

Guidance for Local Planning Authorities

Surface Water Drainage Statutory Consultation Process

This guidance has been prepared to illustrate when Northamptonshire County Council (NCC) would want to be consulted on surface water drainage matters for planning applications in a statutory capacity as the Lead Local Flood Authority (LLFA).

Note: this is an interim guidance document. As and when new advice is provided or legislation is updated this document will be reviewed and updated accordingly.

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When and who to consult

- 1) If the proposal is defined as major development¹, **please consult NCC**. Any such consultations should be sent to swdrainage@northamptonshire.gov.uk. It may still be necessary to consult other departments of NCC for example Archaeology, Northamptonshire Highways etc.

NCC will endeavour to reply to any such consultations within 21 days of being consulted. If you would like a reply sooner than this, please inform us when we are consulted. Please note that our ability to respond is limited by staff resources.

¹ The winning and working of minerals or the use of land for mineral-working deposits; waste development; the provision of dwellinghouses where the number of dwellinghouses to be provided is **10 or more**; or 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 is for the provision of dwellinghouses; 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 development carried out on a site having an area of **1 hectare** or more.

If, as LPA, you are minded not to follow the advice or recommendations we make, please inform us of this decision.

- 2) If the site is located within Flood Zones 2 or 3 according to the Flood Map for Planning, (please use the Flood Toolkit <http://www.floodtoolkit.com/risk/> for this screening assessment), **please consult the Environment Agency.**
- 3) If the site is located within 9m of a main river (please use main river layer on the Flood Toolkit (<http://www.floodtoolkit.com/risk/>)), **please consult the Environment Agency.**
- 4) For all non-major development, if there is an ordinary watercourse (as represented on the Detailed River Network or on OS mapping) on the site, or within 9m of the site, **do not consult NCC - refer to Standing Advice Note 1.**
- 5) For all non-major development, if there are any surface water flooding issues indicated on the site, (please use <http://www.floodtoolkit.com/risk/> for this screening assessment), **do not consult NCC - refer to Standing Advice Note 2.**

NCC Consultation Guidance Matrix

Development Category ^(C)	Does the development include works that affect the flow of water in an ordinary watercourse or are within 9m of the landward toe of the bank of an ordinary watercourse? ^(A)	Does the site include any floodplain of the Updated Flood Map for Surface Water (30yr and 100yr) ^(B) ?	If the site is not located within a known surface water floodplain
Non-Major Development	Refer to Standing Advice 1	Refer to Standing Advice Note 2	No consultation with NCC required
Major Development	Consult NCC	Consult NCC	Consult NCC

Matrix Reference Notes

- (A) An ordinary watercourse is any watercourse that is not defined as a main river. Please use main river layer on the Flood Toolkit: (<http://www.floodtoolkit.com/risk/>).
- (B) Any sites that are on an obvious flow route or include deep flooding as shown on the risk of flooding from surface water layer on the Flood Toolkit: (<http://www.floodtoolkit.com/risk/>).
- (C) We only want to be consulted on major development. We are not in a position to fulfil a Building Control function and will not be providing detailed design responses to any such surface water drainage systems.

Note: the **Standing Advice** is attached in the appendix section.

Changes to Scope of Consultation Responses

NCC will only be providing comments on the aspects of surface water drainage as laid out within the non-statutory technical standards i.e. ensuring that the proposals meet requirements on:

- **Peak flow control** (ensuring that peak flow from the developed site is minimised, to reduce flood risk downstream);
- **Volume control** (ensuring that the total volume of runoff from the site is minimised, to reduce flood risk downstream);
- **Flood risk within the development** (ensuring that flood risk to the development from off-site runoff and from the site drainage is mitigated);
- **Designing for maintenance considerations** (ensuring that maintenance and funding procedures are in place for the lifetime of the drainage scheme).

NCC will not be commenting on the following aspects of any drainage design and therefore we recommend that your Environmental Health department and/or the Environment as appropriate:

- **Water Quality** (whether the proposed drainage design will have any impacts on downstream or onsite water quality).
- **Contaminated sites** (whether the proposed drainage design poses a risk of contamination to groundwater). The EA may continue to provide advice relating to contamination risks to groundwater.
- **Risk of Flooding from Groundwater** (whether the proposed development has adequately designed out / mitigated against any risk of groundwater flooding to or posed by the development).
- **Waste water** (whether the proposed drainage design adequately considers disposal of waste water). The Water and Sewerage Companies will continue to provide this advice.
- **Biodiversity and Ecology impacts** (for SuDS designs, no comments will be made on proposed planting schemes, or whether biodiversity benefits have been maximised)
- **Fisheries** (whether the proposed development will have any impact on fisheries).
- **Water Framework Directive** (whether the proposed development has the potential to detriment the potential for a waterbody to meet its Water Framework Directive objectives).
- **Amenity and H&S** (for SuDS designs, no comments will be made on whether amenity benefits have been maximised or whether H&S requirements are met).
- **Navigation** (whether the proposed development will have any impact on navigation). The EA and/or Canal and River Trust, as appropriate, will continue to provide advice on navigation issues.

Other Aspects of Surface Water Planning Consultation Advice

Discharge of Conditions

The decision on discharging conditions / reserved matters is for the local planning authority, and they can seek advice from whoever they consider appropriate.

Implementation Timescales

On/after 15th April 2015, when determining a planning application submitted before 15th April 2015, the LPA should consider the planning policy in place at the time the decision is made. In reaching that decision it is at the LPA's discretion to decide what weight they attribute to different policies and where necessary they have the discretion to take a flexible approach. This of course is read in the context of planning law, requiring that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Practice Guidance

Government has published [non-statutory technical standards](#) for the design, maintenance and operation of sustainable drainage systems. This guidance sets out the standards to which SuDS should be designed.

Data Sources

The Flood Toolkit is a great resource for planners and developers and can be accessed at: www.floodtoolkit.com. There are also a number of very useful mapping layers available to LPAs. If your department does not currently have any flood related mapping layers, these can be downloaded from the EA's website at: <http://www.geostore.com/environment-agency/>.

Further Advice

If you have questions or would like clarification on any points, please contact the NCC Surface Water Drainage Team at swdrainage@northamptonshire.gov.uk

Appendix Section - Standing Advice

A1. Standing Advice Note 1 – Development Affecting an Ordinary Watercourse

If the development includes works that will affect the flow of water in an ordinary watercourse²; if an ordinary watercourse flows through the site; or if any works will be undertaken within 9 meters of the landward toe of the bank of an ordinary watercourse, then land drainage consent will be required under Section 23 of the Land Drainage Act 1991 (see figure 2 below).

Northamptonshire County Council resists culverting on nature conservation and other grounds, and consent for such works will not normally be granted except for access crossings. For more information regarding the consenting process please refer to the Flood Toolkit (www.floodtoolkit.com) and in particular leaflet number 16: Flood Defence Consenting:

<http://www.floodtoolkit.com/pdfs/16%20Consenting/16.Consenting.html>

The following informative should be added to Decision Notices: The developer will need to consult the Bedford Group of Internal Drainage Boards regarding the proposed works to obtain permission/consents from them for [works that will affect the flow of water in an ordinary watercourse / works within 9 meters of the landward toe of the bank of an ordinary watercourse / delete as appropriate]. Further information can be found at: <http://www.idbs.org.uk/documents/>

A2. Standing Advice Note 2 – Non-Major Development, provision of Surface Water Drainage Mitigation Measures

All development, regardless of its size, has the potential to be affected by surface water runoff or have an impact upon existing surface water flow routes. Advice and guidance for developers can be found on the Flood Toolkit here:

<http://www.floodtoolkit.com/planning/developers/> and in particular within leaflet number 23: New Development and Emergency Flood Plans, available here: http://www.floodtoolkit.com/pdfs/23.EmergencyFloodPlans_AdviceNote/23.Emergency-flood-plans.html.

Although Northamptonshire County Council will only comment on major planning applications, we would still encourage all new development and redevelopment that requires planning permission to use Sustainable Drainage Systems (SuDS) in order to reduce flood risk, improve water quality and present options for biodiversity and public amenity. This is consistent with existing [national guidance](#) and [local planning policy](#) and outlined within the [non-statutory technical standards](#).

² Definition of ordinary watercourse is any watercourse not defined by the Environment Agency as a main river. Ordinary watercourses are generally smaller than main rivers, and can include streams, ditches and piped watercourses.

Development should also be steered away from areas at risk of surface water flooding, by applying the sequential approach to site layout to ensure no properties or sensitive infrastructure are located in areas at risk of flooding.

