When to consult the Environment Agency

This guidance lists the types of planning applications where we should be consulted. It describes the categories of development that could affect the environment and includes those for which we are listed as a statutory consultee in the Development Management Procedure Order 2015.

If you’re unsure whether you should consult us, please call us on 0203 025 6862.

In addition to this consultation list, local Flood Risk Standing Advice has been developed for Hull City Council, with the specific flood risk issues of the city in mind. The recommendations, mitigation and advice suggested in this document are applicable to Hull City Council only. Local flood risk standing advice may exist for other Local Planning Authorities (LPA) or Areas. Please discuss this with the LPA or Environment Agency area office relevant to that area.

### Pre-application and planning application consultation

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries</td>
<td>Development relating to using land as a cemetery, including extensions</td>
</tr>
<tr>
<td>Coastal erosion</td>
<td>Development (excluding minor development) located within Coastal Change Management Areas, as defined by the LPA</td>
</tr>
<tr>
<td>Environmental Impact Assessment (EIA)</td>
<td>Development requiring an EIA, including scoping opinions and the environmental statement</td>
</tr>
<tr>
<td>Flood risk</td>
<td>See <a href="below">Local Flood Risk Standing Advice</a></td>
</tr>
<tr>
<td>Groundwater protection</td>
<td>Potentially contaminating development (as defined in land contamination DoE industry profiles) located in Source Protection Zones. This type of development also includes the storage of potentially contaminating substances as defined in DoE industry profiles.</td>
</tr>
</tbody>
</table>
| Hazardous Waste/Control of Major Accident Hazard Regulations (COMAH) Sites | • Development of new establishment  
  • Modifications to existing establishments which could have significant repercussions on major accident hazard  
  • Development within 250 metres, where the siting or development would increase the risk or consequences of a major accident. |
| Intensive farming                             | Intensive animal farming (such as pig or poultry) that may require an environmental permit. An environmental permit is required for the development or expanding of a facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry. |
| Pollution from land contamination             | Development on land where a previous use (as defined in land contamination DoE industry profiles) may have caused contamination |
| Mineral extraction                            | Development involving or including mineral and mining operations and restoration schemes relating to such development |
| Oil and fuels                                 | Development for the purpose of refining or storing non-domestic oils and their by-products |
| Refuse or waste                               | • Development that includes the storage or spreading of sludge or slurry  
  • Development that includes the storage, transfer, process, treatment and / or use of refuse or waste |
<p>| Non-mains drainage                            | Major development proposing to use non-mains foul drainage                   |
| Works affecting a watercourse                 | Development involving works or operations in the bed of or within 20 metres of the Humber estuary or the top of the bank of a ‘main river’ as notified by the Environment Agency |</p>
<table>
<thead>
<tr>
<th>Discharge/variations of conditions</th>
<th>Only consultations where the Environment Agency has requested the condition be attached to the planning permission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning appeals</td>
<td>Only appeals related to an Environment Agency objection or recommended condition</td>
</tr>
</tbody>
</table>

**Strategic consultations**

<table>
<thead>
<tr>
<th>Local Plans</th>
<th>Development plan documents, including documents prepared individually or in cooperation with other LPAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental evidence documents</td>
<td>Including, but not limited to, water cycle strategies, strategic flood risk assessments, surface water management plans, strategic infrastructure plans, green infrastructure studies, strategic housing land availability assessments</td>
</tr>
<tr>
<td>Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of local plans</td>
<td>SEA/SA of local plan documents, including screening, scoping, draft and final report and post adoption statement</td>
</tr>
<tr>
<td>Other strategic planning allocations</td>
<td>Including, but should not be limited to enterprise zones, garden cities and other strategic growth proposals such as urban expansions</td>
</tr>
</tbody>
</table>

*Skip to the Standing Advice Matrix*
**Environment Agency: Local Flood Risk Standing Advice**

Refer to SFRA Figure 13 for flood depth information

**Consult the EA** on all development within Flood Zone 3b (Functional Floodplain). In most cases, development **should not be permitted**.

**Consult the EA** on all development lying within 20m of the bank top of a Main River or 20m of the Humber Estuary (As shown on SFRA Figure 13).

**Consult the LLFA** on all major developments.

All development shall be provided with a place of safety at the level shown on SFRA Figure 15. Where relevant, the LPA must satisfy itself that the requirements of the Sequential Test and Exception Test have been met. See below guidance.

Do not consult EA on any development lying solely within Flood Zone 1, unless any other consultation trigger is met on our [Consultation Checklist](#).

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<table>
<thead>
<tr>
<th>Development Category</th>
<th>Vulnerability Classification</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minor Development</td>
<td>Mitigation Note 9</td>
<td>Mitigation Note 9</td>
<td>Mitigation Note 9</td>
<td>No consultation</td>
</tr>
<tr>
<td>2</td>
<td>Essential Infrastructure</td>
<td>Consult EA with FRA</td>
<td>Consult EA with FRA</td>
<td>Consult EA with FRA</td>
<td>Consult EA with FRA</td>
</tr>
<tr>
<td>3</td>
<td>Highly Vulnerable (including basements dwellings)</td>
<td>Consult EA with FRA - development should not be permitted</td>
<td>Consult EA with FRA - development should not be permitted</td>
<td>Consult EA with FRA - development should not be permitted</td>
<td>Consult EA with FRA</td>
</tr>
<tr>
<td>4</td>
<td>Change of use or Prior Approval resulting in</td>
<td>Consult EA with FRA</td>
<td>Mitigation Note 1</td>
<td>Mitigation Note 2</td>
<td>FZ2 Note 1</td>
</tr>
<tr>
<td>5</td>
<td>Less Vulnerable</td>
<td>Mitigation Note 3</td>
<td>Mitigation Note 4</td>
<td>Mitigation Note 5</td>
<td>FZ2 Note 2</td>
</tr>
<tr>
<td>6</td>
<td>Water Compatible - development includes essential ancillary sleeping or residential accommodation</td>
<td>Consult EA with FRA</td>
<td>Mitigation Note 1</td>
<td>Mitigation Note 2</td>
<td>No Consultation</td>
</tr>
<tr>
<td>7</td>
<td>Other Water Compatible</td>
<td>Mitigation Note 3</td>
<td>Mitigation Note 4</td>
<td>Mitigation Note 5</td>
<td>No Consultation</td>
</tr>
<tr>
<td>8</td>
<td>Essential Infrastructure</td>
<td>Consult EA with FRA</td>
<td>Consult EA with FRA</td>
<td>Consult EA with FRA</td>
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</tr>
<tr>
<td>10</td>
<td>More Vulnerable</td>
<td>Consult EA with FRA</td>
<td>Mitigation Note 6</td>
<td>Mitigation Note 7</td>
<td>FZ2 Note 3</td>
</tr>
<tr>
<td>11</td>
<td>Less Vulnerable</td>
<td>Mitigation Note 8</td>
<td>Mitigation Note 4</td>
<td>Mitigation Note 5</td>
<td>FZ2 Note 2</td>
</tr>
<tr>
<td>12</td>
<td>Water Compatible - development includes essential ancillary sleeping or residential accommodation</td>
<td>Consult EA with FRA</td>
<td>Mitigation Note 6</td>
<td>Mitigation Note 7</td>
<td>No Consultation</td>
</tr>
<tr>
<td>13</td>
<td>Other Water Compatible</td>
<td>Mitigation Note 8</td>
<td>Mitigation Note 4</td>
<td>Mitigation Note 5</td>
<td>No consultation</td>
</tr>
</tbody>
</table>
• The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not normally wish to be consulted on this application regarding flood risk. However, if the below measures to exclude water cannot be incorporated, the Environment Agency should be consulted, with a site-specific Flood Risk Assessment undertaken to demonstrate that the development will be safe. This must be accompanied by a detailed explanation as to why the standard measures can’t be incorporated. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

• Flood depths in this area could reach 600mm. In order to exclude potential flood water, finished floor levels shall be raised a minimum of 600mm above average site level or adjacent road frontage level, whichever is higher. An additional 300mm of flood resilience measures above finished floor levels, shall be included to speed the rate of recovery and minimise the impacts should flood waters enter the property.

• However, given the proposed development is a change of use, traditional flood risk mitigation measures may not be practically achievable. If there are other factors which prevent raising floor levels to the above height, floor levels shall be raised as far as possible, with passive flood proofing measures (i.e. measures which do not require flood forecasting and human intervention) incorporated, which would exclude water to a minimum of 600mm above average site level or adjacent road frontage level, whichever is higher. An additional 300mm of flood resilience measures above the level of flood proofing shall then be included, to speed the rate of recovery and minimise the impacts should flood waters enter the property.

• The development must incorporate a place of safety at the level shown on SFRA Figure 15. Please refer to the guidance below which details the council’s advice on what constitutes an appropriate place of safety.

• These measures must be secured through the inclusion of conditions on any planning permission granted. The Model Conditions below, provide a starting point for drafting suitable conditions. The council must be satisfied that the conditions are lawful.

• NOTE: For any major developments which are the subject of a sustained Environment Agency objection on flood risk grounds, but where the authority is minded to grant permission for the development, you must follow the statutory requirements of the Town and Country Planning (Consultation) (England) Direction 2009. In such cases, the authority, the Environment Agency and the applicant should try to agree what changes could be made to the application that would enable the objection to be withdrawn. If the Environment Agency concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, the Direction requires the authority to notify the Secretary of State, prior to the granting of any planning permission, to provide them with an opportunity to call the application in for their own determination.
Mitigation Note 2

- The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not normally wish to be consulted on this application regarding flood risk. However, if the below measures to exclude water cannot be incorporated, the Environment Agency should be consulted, with a site-specific Flood Risk Assessment undertaken to demonstrate that the development will be safe. This must be accompanied by a detailed explanation as to why the standard measures can’t be incorporated. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

- Flood depths in this area could reach 300mm. In order to exclude potential flood water, finished floor levels shall be raised a minimum of 300mm above average site level or adjacent road frontage level, whichever is higher. An additional 300mm of flood resilience measures above finished floor levels, shall be included to speed the rate of recovery and minimise the impacts should flood waters enter the property.

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Back to the Matrix
The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not wish to be consulted on this application regarding flood risk. If it is not possible to achieve the mitigation measures recommended below, the council should satisfy itself, without consulting the Environment Agency, that there are good reasons why the recommended mitigation measures cannot be incorporated. It should also consider whether the reliance on measures which may not exclude flood water or which would depend upon successful flood warning and human intervention to do so, would render the development unacceptable. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

Flood depths in this area could exceed 600mm. It may therefore be difficult to design the development to exclude flood water. In order to exclude water, finished floor levels will need to be raised above the predicted flood depth (shown on Figure 13), but as a minimum, finished floor levels shall be raised 600mm above average site level or adjacent road frontage level, whichever is higher. Flood resilience measures shall be included as a minimum to the depth of predicted flooding (shown on Figure 13). Such techniques will speed the rate of recovery and minimise the impacts should flood waters enter the property.

However, given the proposed development is a change of use, traditional flood risk mitigation measures may not be practically achievable. If there are other factors which prevent raising floor levels to the above height, floor levels shall be raised as far as possible, with passive flood proofing measures (i.e. measures which do not require flood forecasting and human intervention) incorporated, which would exclude water to a minimum of 600mm above average site level or adjacent road frontage level, whichever is higher. Flood resilience measures shall be included as a minimum to the depth of predicted flooding (shown on Figure 13). Such techniques will speed the rate of recovery and minimise the impacts should flood waters enter the property.

The applicant should be aware that standard masonry buildings are at significant risk of structural damage if there is a water level difference between outside and inside of about 0.6m or more. If a water exclusion strategy is proposed which would aim to keep out flood depths of more than 600mm, the applicant must satisfy themselves that the building will be constructed in such a way that this would not jeopardise its structural stability. Further information can be found here.

The development must incorporate a place of safety at the level shown on SFRA Figure 15. Please refer to the guidance below which details the council’s advice on what constitutes an appropriate place of safety.

These measures must be secured through the inclusion of conditions on any planning permission granted. The Model Conditions below, provide a starting point for drafting suitable conditions. The council must be satisfied that the conditions are lawful.
Mitigation Note 4

- The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not wish to be consulted on this application regarding flood risk. If it is not possible to achieve the mitigation measures recommended below, the council should satisfy itself, without consulting the Environment Agency, that there are good reasons why the recommended mitigation measures cannot be incorporated. It should also consider whether the reliance on measures which may not exclude flood water or which would depend upon successful flood warning and human intervention to do so, would render the development unacceptable. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

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These measures must be secured through the inclusion of conditions on any planning permission granted. The Model Conditions below, provide a starting point for drafting suitable conditions. The council must be satisfied that the conditions are lawful.
Mitigation Note 6

- The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not normally wish to be consulted on this application regarding flood risk. However, if the below measures to exclude water cannot be incorporated, the Environment Agency should be consulted, with a site-specific Flood Risk Assessment undertaken to demonstrate that the development will be safe. This must be accompanied by a detailed explanation as to why the standard measures can’t be incorporated. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

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- **NOTE:** For any major developments which are the subject of a sustained Environment Agency objection on flood risk grounds, but where the authority is minded to grant permission for the development, you must follow the statutory requirements of the Town and Country Planning (Consultation) (England) Direction 2009. In such cases, the authority, the Environment Agency and the applicant should try to agree what changes could be made to the application that would enable the objection to be withdrawn. If the Environment Agency concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, the Direction requires the authority to notify the Secretary of State, prior to the granting of any planning permission, to provide them with an opportunity to call the application in for their own determination.

Back to the Matrix
The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not normally wish to be consulted on this application regarding flood risk. However, if the below measures to exclude water cannot be incorporated, the Environment Agency should be consulted, with a site-specific Flood Risk Assessment undertaken to demonstrate that the development will be safe. This must be accompanied by a detailed explanation as to why the standard measures can’t be incorporated. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

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The application must be supported by a site-specific Flood Risk Assessment. The Environment Agency do not wish to be consulted on this application regarding flood risk. If it is not possible to achieve the mitigation measures recommended below, the council should satisfy itself, without consulting the Environment Agency, that there are good reasons why the recommended mitigation measures cannot be incorporated. It should also consider whether the reliance on measures which may not exclude flood water or which would depend upon successful flood warning and human intervention to do so, would render the development unacceptable. Please also check the EA’s consultation check list to make sure there aren’t other triggers for consultation.

Flood depths in this area could exceed 600mm. It may therefore be difficult to design the development to exclude flood water. In order to exclude water, finished floor levels will need to be raised above the predicted flood depth (shown on Figure 13), but as a minimum, finished floor levels shall be raised a minimum of 600mm above average site level or adjacent road frontage level, whichever is higher. Flood resilience measures shall be included as a minimum to the depth of predicted flooding. Such techniques will speed the rate of recovery and minimise the impacts should flood waters enter the property.

If there are other factors which prevent raising floor levels to the above height, floor levels shall be raised as far as possible, with passive (i.e. measures which do not require flood forecasting and human intervention, such as flood doors, rather than demountable flood gates) flood proofing measures (i.e. water exclusion measures) included to a minimum of 600mm above average site level or adjacent road frontage level, whichever is higher. An additional 300mm of flood resilience measures above the level of flood proofing shall then be included, to speed the rate of recovery and minimise the impacts should flood waters enter the property.

The applicant should be aware that standard masonry buildings are at significant risk of structural damage if there is a water level difference between outside and inside of about 0.6m or more. If a water exclusion strategy is proposed which would aim to keep out flood depths of more than 600mm, the applicant must satisfy themselves that the building will be constructed in such a way that this would not jeopardise its structural stability. Further information can be found here.

The development must incorporate a place of safety at the level shown on SFRA Figure 15. Please refer to the guidance below which details the council’s advice on what constitutes an appropriate place of safety.

These measures must be secured through the inclusion of conditions on any planning permission granted. The Model Conditions below, provide a starting point for drafting suitable conditions. The council must be satisfied that the conditions are lawful.
Mitigation Note 9

- The Environment Agency do not wish to be consulted on this application regarding flood risk, unless it is within 20 metres of any main river or the Humber estuary. Please also check the EA's consultation check list to make sure there aren't other triggers for consultation.

- Finished floor levels shall be set no lower than existing floor levels. Opportunities should be explored to raise floor levels or incorporate passive flood resistance measures to exclude water to the depths shown on SFRA Figure 13. If there are other factors which prevent measures to exclude water, flood resilience measures should be incorporated to at least 300mm above the depth of flooding shown on SFRA Figure 13, to speed the rate of recovery and minimise the impacts should flood waters enter the property.

- If there is not access available to an existing place of safety, opportunities to incorporate a place of safety at the level shown on SFRA Figure 15 should be explored. Please refer to the SFRA for more detail about what constitutes an appropriate place of safety.
FZ2 Note 1

We have no comments on ‘more vulnerable’ development in Flood Zone 2 unless the proposed development is a landfill, a waste facility or a caravan site. In such circumstances please apply the guidance contained in Mitigation Note 2. Please also refer to the EA’s consultation check list to ensure there aren’t other triggers for consultation.

Back to the Matrix
FZ2 Note 2

We do not wish to be consulted on flood risk grounds for ‘less vulnerable’ development proposed in Flood Zone 2 unless the proposed development is a land or building used for agriculture or forestry; a waste treatment site; a mineral processing site, a water treatment plant; or a sewage treatment plant. In such circumstances please apply the guidance contained in Mitigation Note 5. Please also refer to the EA’s consultation check list to ensure there aren’t other triggers for consultation.

Back to the Matrix
FZ2 Note 3
We have no comments on ‘more vulnerable’ development in Flood Zone 2 unless the proposed development is a landfill, a waste facility or a caravan site. In such circumstances please apply the guidance contained in Mitigation Note 7. Please also refer to the EA’s consultation check list to ensure there aren’t other triggers for consultation.

Back to the Matrix
Model Conditions

The below conditions are suggested as a starting point for drafting. It remains the responsibility of the LPA to satisfy themselves that any conditions included are lawful. Please note that where conditions have been included following advice in a mitigation note, we do not wish to be consulted on applications to discharge those conditions.

In the interests of clarity, wherever possible, conditions for finished floor levels and flood resistance/resilience measures should relate to an absolute height in metres Above Ordnance Datum, rather than to a relative height. Please refer to the guidance section below for further advice about how to deduce the relevant level. Please select the relevant conditions from below and populate them with the correct level information.

**CONDITION:** Finished floor levels shall be set at a minimum height of XX metres Above Ordnance Datum. Flood resilience measures shall be incorporated to a minimum height of XX metres Above Ordnance Datum. These measures shall be retained throughout the lifetime of the development.

**REASON:** To minimise the impacts of flooding on people and property. To reduce the likelihood of flood water ingress. To speed the rate of recovery in the event of flood water ingress.

**CONDITION:** Finished floor levels shall be set at a minimum height of XX metres Above Ordnance Datum. Passive flood resistance measures shall be incorporated to a minimum height of XX metres Above Ordnance Datum. Flood resilience measures shall be incorporated to a minimum height of xx metres Above Ordnance Datum. These measures shall be retained throughout the lifetime of the development.

**REASON:** To minimise the impacts of flooding on people and property. To reduce the likelihood of flood water ingress. To speed the rate of recovery in the event of flood water ingress.

**CONDITION:** A place of safety at a minimum height of XX metres Above Ordnance Datum shall be provided in accordance with [Add reference to Flood Risk Assessment and/or relevant plan]. The place of safety shall be retained and made available throughout the lifetime of the development.

**REASON:** To ensure the provision of a place of safety above predicted flood waters.

**CONDITION:** Prior to the commencement of development a Flood Warning and Evacuation Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Flood Warning and Evacuation Plan shall then be implemented upon occupation. The Flood Warning and Evacuation Plan shall be kept up-to-date throughout the lifetime of the development and shall be disseminated periodically to users.

**REASON:** To minimise the impacts of flooding.
This local Flood Risk Standing Advice has been developed for Hull City Council, with the specific flood risk issues of the city in mind. The recommendations, mitigation and advice suggested in this document are therefore applicable to Hull City Council only. Local flood risk standing advice may exist for other Local Planning Authorities (LPA) or Areas. Please discuss this with the LPA or Environment Agency area office relevant to that area.

a) What should I do if a site falls into more than one depth category?
Where a development site encapsulates a range of different depth categories, please assume the greatest depth and apply the Flood Risk Standing Advice Matrix accordingly.

b) What should I do if a development falls into more than one vulnerability classification?
Information on vulnerability classification can be found in Table 2 of the Planning Practice Guidance. If the proposed development falls into more than one vulnerability classification, the highest category should be used when applying the Flood Risk Standing Advice Matrix. This approach should be taken irrespective of which storey the categories are proposed on.

c) When does the Sequential Test need to be undertaken?
The Sequential Test must be undertaken for all development proposed within Flood Zone 2 or 3, except minor and change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) applications. The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, provided the proposed use is in accordance with the development plan. The Sequential Test should be undertaken using Strategic Flood Risk Assessment Figure 14. Further guidance on the Sequential Test can be found in the Strategic Flood Risk Assessment.

d) When does the Exception Test need to be undertaken?
Following the application of the Sequential Test, the Exception Test must also be undertaken in those instances set out in Table 3 of the Planning Practice Guidance. The Exception Test does not need to be undertaken for minor or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) applications. Further guidance on the Sequential Test can be found in the Strategic Flood Risk Assessment.

e) Who is responsible for undertaking the Sequential Test?
The Planning Practice Guidance describes that it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Further guidance on the Sequential Test can be found in the Strategic Flood Risk Assessment.

f) What if it’s not possible to achieve the finished floor levels set out in the Flood Risk Standing Advice Matrix?
Applicants should always be expected to incorporate the finished floor levels set out in each Mitigation Note. Where the applicant does not think it’s possible to achieve this, they must fully explain and justify why. Innovative measures such as internal steps/ramping, under-croft parking, non-habitable ground floor uses and half-storeys (where upper floors are partially pushed up into the roof space) should be fully considered as they may help to overcome these issues. If such techniques cannot overcome the issues preventing the finished floor levels from being achieved, or if their inclusion would render the development unviable, the passive resistance measures may then be considered. If there are insurmountable reasons why the passive resistance measures cannot be achieved, there are some instances, as set out in each Mitigation Note, when the Environment Agency wish to be consulted with a full Flood Risk Assessment justifying why alternative mitigation measures are sufficient to make the development safe. In other instances, it will be for the council to negotiate alternative mitigation measures and to determine whether the development can be considered safe, having regard to the potential impacts on people and property of flood water entering the development.
g) What should happen if the LPA want to grant planning permission for a major development against Environment Agency advice?

For any major developments which are the subject of a sustained Environment Agency objection on flood risk grounds, but where the authority is minded to grant permission for the development, you must follow the statutory requirements of the Town and Country Planning (Consultation) (England) Direction 2009. In such cases, the authority, the Environment Agency and the applicant should try to agree what changes could be made to the application that would enable the objection to be withdrawn. If the Environment Agency concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, the Direction requires the authority to notify the Secretary of State, prior to the granting of any planning permission, to provide them with an opportunity to call the application in for their own determination. In this context, “major development” means:

- In respect of residential development, the provision of 10 or more dwellings, or a site of 0.5 hectares or more;
- In respect of non-residential development, new floorspace of 1,000 square metres or more, or a site of 1 hectare or more.

h) How do I calculate average site level or adjacent road frontage level?

When determining the necessary level of flood mitigation, average site level should be calculated based on a representative range of spot heights across the site. In the unlikely event that a site is steeply sloped, the average site level may need to be discussed and agreed with the applicant, having regard to the flood risk implications of this decision. Adjacent road frontage level is important, as roadways can often be the first places that flood waters flow or accumulate. When the capacity of a roadway to hold water is exceeded, flood waters can flow quickly into any adjacent development where floor levels are below the road. Where there is a choice of adjacent roads, the highest should be chosen. The road frontage level is the average between the gutter and crown of the road. Clear topographical surveys to GPS-derived Ordnance Datum must be submitted to show this information.

i) What’s the difference between flood resistance and flood resilience measures?

The term ‘flood resistance measures’ refers to techniques which attempt to exclude water – i.e. to prevent it entering a building. In contrast, the term ‘flood resilience measures’ refers to techniques which allow the water in, but which minimise the impacts on property and speed the rate of recovery following a flood.

j) What’s meant by ‘passive’ flood resistance measures?

Passive flood resistance measures are techniques which would mitigate flood risk but which don’t require the prior forecasting and warning of flooding nor rely on people to put them in place. Examples of passive measures would include the raising of finished floor levels or the installation of flood proof doors which are normally closed. In contrast, ‘active’ measures would include demountable flood barriers or flood gates which need to be put in place in advance of a flood and therefore would only be effective if a flood is accurately predicted and people are available to implement the measures.

k) What constitutes an acceptable Place of Safety?

Because the Environment Agency does not perform a flood evacuation role during a flood incident, it is for the council to define what an acceptable place of safety is. The council’s position is as follows:

Figure 15 gives a zoned approach to levels for the Place of Safety (POS). The following factors apply for the POS for residential and commercial:

**Residential**

- Must be able to accommodate all potential occupants e.g. a 3 bedroomed house should have a POS to accommodate 5 people as a minimum;
- It must be freely internally accessed;
- The level of the POS should be set at the levels shown in Figure 15;
- An evacuation plan must be prepared which considers the speed and depth of flooding (figures 6 and 7) and the flood warning system. The evacuation plan should take into account the vulnerability of users, such as those with mobility issues.

**All non-residential**
• The level of the POS should be set at the levels shown in Figure 15;
• Consideration should be given to the maximum occupancy of the building in regards to the how many people it needs to occupy;
• A detailed evacuation plan must be submitted which considers the velocity and depth of flooding and the flood warning system;
• The POS should be freely internally accessed; external access would only be suitable for areas where the velocity of flooding is low.

l) What if there are differences between the SFRA map and the Environment Agency’s published Flood Map?
The Environment Agency’s Flood Map provides a broad, precautionary indication of areas at risk from flooding. Because virtually all of Hull is in Flood Zone 3, it is difficult to manage flood risk spatially. The SFRA has been done specifically for Hull and makes use of the best available information for all sources of flooding, as well as higher resolution modelling than the Flood Map. At the point of the SFRA being published, Figures 14 and 13 have been drawn such that their maximum flood extents match the current Environment Agency Flood Map. Instances of discrepancies should therefore currently be minimal. The SFRA mapping therefore takes precedence over the Flood Map until such time that the SFRA mapping becomes out-dated and is superseded by better available information.

g) What if information suggests the SFRA maps substantially under or over estimate the flood risk?
The SFRA maps are the best available information at the time of publishing. They represent comprehensive consideration of flooding from all sources, as well as modelling information at a far greater resolution than the Environment Agency’s flood map. However, modelling of any sort is a simplification of a complex reality and there may be instances where site specific evidence suggests the SFRA maps are inaccurate. We welcome comments on areas where there may be inaccuracies in the SFRA, but in any given instance, the onus will be on applicants to substantiate any suggestion that the SFRA maps and their associated guidance should not be followed. This information will be considered when the SFRA maps are updated in the next review.

m) What if a change of use is proposed but the vulnerability classification isn’t changing?
Even if the vulnerability classification doesn’t change, the matrix should be applied on the basis of the vulnerability classification which will result from the change of use, irrespective of the vulnerability classification of the previous use.

h) Are there any instances when basement dwellings may be acceptable?
The Planning Practice Guidance sets out that basement dwellings are ‘highly vulnerable’ and should not be permitted within Flood Zone 3. Proposals for new-build basement dwellings and change of use applications for self-contained basement dwellings are both likely to result in an objection in principle from the Environment Agency. However, for change of use applications where a basement would form part of a dwelling split over 2 storeys, this may be acceptable provided:
  o It is not in close proximity to flood defences where, in the event of a breach, the onset of flooding would be very fast; and
  o All sleeping accommodation will be raised above predicted flood depths; and
  o Measures are incorporated which would prevent surrounding flood water up to depths of 300mm (above average site level or adjacent road frontage level, whichever is higher) from entering the basement; and
  o Flood resilience measures are incorporated above predicted flood depths; and
  a place of safety is provided at the height set out on SFRA Figure 15.

p) What if a proposed development falls within the buffer zones shown on SFRA Figure 13, which denote 20 metres of Main Rivers and the Humber estuary?
The Environment Agency must be consulted, irrespective of the depths of flooding predicted. A site specific Flood Risk Assessment must be provided which shall detail the implications of the proposed development on such things as:
  o Access to the Main River or estuary to undertake maintenance;
  o Access to any fluvial or tidal flood defences to undertake maintenance or future improvements;
  o The provision of space to allow for potential future realignment of flood defences;
  o Flood risk impacts on the Main River or estuary during the construction of the development.
In addition, the applicant should be made aware that an Environmental Permit may be required from the Environment Agency under the Environmental Permitting Regulations. If the proposed development is not within the buffer zones shown on Figure 13 but is close to another small river, ditch or stream, the applicant should contact your flood risk team or the relevant internal drainage board to check if land drainage consent will be needed.

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