeable paving**

<sup>2</sup> [www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards](http://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards)

planning permission (*Please contact your LPA to confirm whether any permission are required*). In some cases, urban creep can have a substantial cumulative impact on surface water flood risk locally. Residents should bear in mind that often the 'green areas' (e.g. gardens, lawns, verges, etc.) form part of the overall function of the whole site's drainage plan.

Where 'urban creep' is unavoidable, you may wish to consider more permeable techniques such as permeable paving which can be used as opposed to bituminous construction to allow infiltration and reduce the amount of surface water runoff. The Environment Agency has produced **guidance on the permeable surfacing of front gardens**<sup>3</sup> which can be found online.

The Royal Horticultural Society (RHS) promote the '**Greening Grey Britain**' **campaign**<sup>4</sup> in which it hopes to encourage property owners to maintain and expand planted gardens in urban areas. The RHS estimates that about 25% of most cities are made up of green space, the maintenance of which can have important benefits for flood risk as well as air quality, habitat and air cooling.



**Another example of permeable paving**

### Land Drainage Consent and Planning

Planning permission is required for most types of development. However, planning permission does not give the applicant the right to proceed with the approved development if other elements of legal consent are required. This is especially important for Land Drainage Consent which is legally required under the Land Drainage Act (1991) for some works in and around ordinary watercourses. Land Drainage Consent sits under different legislation to planning consent, and as such both are required before development commences. Commonly, development drainage designs rely on headwall structures that discharge surface water to watercourses. These usually require consent, so developers are advised to contact the FRM team if this is the case.



**A consentable outfall structure**

<sup>3</sup> [www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance](http://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance)

<sup>4</sup> [www.rhs.org.uk/science/gardening-in-a-changing-world/greening-grey-britain](http://www.rhs.org.uk/science/gardening-in-a-changing-world/greening-grey-britain)



For more information you can also visit the website at [www.derbyshire.gov.uk/flooding](http://www.derbyshire.gov.uk/flooding).

Conversely, some structures requiring Land Drainage Consent such as bridges, weirs and mills may also require planning permission. Applicants are advised to contact their LPA separately, particularly if the works involve a designated or protected historic structure.

### Flood risk management engineering works and planning

Works in and around your property for flood risk management purposes such as a flood wall or alteration to landform may also be classed as engineering works and therefore may require consent from your LPA.



**A protected bridge in Derbyshire**

### Frequently asked questions

*My neighbour is extending/paving their property and I have concerns that this could increase surface water flood risk. Is there anything that the County Council can do?*

These sorts of works are often covered by Permitted Development Rights and hence do not need planning permission. You should consult the Planning Portal website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) or you're relevant LPA if you believe the works to fall outside of Permitted Development Rights.

*The development of the fields near my property with paved surfaces will lead to an increase volume of water. Surely this will increase local flood risk?*

Paving over a natural surface will increase the rate and volume of water flowing off the site if not managed appropriately. However, under Planning Practice Guidance, developers must provide adequate surface water storage capacity (in the form of ponds, basins, tanks, etc.) to balance this increase. The aim of this is to ensure that surface water leaves the development at a rate no greater than the existing rate (termed the greenfield runoff rate) with the excess water generated from the development being stored and released at a later time.

*I believe that I have evidence that the development near my property will increase flood risk locally. Can the County Council stop the development happening?*

The FRM team provide impartial technical advice to help the LPA determine a planning application based on data available and the information submitted by the applicant. The FRM team's comments and recommendations are then considered in a manner considered appropriate by the LPA who will either grant or refuse permission. The County Council has to maintain an impartial stance in the event of a legal challenge to the planning process and, regardless of their reasons, cannot act as a consultee to third parties seeking to promote or resist development proposals based on flood risk.

If you have concerns about a development, you are at liberty to make your own representations to the LPA which can be considered independently by the relevant planning officer and/or the Planning Committee.

*I have concerns over a recently constructed development. Who should I contact?*

The FRM team would advise that in this instance you contact the relevant LPA. The development concerned may constitute a breach of planning control as defined in Section 171A of the Town and Country Planning Act 1990 and therefore may be subject to possible enforcement action by the LPA. Unfortunately, the County Council have no such powers.

*I would like to install Property Level Protection (PLP) products (e.g. flood doors, barriers, air brick covers, etc.) on my property to make it more resilient to flooding. Do I need planning permission?*

Usually you do not require planning permission for most PLP products fitted onto most regular properties. The exception to this may be any properties with a statutory designation, such as listed buildings, scheduled monuments or buildings of historical or archaeological significance. In this instance, these buildings are often protected against even minor amendments without permission, so it is always worth consulting the District/Borough Council. If you are unsure of the District/Borough Council you should contact please refer to your Council Tax bill.

*Builders on the development near me have filled in a historic ditch or pond which I fear may impact on local flood risk. What should I do?*

If you feel that during a development a ditch or pond has been damaged, altered or removed we would encourage residents to contact the FRM team on the details at the end of these guidance notes. The works may constitute a breach of land drainage law which we would be pleased to investigate further

through amicable discussion with the developer/builder. For further information please refer to our [Enforcement Powers Guidance Notes](#).

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