

building a safer future

a guide for communities on navigating the planning system in england to tackle flood risk



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Building a Safer Future – A Guide for Communities on Navigating the Planning System in England to Tackle Flood Risk.

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FLOODRE



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Briefing 0



Introduction

You are probably reading this because you have experienced flooding at first hand or are worried about flood risk where you live. The risk of flooding is going to increase over the coming decades as a result of climate change, and you certainly do not want any changes made to your local area that could make flooding worse. The planning system in England has a major role in making decisions about where new development will go, and these decisions are crucial to reducing the risk of flooding, both now and in the future.

The future of your community depends on people like you and your neighbours getting involved in the decision-making process, as local communities have unique knowledge of the flood risk in their area, as well as the drive to tackle climate change in order to create a positive future for the next generation.

We hope that this guidance will be a useful starting point to help you get your voice heard when planning decisions that will have an impact on the level of flood risk in your community are made. The guidance takes the reader on a journey through the processes and language used to make decisions within the planning system about flood risk. Both the language and the processes are often not easy to understand, as the system is complex and frequently confusing, but we hope to shed some light on exactly how you can make a real difference in your local area.

The guidance consists of six briefings (clicking on the headings below will take you to each briefing):

Briefing 1: Future flood risk, and how planning can help

- Introducing flood risk, and planning's role in addressing it
- How communities can influence planning
- Practical solutions to ask for

Briefing 2: Who does what in planning for flood risk?

- Organisations involved and their responsibilities
- When to contact each of these organisations
- Working with your community and local council

Briefing 3: Understanding national law and policy on flood risk

- Flood risk and planning law
- National planning policy on flood risk
- Applying the law and policy to make a difference

Briefing 4: Making a difference to your Local Plan

- The Local Plan-making process
- Influencing your Local Plan
- Other ways to influence planning policy

Briefing 5: Making a difference on planning applications

- The planning application process
- Influencing planning decisions
- Challenging a planning decision

Briefing 6: Where to get help – further information and glossary

- Key resources and contacts for further information
- Forming partnerships and building contacts
- Glossary of technical terms

Briefing 6 includes a glossary of the technical terms used in this guide. The first use of a glossary term in each briefing appears in bold green text. Clicking on this text will take you to the corresponding entry in the glossary. Clickable links to external sources of information are set in bold dark red type.



Briefing 1

Future flood risk, and how planning can help

'Flooding is a traumatic and stressful experience. Our own private worlds turned upside down, trying to regain some sort of normal living and working routine while dealing with the family, pets, and the disruptive home reinstatement process with insurers. Precious memorabilia or commercial stock lost and other things we were going through before the flood such as an illness, elderly relatives, or selling the home/business – all add to the impact and test our coping mechanisms to the limit.

Once we can finally move back and restart our lives, we become sensitively aware of what is going on beyond the perimeter of our home or business and conscious of any intended changes that may well increase our flood risk.

One of these areas we feel strongly about is new development, but what a hard area to understand! It challenges the experts, so how are we going to make a difference? Well, we hope that within this guidance we can start to unravel some of what we all may have read about or experienced, to give a better chance of our voice being heard and making a difference. We do not claim that it is perfect or completely encompassing; we see it more as a journey we can go on together, paving the way to help others behind us.'

Heather Shepherd
National Flood Forum

To effectively address **flood risk**, we need local people's voices to be at the heart of decision-making. One way to be part of positive change is to have a strong vision of how your community should develop. Are we building in the right place? Are we thinking about future flood risk? Have we designed places that can better withstand flood events? It is frustrating and demoralising to see decisions being taken for your local area that do not help to solve these problems – and, in some cases, actively make them worse. To add to this, the impacts of **climate change**, which will significantly increase flood risk in the UK, are often underplayed, misunderstood, or ignored.

Many people feel locked out of these key decisions because the **planning system** appears too complex, boring and often out of touch, and the technical language used can be bewildering. This guidance will help you with this – and a key message that you can take right from the start is: **do not be put off by the details of the planning system**. You know your community and how flooding can affect your local area as well as anyone. You have the right to a say on what happens locally. With just a little knowledge

of planning and about the organisations that make decisions on your future, you can make your voice a hundred times more powerful; that is what we hope this guide will help you to achieve.

The causes of flooding

The causes of flooding will vary depending on where you live. To complicate matters further, most flooding comes from a combination of sources.

On the coast, weather events called **storm surges** can be catastrophic – but they are, at least, predictable, based on tides and weather patterns. This is called **coastal flooding**. In riverside areas, the river channel can become overwhelmed by the amount of water flowing through it, which can burst over the banks and spread out across the **floodplain**. This is called **fluvial flooding**. **Flood defences** can help to stop both these types of flooding from happening – but they sometimes fail. Flooding can also stem from other sources, such as overflows from reservoirs or smaller streams or brooks.



Drainage pond in 'normal times' (above left) and 'in flood' (above right). During and after heavy rainfall, water drains into designated ponds and is stored there rather than causing surface water flooding. The pond then gradually drains

Flooding can also occur when heavy rainfall overwhelms drainage systems or causes **flash flooding**. This is called **surface water flooding**. It is often more likely to happen in heavily concreted urban areas where the rainwater cannot soak into the ground. Prolonged heavy rainfall can also cause **groundwater flooding**, when the level of water within the rock or soil (also known as the water table) rises to ground level so that water emerges on the surface.

Top tip

If you do not already know, find out the main causes of the flood risk in your neighbourhood. This will make a difference to the actions needed to reduce that risk. To check the flood risk in your area, see

<https://www.gov.uk/check-long-term-flood-risk>

How can planning help?

Planning is about deciding what goes where, and it can therefore be a powerful tool for stopping harmful **development** going ahead in areas at risk of flooding. But the planning system is very complicated and at present poorly organised – mainly because it has been subjected to endless piecemeal change and because national **policy** focuses on delivering as many houses as possible. And this means that quite often a planning decision is made that appears to ignore the views and expertise of local people. This can be very frustrating.

The basic principle to understand is that before any new development, such as new housing, can

take place in your community, it needs to have **planning permission**. This is granted by your **Local Planning Authority** (the local council).

The way that local councils in England are organised is very complex, but normally the Local Planning Authority will be a **District Council**, or in some places a **Unitary Authority** (for example Cornwall Council or the councils for most large cities). In London, the Local Planning Authority is the **London Borough Council**. In a rural area there might be a **Town Council** or **Parish Council** – unlike District, Unitary and Borough Councils, these councils do not write **Local Plans** but they can prepare **Neighbourhood Plans**. And just to add to the complication, some areas (but not all) also have **County Councils**, and they also have some power over planning decisions... If you now feel confused, that's very normal!

All planning permission decisions should be based on the policies outlined in the Local Plan, which is drawn up by the Local Planning Authority roughly every five years. But Local Plans must follow national policy set by the UK Government. Briefing 4 tells you more about how Local Plans work. It is vital to know what your Local Plan says about your community. You can find your Local Plan on your local council's website.

Top tip

Find out as much as you can about your Local Planning Authority and the actions that it is taking to help prepare the area for flood risk. Start by looking on the Local Planning Authority's website and reading the Local Plan and **Strategic Flood Risk Assessment**.

What impact can a community have on planning?

You can play an active role in shaping what happens and try to make your neighbourhood a better place. Having a strong vision of what you want for the future of your area gives you a stronger voice in shaping what happens.

If you are worried about the level of flood risk in your community, there are three main ways that you can feed these concerns into the planning system:

- 1** Comment on a Local Plan (more information on this is given in Briefing 4).
- 2** Comment on **planning applications** (more information on this is given in Briefing 5).
- 3** Get involved in writing a Neighbourhood Plan for your local area.

To get the best results you need to have a positive dialogue with your local **planning officers** and **councillors**. Make sure that you have a clear idea of what you would like to achieve – to be most effective you will need to do more than just say ‘no’ to a development proposal which you think will make flood risk worse. It will help if you can show what kind of policy could make the area safe over the long term, or if you can identify locations where you think development would be appropriate – it might be possible to turn a potentially damaging development into one which delivers a number of benefits for the community.

The panel on the next page illustrates some of the interventions that can be delivered through the planning system. All of them work best when they are included within a wider intervention strategy.

The case study box below gives a practical example of one way in which the planning process can be used to help to reduce the flood risk arising from new development.

Case study

Improving the quality of a planning application to manage flood risk

What was the problem?

A planning application to build 40 houses on a greenfield site adjacent to an existing village was submitted by a **developer** to the council. The Local Plan required an additional 72 homes to be built in the village, so the local authority was under pressure to find suitable sites for new housing.

The village had a history of flash flooding as a brook ran through its middle, affecting the houses on both its banks. This led a group of residents to set up a **Flood Action Group** to monitor water levels, help the community best prepare for flooding, and lobby the council on behalf of the whole village.

Members of the Flood Action Group studied the documents submitted, particularly the drainage strategy diagram, and concluded that, although development of the site was not objected to in principle, the proposals did not adequately address flood risk from surface water run-off. The capacity of the proposed soakaways and **sustainable drainage system** was not sufficient to hold all the rainfall from major storms, which would result in surface water run-off into the brook, leading to flooding.

What did the community do?

The Flood Action Group submitted a detailed objection letter to the council’s planning department, outlining the reasons for their concern. They did not object to the proposal for housing outright, but requested that the developer address their flood risk concerns before planning permission was given. This prompted the council to commission experts to assess the proposals in greater detail, and they confirmed that flood risk would be increased by the development.

The council asked the developers to make changes to the application to address this issue, which the developers duly did. Planning permission was then granted and the housing development has now been built.

What practical solutions can we ask for?

Please remember: The most appropriate measures for reducing the risk of flooding will depend on the specific situation of any particular area. Professional technical advice should be sought to determine the options for your area.



- 1 **Stop new development in flood risk areas:** Sometimes development is approved in areas at risk of flooding. When a planning application is submitted in such an area, you can object on the grounds that the development is likely to flood in future or increase the risk of flooding elsewhere.
- 2 **Designate areas adjacent to densely populated areas as natural space:** Natural space acts like a sponge to soak up water and, if strategically placed, can divert floodwater away from residential areas. Natural space also brings additional benefits such as providing recreational space, boosting biodiversity, and helping to tackle climate change by absorbing carbon dioxide from the atmosphere.
- 3 **Invest in new flood defences:** Local authorities may be able to ask developers for funding for flood defences (for example flood walls) as a condition of being granted planning permission. Such measures can add protection for existing as well as new properties.
- 4 **Implement natural flood management areas – a) woodland planting; b) in-stream structures such as woody debris; c) land and soil management practices; d) managed realignment of coastline; or e) saltmarsh restoration:** Local authorities may be able to ask developers for funding for **natural flood management** solutions that reduce the risk of river and surface water flooding and provide additional recreational space and improved habitats for wildlife.
- 5 **Undertake river restoration, such as removing canalisation and re-introducing meanders:** Removing **canalisation** and re-introducing meanders increases the length and

capacity of the river. During times of heavy rainfall, meanders may prevent flooding by enabling the rivers to carry more water and so avoid flooding the land.

- 6 **Safeguard land for future flood defences or for the flow and storage of water:** Some communities not currently at risk of flooding may need flood defences in the future as sea levels rise as a result of climate change. It is possible for land to be protected against development in an area's Local Plan.
- 7 **Install sustainable drainage systems – a) green roofs; b) permeable paving; c) swales; d) rain gardens; e) tree pits; or f) wetland:** Local authorities may be able to ask developers for funding for a sustainable drainage system. These systems create storage for excess water when needed and can also provide new green areas for communities to enjoy and new natural habitats that benefit wildlife. Further information is available [here](#).
- 8 **Remove culverts or other restrictions on flow:** **Culverts** are structures that channel water flow underneath a man-made structure such as a road. If they become blocked, they can cause flooding by restricting the flow of water. Local authorities can install 'flood-friendly' culverts or undertake work to unblock them, and they can upgrade other drainage and sewerage infrastructure.
- 9 **Design development to better manage the flow of water:** The landscaping and topology of new development should be designed so that water can flow safely rather than collect in pools or in unsuitable or unsafe places.

Briefing 2

Who does what in planning for flood risk?

'Community members have an important role in the planning system. Your knowledge and evidence of localised flooding and drainage problems can help to inform local planning authority decisions on how development is located and designed. You may also have great ideas about how local development or regeneration could help to reduce the causes and impacts of flood risk overall, such as by delivering new flood defences, making space for flood water or naturalising rivers. Your involvement can help to ensure that the development that your area needs is delivered in a sustainable and climate-resilient way. It may also help you to understand which other organisations have a role in managing flood risk in your area, so that you can have your say in how this is done.'

Sam Kipling

Flood and Coastal Risk Management Senior Adviser, Environment Agency

There are many different official organisations that have an influence on dealing with **flood risk**, and there are gaps and overlaps that can be confusing and off-putting. An understanding of what each organisation does will help you to focus your energy in the best way, and will improve your chances of positively influencing planning decisions.

The key organisation in planning is the **Local Planning Authority (LPA)**. Local Planning Authorities take the final decision on **planning applications** and produce **Local Plans** to set local **policies** and allocate land for **development**. In many cases, Local Planning Authorities must seek expert advice from organisations such as the **Environment Agency** or the **Lead Local Flood Authority**. In making decisions, Local Planning Authorities must consider representations received from such organisations, as well as from members of the public like you.

The source of the flood risk also impacts which organisations have a role in dealing with it. For example, the Environment Agency has oversight of the management of all sources of flooding and **coastal erosion** but is **directly responsible** only for managing the risk of flooding from **main rivers**, reservoirs, estuaries, and the sea. Management of the risk of flooding from **surface water**, **groundwater** and **ordinary watercourses** is the responsibility of Lead Local Flood Authorities.

Organisations that play a part in managing flood risk

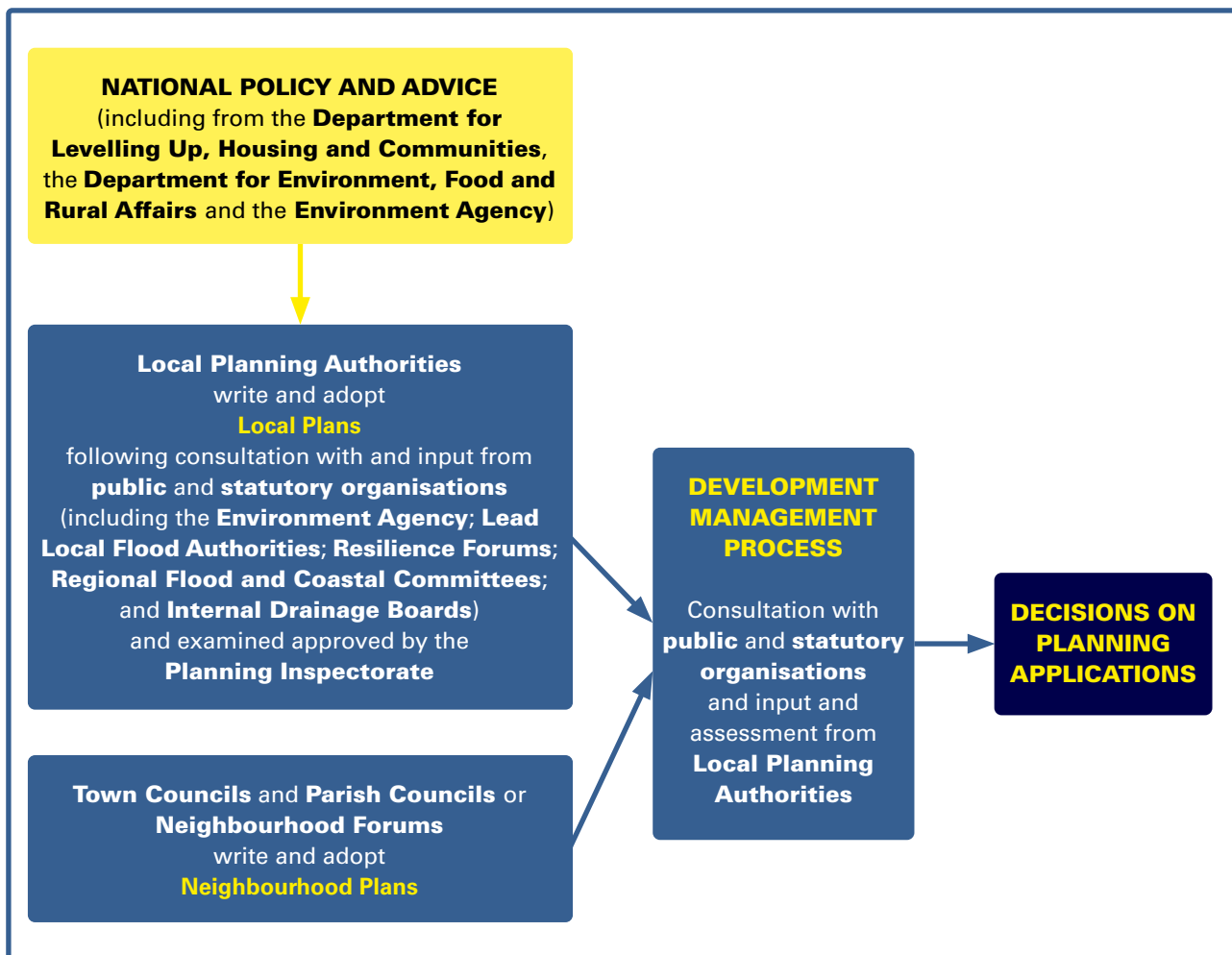
The diagram on the next page gives a sense of how many fingers are in this pie. It shows the key organisations that have a role in making planning decisions with a bearing on flood risk. Their roles are summarised below.

National government and agencies

- **National government:** The Westminster government sets national policy for dealing with flood risk. The key departments to be aware of are the **Department for Levelling Up, Housing and Communities (DLUHC)** and the **Department for Environment, Food and Rural Affairs (Defra)**.
- **Environment Agency:** The Environment Agency advises on the adequacy of **Strategic Flood Risk Assessments** and some **site-specific flood risk assessments**, and on the appropriateness of any development proposed. The Environment Agency also produces and makes freely available a lot of information on flood risk to inform flood risk assessments.

Local government and formal flood risk bodies

- **Lead Local Flood Authorities:** Lead Local Flood Authorities are **County Councils** or **Unitary Authorities**. The relevant teams of



Organisations involved in the process of making decisions on planning applications

officers there provide advice on how developments should manage surface water drainage and use **sustainable drainage systems**. They may also advise on the management of flood risk from groundwater and surface water. They are required to comment on all planning applications for **major development** with regard to flood risk from 'local' sources of flooding, such as surface water, groundwater and ordinary watercourses. Each Lead Local Flood Authority produces a **Flood Risk Management Strategy**, the purpose of which is to assess the local flood risk, set out objectives for managing local flooding, outline the costs and benefits of measures proposed to meet these objectives, and set out how the measures will be paid for.

- **Local Planning Authorities:** The Local Planning Authority (which is usually the **District Council** or Unitary Authority, but in some areas is the National Park Authority) is responsible for drawing up the Local Plan, which is the plan for future development in the local area. As part of this process, Local Planning Authorities are required to assess flood risk through a Strategic Flood Risk Assessment. For further information, see Briefing 4. Local

Top tip

You can find out who your Lead Local Flood Authority is by visiting the Government's long-term flood risk website [here](#). If you phone your flood risk authority council, you should say that you wish to talk to the Lead Local Flood Authority or the drainage team.

Planning Authorities also have a **development management** function, assessing individual planning applications to decide whether to grant **planning permission**. As part of this process, applicants are required to assess flood risk through their site-specific flood risk assessments. For further information, see Briefing 5.

- **Other Risk Management Authorities:** District and **London Borough Councils** and Highways Authorities are examples of other **Risk Management Authorities** and are thus key partners in planning for local flood risk management. They:
 - can carry out flood risk management works on minor watercourses (outside of **Internal Drainage Board** areas); and

- work in partnership with Lead Local Flood Authorities and other Risk Management Authorities to ensure that risks are managed effectively, including in decision-making on development in their area.
- **Coastal Protection Authorities:** District and Unitary Authorities in coastal areas are **Coastal Protection Authorities**. They work with the Environment Agency and other relevant bodies to produce **Shoreline Management Plans**, which identify the most sustainable approach to management of the flood and coastal erosion risks to the coastline in the short, medium and long term.
- **Internal Drainage Boards:** Internal Drainage Boards have an important role to play in flood risk management and in creating and managing natural habitats. Each Internal Drainage Board operates within a defined area, known as a drainage district. They are made up of elected members, who represent land occupiers, and others nominated by local authorities, who represent the public and other interest groups.
- **Parish and Town Councils:** **Parish Councils** and **Town Councils** should work with local residents to prepare community flood plans,

raising additional funding for local flood **resilience** and **flood defence** measures and gathering information on flooding by reporting any flood incidents in their area. They can also undertake maintenance works on ponds, ditches and other open drainage in order to prevent such features from becoming a risk to health.

Private sector companies

- **Water and sewerage companies:** Water and sewerage companies are responsible for managing the risks of flooding from piped water and foul or combined sewer systems that provide drainage from buildings and yards.
- **Developers:** **Developers** are required to provide a flood risk assessment when submitting a planning application for development in or affecting a flood risk area. They must provide all the required information about the level of flood risk associated with a site when submitting a planning application. If planning permission is granted they must then deliver the flood risk alleviation measures required as a condition of the grant of permission.

When to contact particular organisations

National government

- Respond to consultations and calls for evidence.
- Contact your local MP about concerns that you have in your local area.

Environment Agency

- Respond to consultations on flood risk management plans, which set out how risks from main rivers, the sea and reservoirs will be managed. The plans must focus on communities and partnership working. Plans are often produced jointly with Lead Local Flood Authorities.

Lead Local Flood Authorities

- You can get involved in the local flood risk management co-ordinated by the Lead Local Flood Authority. Such involvement might include learning about how flood risk is managed elsewhere, or becoming a community volunteer to raise awareness of flood risk in the community. It is useful to build a good relationship with your Lead Local Flood Authority, and the best way to do this is through a Flood Action Group.
- Respond to consultations on the local Flood Risk Management Strategy.

Local Planning Authorities

- Respond to consultations on the Local Plan and supporting documents such as Strategic Flood Risk Assessments.
- Respond to consultations on the Local Plan.
- Respond to consultations on planning applications.
- When preparing a Neighbourhood Plan.

Water and sewerage companies

- Report leaks.
- Provide input into drainage and wastewater management plans.



Sustainable urban drainage system associated with a new housing development

The benefits of community partnerships and collaboration

Reaching a consensus about what your community might want can be like herding cats, but it is vital to try to involve as many people as possible – and particularly those who, like ethnic minorities or children, do not always get a voice, or those at particular risk when flooding occurs, such as people with long-term health conditions or mobility challenges. If you collaborate with neighbours, your collective voice will be stronger and therefore more likely to have an influence. Establishing a Flood Action Group is a good way to ensure a co-ordinated and organised response that draws together the views of a wide range of people.

Working with your local council

Decisions about planning are made by your local council (also known as the Local Planning Authority). **Planning officers** (staff members employed by the council) and elected **councillors** who serve on the council's **planning committee** have different roles in the planning process. Officers develop the Local Plan (i.e. write planning policy) and process planning applications. They make recommendations on whether or not to approve planning applications, but it is usually your elected councillors who make the final decision. They can decide not to follow the recommendations of officers, but they must have good reasons for doing so – something more than just 'I don't like it'.

The most important source of advice for local planners on dealing with flood risk comes from the Environment Agency and Lead Local Flood Authorities.

Local Planning Authorities draw up the Local Plan for their area and then decide whether to grant planning permission for individual applications based on the policy in the Local Plan. These responsibilities mean that the best chance you have of securing changes for your local area is by engaging positively with your local council. To make a real difference, you need to understand the proposals and have as much evidence as possible to back up your case.

Try to be supportive of your local planners and have a balanced discussion. It is better to suggest alternatives to a proposal rather than refusing to engage with any change proposed or occurring in your local area.

It is worth remembering that Local Planning Authorities face pressure to meet targets on the delivery of new housing and are often very under-resourced – this may limit the actions that they can take. For example, councils are required by national government to provide land for a certain number of new homes over the next five to ten years. Failure to demonstrate that this land is available gives developers greater freedom to build where they want and a Local Planning Authority has less control over the location of new development, risking development in ill-suited locations.

Briefing 3

Understanding national law and policy on flood risk

'Our challenge has been concerns over the use of a local pond as SuDS attenuation. We believed that there were risks of flooding on and adjacent to the site due to local groundwater conditions. Without a full geological investigation no-one could be certain that the solution would work, and all parties relied on the others to make the decision. Understanding the applicable legislation, the NPPF and PPG has been a challenging yet critical task. Further, understanding the roles and, more importantly, the responsibilities of the LLFA and the Local Planning Authority is essential to being able to create a valid argument, which absolutely must be supported by robust evidence.'

Sue Wyeth-Price
On behalf of Ash Green Residents Association

As well as understanding which organisations do what in managing **flood risk** (see Briefing 2), it is useful to know about the key national laws and **policies** that decision-makers must follow.

Law on planning for flood risk

National law says that **Local Planning Authorities** in England must consider and take action on **climate change** and flood risk in their **Local Plan**. This requirement stems from a number of legal Acts, as summarised in Table 1 on the next page. The situation is complex, but the most important part of relevant law here is Section 19 of the Planning and Compulsory Purchase Act 2004.

Policy on planning for flood risk

The legal obligation to reduce flood risk is, of course, crucial. The detail on how to do this is laid out in national policy set by government. The most important policy documents for anything related to the town and country planning system in England are the **National Planning Policy Framework (NPPF)** and the accompanying **Planning Practice Guidance (PPG)**. They are the core documents that all Local Plans must follow, and their contents include the government's policy on flood risk in England. In turn, **planning applications** must then follow the Local Plan for the area if they are to be granted **planning permission**. The NPPF and PPG carry roughly the same legal weight in local decision-making.

You might think that a common-sense approach would be just to ban **development** in areas that are very vulnerable to flood risk. In fact, the policy is much more complex and open to interpretation. It tries to balance avoiding building in areas at flood risk with meeting the vital need for new homes – the judgement on how to do that in your area is a matter for your local council.

Core principles

National policy contains two key ideas that apply to writing Local Plans and considering planning applications:

- **The Sequential Test:** Put simply, the **Sequential Test** holds that development should be allowed in areas at high risk of flooding only if it is not possible to build in lower-risk areas. Application of the test should mean that Local Plans are drawn up only after careful consideration of which sites should be allocated for new development. In cases where there is a high risk of flooding, alternative sites that will be safe over the long term should be identified. Application of the test could also lead to the refusal of planning permission for planning applications that do not satisfy the test.
- **The Exception Test:** Where there are no other suitable development sites available or where there are other considerations that might make it undesirable to steer development to lower-risk sites, the **Exception Test** can be applied. The Exception Test asks whether the development will have wider benefits to the community which outweigh the negatives

Table 1

Key legislation with a bearing on planning for flood risk in England

Act	Relevant section	What does this mean?
Planning and Compulsory Purchase Act 2004	Section 19(1A): <i>'Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.'</i>	Adapting to climate change – including dealing with flood risk – must be a central part of Local Plans. Local Plans that do not actively contribute to managing this risk are not good enough and should not be allowed.
Climate Change Act 2008	Part 4, Section 58(1): <i>'It is the duty of the Secretary of State to lay programmes before Parliament setting out –</i> <i>(a) the objectives of Her Majesty's Government in the United Kingdom in relation to adaptation to climate change,</i> <i>(b) the Government's proposals and policies for meeting those objectives, and</i> <i>(c) the time-scales for introducing those proposals and policies.'</i>	Certain public bodies and organisations are required to report on the current and predicted impacts of climate change and how they are being addressed. These reports provide evidence upon which to base an appropriate course of action and determine what should be prioritised.
Flood and Water Management Act 2010	Part 1, Section 7(1): <i>'The Environment Agency must develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England (a 'national flood and coastal erosion risk management strategy').'</i>	Various organisations have different responsibilities in managing flood risk (see Briefing 2 for further information).
	Part 1, Section 9(1): <i>'A lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area (a 'local flood risk management strategy').'</i>	
	Part 1, Section 9(2): <i>'In subsection (1) 'local flood risk' means flood risk from:</i> <i>(a) surface runoff,</i> <i>(b) groundwater, and</i> <i>(c) ordinary watercourses.'</i>	

from flood risk. If development is consequently allowed in that location, measures must be put in place to ensure that it is safe over its whole lifetime (at least 100 years), and it must result in an overall reduction in the level of flood risk.

Housing Briefing report from the findings from the third UK Climate Change Risk Assessment (available [here](#)).

Other relevant policies

Many communities find it hard to see that these two tests are being effectively applied and enforced – and with good reason. There is growing concern from bodies such as the **Climate Change Committee** that too much housing is being allocated to areas with significant flood risk. Approximately 1.9 million people across the UK are currently living in areas at significant risk flooding, from river flooding, **coastal flooding**, or **surface water flooding**. This number could double as early as the 2050s, according to the

The **Flood and Coastal Erosion Risk Management Strategy for England** outlines the framework through which the **Environment Agency** will manage flood (and **coastal erosion**) risk until the year 2100. It sets out the plan for expanding and upgrading national **flood defences** and indicates that greater emphasis will be given to using the power of nature to reduce flood and coastal erosion risk, while also delivering a range of other benefits to communities. The strategy also includes a section on community preparedness.

Table 2**Key elements of policy on the approach to planning for flood risk in England – National Planning Policy Framework**

National Planning Policy Framework – Chapter 14: ‘Meeting the challenge of climate change, flooding and coastal change’, available here	
Relevant paragraph	What does this mean?
Paragraph 153: <i>‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk...’</i>	The long-term impacts of climate change on flood risk from all sources must be taken into account when producing Local Plans.
Paragraph 154: <i>‘New development should be planned for in ways that [...] avoid increased vulnerability to the range of impacts arising from climate change.’</i>	New development should not increase people’s exposure to the long-term impacts of climate change, such as increased flood risk.
Paragraph 159: <i>‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).’</i>	If at all possible, development should not be located in areas at highest risk of flooding (you can find out whether a proposed development site is in an area at risk of flooding here).
Paragraph 161: <i>‘All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.’</i>	During the Local Plan development process and planning application decision-making, the Local Planning Authority must assess where the best places are to locate new development to minimise flood risk to current and future residents. This is called the Sequential Test. Further detail on this is set out in paragraphs 18-22 of the ‘Flood risk and coastal change’ section of Planning Practice Guidance, available here .
Paragraph 163 and 164: <i>‘If it is not possible for development to be located in zones with a lower risk of flooding [...] it should be demonstrated that:</i> <i>(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</i> <i>(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’</i>	If it is not possible to avoid locating new development in areas at risk of flooding, the Local Planning Authority must demonstrate that the sustainability benefits provided to the community by the development outweigh the negatives from flood risk, and that the risk of flooding can be managed to minimise the risk to people. This is called the Exception Test. Further detail on this is set out in paragraphs 23-28 of the ‘Flood risk and coastal change’ section of Planning Practice Guidance, available here .
Paragraph 169: <i>‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.’</i>	Where appropriate, new development should include sustainable drainage systems to help manage the risk of surface water flooding.

Table 3

Key elements of policy on the approach to planning for flood risk in England - Planning Practice Guidance

Planning Practice Guidance – 'Flood risk and change' section, available here	
Relevant paragraph	What does this mean?
<p>Paragraph 001: <i>'Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers ensure development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall.'</i></p> <p><i>Local planning authorities and developers should seek flood risk management opportunities (eg safeguarding land), and to reduce the causes and impacts of flooding (eg through the use of sustainable drainage systems in developments).'</i></p>	<p>If development cannot be avoided in areas at risk of flooding, then Local Planning Authorities and developers are required to introduce measures to improve a development's resilience to the impacts of flooding over the long term. For example, a Local Planning Authority could require a developer to include sustainable drainage systems as part of the development in order to reduce the impact of flooding when it does occur. Such requirements are usually included as a 'planning condition' when the Local Planning Authority grants a developer planning permission.</p>
<p>Paragraph 049: <i>'When considering the potential impacts of permitted development on local flood risk, a local planning authority may consider making an Article 4 direction.'</i></p>	<p>The change of use of a building from an office to a house is permitted development (i.e. it is allowed without full planning permission). However, a local authority can impose an Article 4 Direction for a particular area (to remove national permitted development rights to protect local amenity or the wellbeing of an area) if there is a high risk of flooding.</p>

Flood risk is also mentioned in other national policies, including the **25 Year Environment Plan**, which promises to improve existing arrangements for managing surface water.

The importance of an evidence base in local policy

The content of Local Plans and decisions on planning applications should be based on appropriate, up-to-date evidence on all sources of flood risk. Any decisions should also follow the advice given by the Environment Agency and **Lead Local Flood Authorities**. Some of the most important information sets published by the Environment Agency are the **climate change allowances** (also known as flood risk allowances), which summarise the latest science on the impact of climate change on flood risk (see [here](#) for further information). They give estimations for the expected increased river flows or sea level rises, which planners then need to take into account in their plan-making. You may be surprised to find just how dramatic the increases in both river flows and sea levels are projected to be.

How can national policy help communities to make a difference in their local areas?

Communities concerned about new development in flood risk areas are often left uncertain when planners quote national policy documents to justify their actions, but these documents are available for you to look at too. When both sides have seen the rule book, conversations tend to be a bit more evenly matched. To increase your impact in such conversations, you should:

- Research what the Local Plan for your area says about planning for flood risk, and consider whether the proposed development disregards what is set out in the plan.
- Look up the relevant sections of national planning policy, most importantly the National Planning Policy Framework and Planning Practice Guidance (see Tables 2 and 3). If you can reference some of this policy (particularly in your written responses to plans and applications) you will be taken more seriously. Local councils must take your input into account in the decisions that they make, and they must follow national policy or have very good reasons for not doing so.

Briefing 4

Making a difference to your Local Plan

'Getting involved in the Local Plan for your area can seem tough and can take time, but it is vital if you want to have a lasting influence on what gets built in your community. It is where all our knowledge on flood risk needs to come together to ensure that places are safe for the long term.'

Dr Hugh Ellis
Policy Director, Town and Country Planning Association

What is a Local Plan?

A **Local Plan** sets out what **development** should go where and how it should be designed. It should contain a map to show where new development will be built in your community and more detailed text on a wider range of issues, including a long-term view of the **flood risk** of the area (existing flood risk and how this will change over time). **Climate change** will result in increases in rainfall intensity, river flows and sea levels, so all new development must be designed to be safe for as many years as it is expected to last (at least 100 years).

Why should I care?

Attempting to read and understand a Local Plan can feel overwhelming, and getting to grips with the jargon involved is not easy. But successfully influencing your Local Plan is a more efficient way to have an impact than dealing with lots of individual **planning applications** – by the time applications are submitted many of the big overriding decisions will already have been made, and there will be less time and fewer opportunities for your views to be heard.

Creating a Local Plan

The creation of a new Local Plan can take up to five years from start to finish. Its content is developed by the **Local Planning Authority**, and it is then examined by the **Planning Inspectorate** to ensure that the proposed plan has taken account of national government **policy** on things such as the number of houses

that must be built in an area and the need to tackle climate change.

If the Planning Inspectorate is convinced that the draft plan meets these requirements it is deemed 'sound' and the Local Planning Authority will formally 'adopt' the Local Plan. It then forms the basis for decisions on planning applications (the law says that these decisions must follow the plan apart from in very exceptional circumstances).

The Local Plan-making process

The Local Plan-making process can be broken down into a number of stages:

- **Evidence gathering:** This is the stage at which a Local Planning Authority decides its aims for the Local Plan. It must talk to neighbouring authorities about cross-border approaches and also consult with other organisations, including the **Environment Agency**. A **Strategic Flood Risk Assessment** is carried out. This allows the Local Planning Authority to identify locations with low risk of flooding where future development could take place.
- **Writing the Local Plan:** The Local Planning Authority draws up a list of issues that need to be addressed and different options that could be taken, and then allocates sites for housing, employment, retailing and green space to ensure that enough land is available in appropriate locations to meet any targets set by national government. The Local Plan – including policy for avoiding development in flood risk areas, for **flood defence** measures, and for **sustainable drainage systems** – is then drafted.



Local Plans should take a long-term view of the flood risk in their area

- **Public consultation:** Local Planning Authorities are duty bound to engage in a process of **consultation** with local communities. The draft Local Plan is formally published and you then have at least six weeks to submit your comments.
- **Updating the draft Local Plan:** The draft Local Plan is then updated to take comments from organisations and community members into account.
- **Examination and soundness tests:** The Local Planning Authority submits the draft Local Plan to the Planning Inspectorate, and it is then scrutinised through an **Examination** carried out by a **Planning Inspector**. The Inspector writes a report on whether the Local Plan satisfies national legal and policy requirements – if it does, it is declared ‘sound’; if it does not, the Inspector will recommend modifications to make it sound.
- **Adopted Local Plans:** When the Planning Inspector is satisfied that the Local Plan meets all of the requirements, the Local Planning Authority may formally ‘adopt’ it (usually by a vote in full council). Once adopted, it is formally the development plan for the area, and all planning applications should be decided on the basis of whether or not they fit with the plan.

Getting involved in the Local Plan-making process

If you are worried about the impact of new development on the flood risk in your area, getting involved in the Local Plan process can be a very effective way of making sure that your voice is

heard. Once something is recognised in the Local Plan, decisions on all planning applications will have to take account of it.

It is important to approach the creation of a Local Plan with an open mind and focus on having positive dialogue with the planners at your Local Planning Authority. Try to get as many people from your community involved as you can. Make sure that you are as informed as you possibly can be, and gather strong evidence to back up your case.

Incorporating your local knowledge in the Local Plan

You need to influence the Local Plan right at the beginning of the plan-making process, when the evidence about what growth is needed and the levels of flood risk are first put on the table.

Local Plans are based on, among other things, a Strategic Flood Risk Assessment (SFRA), which should weigh up all sources of flood risk both now **and** in the future. Local Planning Authorities should follow guidance published by the Environment Agency on how to prepare an SFRA (available [here](#)). SFRAs are based on detailed computer modelling, but they are only as good as the information fed into them. Local knowledge can be crucial, particularly about **surface water flooding** or **culverts** and **ordinary watercourses** that have not been mapped. Unfortunately, Local Planning Authorities are only required to consult the Environment Agency and the area’s **Lead Local Flood Authority** during the preparation of an SFRA, but if you are concerned that the

Case study

Objecting to a proposal for development that will increase flood risk

What was the problem?

A housing **developer** submitted a planning application for 50 new dwellings in a small rural village. The site was open farmland on slightly higher ground to 30 existing homes which had a history of flooding associated with surface water run-off.

The local community had previously set up a **Flood Action Group** to help monitor the flood risk that they faced. When the planning application was submitted, the Flood Action Group downloaded the relevant documents from the council's website and assessed the quality of the proposed development and whether it would worsen the village's existing flooding issues.

Upon inspection, they found that the proposed development would be likely to increase the flood risk as the development of farmland would significantly reduce how much water could soak into the ground – which would probably cause an increase in run-off down the hill towards the existing nearby houses.

What did the community do?

The Flood Action Group consulted a hydrologist, who, after examining the developer's plans, confirmed that this was likely to be the case, provided the group with technical advice, and prepared evidence to support their argument. The Flood Action Group used this to encourage other residents to submit objections to the council in response to the planning application. In total, the council received approximately 250 objections from residents.

The Flood Action Group also arranged for 50-60 local residents to attend a meeting of the **County Council's planning committee** during which the planning application was to be discussed and voted on by **councillors**. Those attending made their concerns known to the committee, and two representatives from the Flood Action Group and the local Parish Council presented their arguments. As a result, planning permission was refused.

SFRA does not reflect the flood risk in your area you should contact your Local Planning Authority immediately.

To make your case, you will need to compile evidence which demonstrates that what you are saying is correct. This could be in the form of records of historic flood events or heavy rainfall events. Photographs are particularly effective. Furthermore, to be most effective you need to do more than just say 'no' to a site being allocated for development in the Local Plan that you think will make the flood risk worse. It will help if you can show what kind of policy **could** make the area safe over the long term or identify locations where you think development **would** be appropriate. Remember that planners are under lots of pressure from national government to grant **planning permission** for new homes – and these new homes have to go somewhere. There are many examples of practical things that Local Plans can require to reduce flood risk, and Briefing 1 gives an outline of the kinds of practical measures that you could ask for. Badly

planned development can make flood risk worse for existing communities, but the right design of a new development can help to manage the flood risk for surrounding places.

What are my rights to be heard in the plan-making process?

The most important way that you can make sure that your opinions are considered during the drafting of the Local Plan is to respond to the **public consultation**. You can submit an individual response and/or a joint response on behalf of a community group, such as a Flood Action Group.

If you make a formal objection to a draft Local Plan, normally by using an online form, you have a legal right to be heard at the **Public Examination** of the plan, if you wish. This means that you could play an active part in the debate on flood risk policy for your area and would have the opportunity to make your point directly to the Planning Inspector.

Friends of the Earth have published some useful guidance on community rights in the **planning system**, which is available [here](#).

A word of warning about viability testing

The biggest challenge that you will face in trying to get the right policy in a Local Plan is dealing with the question of who is going to pay for it. The Environment Agency supports a range of flood defence projects, some of which are also backed by private sector investment.

However, most policies that can make places safer from flood risk require housebuilders to build to higher standards. Through the **viability test**, developers can argue that these costs make their schemes 'unviable' by reducing their profit margins or by reducing the price paid to landowners.

This viability issue is often used to bewilder local members of the public, and it is very complex. To help you with this there are a few things that it is useful to be aware of:

- The **National Planning Policy Framework** states that developers are not allowed to use the price they paid for the land as an excuse for not meeting Local Plan requirements. In other words, if the developer paid too much for the land, then that is their problem and not an excuse for not building to the right standard.
- Developers must make their viability tests available for members of the public to see – so you have an opportunity to see how much money is being made and whether the assessments are fair.

What to do if your Local Plan is not currently being reviewed

Changing a plan once it has been adopted

If a Local Plan has just been adopted and you don't think it is good enough, your options are limited. There is an annual review of the Local Plan and Local Planning Authorities can agree to review particular parts of plan, but otherwise there can be a three- to five-year wait before a new plan is made.

Instead, it may be more effective to use the flexibility that the Local Planning Authority has to make decisions on issues not included in the plan. These are known as **material considerations**. So new evidence on flood risk could be used to challenge development in a location agreed in the Local Plan – but you will need to make a strong case, and it can help to have your evidence verified by experts.

Supplementary Planning Documents

Your local authority can produce more detailed guidance on specific topics to sit alongside the Local Plan – these are called **Supplementary Planning Documents**. Sometimes they may be specific to certain development sites, or they may take the form of **design codes**. Supplementary Planning Documents must be linked to policy within the Local Plan and, although they must be considered when a decision on a planning application is being made, they have less legal weight than the Local Plan itself.

There is no fixed process for preparing these documents other than that they have to be signed off by elected councillors – but the community should always be involved. Flood risk is a topic frequently addressed in Supplementary Planning Documents.

Neighbourhood planning

Neighbourhood Plans are community-led plans for a small local area. Once they are agreed they have to be considered alongside the Local Plan when decisions on planning applications are made. If you live in an area with a **Parish Council** or **Town Council**, then these organisations can, if they choose, prepare Neighbourhood Plans. In cities you can set up your own **Neighbourhood Forum**, if one does not exist already, which can prepare the plan with the approval of your council. Neighbourhood Plans can set out the detail of smaller-scale development sites and set policies on good design.

At the moment most of these plans do not deal with flood risk, but there is no reason why they could not. There is no point in a Neighbourhood Plan duplicating the content of a Local Plan – but they do allow communities affected by flooding to set out their own vision for the future of their neighbourhood, based on local needs and knowledge. However, they cannot be used as a mechanism to stop development completely in an area; nor can they be used to oppose development already agreed in a Local Plan or which has planning permission.

There is extensive guidance on how to produce a Neighbourhood Plan, including some official government guidance (available [here](#)).

Those who are interested in addressing climate change, including flood risk, may find it useful to consult Locality's publication, *How to Consider the Environment in Neighbourhood Plans* (available [here](#)), and the Centre for Sustainable Energy's *Neighbourhood Planning in a Climate Emergency* (available [here](#)).

Briefing 5

Making a difference on planning applications

'The latest planning application at New Monks Farm proposes 600 new homes to be built on a Zone 3a floodplain with a 75% risk of groundwater flooding. In spite of our extremely prolonged and strong opposition to the scheme (along with CPRE, Friends of the Earth, and many residents associations), the Local Planning Authority and the Planning inspectorate granted planning permission. However, we have recently had some success engaging with the developers to try to mitigate as much of the flood risk to surrounding areas as possible. Our extensive knowledge of the local area has been vital in making sure that the developer realises the full extent of the impact that the proposed development will have, demonstrating just how important it is for community groups like us to get involved. Even though planning permission was granted, being part of the Flood Action Group has been critical for achieving the recent discussions and constructive dialogue with the developers that we have had, as we have been able to co-ordinate effort and speak as one, more powerful, voice.'

Geoff Patmore
Vice Chair, West Beach Residents Association

Before any new building can start, **developers** need to secure **planning permission** from the **Local Planning Authority**. The process of so doing can be daunting and complex.

The decision will mainly be based on what is written in the **Local Plan**, but planners can also consider 'any other **material considerations**' – which can mean any other issue related to planning that has not been covered by the Local Plan, including new data on **flood risk**.

What kind of planning application is it?

There are six main kinds of **planning application**, which vary according to the type of permission sought:

- **Full planning permission** – this includes all the details on location and design.
- **Outline planning permission** – in which the principle of **development** in a particular location is agreed. Flood risk is considered, including the impact that it will have on site layout, but further details are left to be decided upon in a later application.
- **Reserved matters** – in which agreement is made on those details not considered in an outline planning permission.
- **Prior approval** – some types of development are allowed without full planning permission (for **permitted development**), for example converting commercial space into housing. However, '**prior approval**' is still required, and flood risk is one of the few issues that can be considered and could result in an application being rejected.
- **Change of use** – as it says on the tin, **change of use** permission is for a change in the use of a building from one use to another. However, it can be a little more complicated than it seems, because some changes of use do not require full planning permission as they are allowed through **permitted development rights**.
- **Permission in principle** – there are some forms of land on which planning permission is granted automatically, for example land that has been developed before (often known as brownfield land), which is included in a register held by the Local Planning Authority. In these cases, called **permission in principle**, the principle of development on the site is pre-approved but the details are not yet confirmed. Before starting to build on this land, developers have to submit to the Local Planning Authority limited details of what they intend to do.

The process of approving a planning application

For full planning permission, there are a number of steps that must be completed:

- **Pre-application:** An applicant can seek advice from the Local Planning Authority to ensure that, when made, the application will be valid. This is also a chance to clarify both how planning **policies** may affect the proposal and any relevant conditions or requirements. There may or may not be **public consultation** at this stage.
- **Submission:** Most planning applications should be submitted to the relevant Local Planning Authority.
- **Statutory consultees:** For certain types of application in certain areas, Local Planning Authorities must seek the advice of the **Environment Agency** and the **Lead Local Flood Authority**, who are **statutory consultees**.
- **Consulting the public:** The process of formal public consultation normally lasts 21 days. The publicity requirements vary, depending on the type of planning application. Anyone may comment on an application. Written comments will be taken into account when the Local Planning Authority makes a decision on the application, as long as the points raised are relevant to the proposal and 'material' to planning.
- **Officer reports:** Most smaller and less controversial planning applications (around 90% of those received by most Local Planning Authorities) will be decided by Local Planning Authority staff members (**officers**). For larger and more controversial developments, planning officers produce a report of recommendations which is passed on to the **planning committee**, who make the final decision.
- **Planning committee:** The planning committee (made up of elected **councillors**) assess the various benefits and impacts of an application, and weigh these up against national policy and the Local Plan before making a decision.
- **Decision:** A Local Planning Authority usually has up to eight weeks to make a decision on applications for **minor development**, which include most householder cases and proposals for fewer than 10 new homes; and up to 13 weeks to make a decisions on **major development**, such as large housing or business sites. Development requiring an **Environmental Impact Assessment** should be determined within 16 weeks.
- **Appeal:** If a Local Planning Authority refuses to give planning permission, the applicant has a right to appeal to the **Secretary of State** via the **Planning Inspectorate**. An independent

Planning Inspector considers each appeal and makes a decision in line with the Local Plan unless there are significant reasons that justify taking a different view. The Inspector may decide that planning permission should, after all, be granted.

What is an Environmental Impact Assessment?

An Environmental Impact Assessment must be undertaken for large-scale projects, which are more likely to have a significant impact on the environment. These assessments should give the Local Planning Authority an understanding of the potential environmental impacts of the proposed project, and they will be a factor in whether planning permission is granted.

The Environmental Statements produced by Environmental Impact Assessments can be long and complicated, but they are important. They are prepared by the developer, so it is worth going through them to see if they are accurate and include local knowledge on flooding.

Should there be a flood risk assessment?

The **National Planning Policy Framework** explains when a flood risk assessment might be required for a planning application. For flooding from rivers, this usually depends on what **Flood Zone** the site is in.

A flood risk assessment is needed for:

- all projects in Flood Zones 2 and 3;
- large projects (over 1 hectare in area) in Flood Zone 1;
- projects in Flood Zone 1 where the site has been identified in the **Strategic Flood Risk Assessment** as being at future risk;
- projects in areas identified in the Strategic Flood Risk Assessment as being at risk of flooding from other sources, such as **groundwater flooding** and **surface water flooding**; and
- projects in areas with critical drainage problems.

A **site-specific flood risk assessment** will also be needed in these circumstances for projects being brought forward through permitted development rights.

Planning Practice Guidance says that flood risk assessments should, among other things, show how the flood risk to the development will be managed so that it remains safe through its lifetime without increasing flood risk elsewhere.

Getting involved in a planning decision

When an individual or organisation is seeking planning permission for something in your local area, you have a right to comment on the proposal, and your comments will then be considered by the officers and elected councillors at your Local Planning Authority who are making the decision on whether permission will be granted.

The simplest way to find out about ongoing local planning applications is to visit your Local Planning Authority's website, where there will be a public register of planning applications. This is where you will also find all the other accompanying documents, including the flood risk assessment. The Local Planning Authority must decide if it has sufficient information from the developer and make this publicly available.

If you believe that more information is needed, the best thing to do is contact the Local Planning Authority. If the relevant documents are not made available to you, then you can submit a formal request to your Local Planning Authority under the Freedom of Information Act (further information on this is available [here](#)).

Additionally, if you do not think that the information in the documents is accurate, it may be necessary to fundraise to pay for a planning expert to check the technical planning documents that have been submitted, including the flood risk and **viability** assessments.

How long do I have to comment?

Most planning applications have to be processed within eight weeks, but for major projects this period is extended to 13 weeks. But, regardless of this, there is only a limited window for members of the public to provide comments – 21 calendar days from the date that the application is advertised. Planning applications are notified on the Local Planning Authority's website and by site notices. This gives only a very short period of time for communities to make a response. Local Planning Authorities can decide to consider late responses too, but you should not rely on this.

Top tip

The window in which you are able to comment on a planning application is short and will fly by. It is useful to have your evidence ready beforehand so that you have plenty of time to feed it into your response.

Generally, the earlier you make your submission, the more likely it is to have some impact. And make sure that you keep track of the consultation dates so that you do not miss the deadline.

Can I speak at a planning committee meeting?

Planning applications for things such as household extensions will usually be decided by the council's planning officers, but applications for large housing schemes will be decided by councillors at a planning committee meeting. In most Local Planning Authorities you will have a right to speak at the meeting considering the application. Your input is normally limited to three minutes, so make sure that you rehearse your key arguments.

How do I write a good objection letter?

Here are three top tips in writing a good planning objection letter:

- 1** Make sure that your letter is properly referenced with the right planning application number. You will find this number on the Local Planning Authority's website.
- 2** Keep it short. It can be tempting to throw the kitchen sink at letters of objection, but it is much better to be focused on the top three key planning arguments. It doesn't always help to 'out-jargon' the planners, but using some of the language set out in the glossary in Briefing 6 can be useful in making your point.
- 3** Make sure that you reference Local Plan policy and national government policy to support your arguments.

Don't forget to campaign!

You can make your action more effective by having a good grasp of the technical planning arguments, but ultimately planning applications are decided by politicians. Although they must take these decisions based on sound reasoning, strong campaigning can highlight the strength of feeling of local communities.

Permitted development

In England, there are certain extensions, alterations and changes of use to and of a building that are allowed without going through the full planning permission process – this is called **permitted development**. It includes being able to convert offices and commercial and industrial premises into flats or houses. There is much less scrutiny during this process than within the full planning



You have a right to comment on local planning applications

application process, and therefore less opportunity to get your opinion across. However, permitted development applications still need to meet certain conditions in the prior approval process, and one of those concerns flood risk.

Once a planning decision has been made

Challenging a decision

Frustratingly, you may be in the situation in which it is obvious that your input into a planning decision has been ignored or misinterpreted. If this is the case, there are three possible actions you can take:

- **Secretary of State call-in:** For a particularly controversial planning application, you can request that the Secretary of State for Levelling Up, Housing and Communities (to find out who currently is in this role click [here](#)) 'calls-in' the application for their own personal consideration by sending them a letter. However, it is extremely rare for this to happen. One recent example has related to the relaxation of occupancy limitations for static caravans at very high risk of **coastal flooding**.

- **Judicial review:** If you think that your Local Planning Authority has made an unreasonable decision on a planning application, you can seek to have the decision judicially reviewed. This takes time and money and requires expert legal advice.
- **Complaint to the Ombudsman:** If you believe that your Local Planning Authority has behaved in an unreasonable way over a planning decision, you can make a complaint to the Local Government and Social Care **Ombudsman** (further information is available [here](#)). The Ombudsman can investigate and report on the complaint, but does not have the power to overturn the decision that has been made.

Dealing with appeals

When developers are refused planning permission they can **appeal** against the decision. This appeal is heard by the Planning Inspectorate. This can be through a **public hearing** or through written representations, and it is important that you sustain your objections throughout this process. The arguments will be the same as those you made in response to the planning application, but you will need to submit them separately to the Planning Inspector. Advice on being involved in planning appeals is available [here](#).

It is really frustrating that communities do not have a right of appeal if a development is approved against Local Plan or **Neighbourhood Plan** policy.

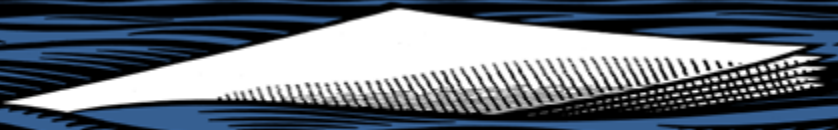
Enforcement

Developers should build what they have promised to build, and Local Planning Authorities should monitor this. However, resources for monitoring are usually very limited, and Local Planning Authorities rely on members of the community to inform them when what has been delivered varies from what was approved in the planning application. The Local Planning Authority has a range of powers to make sure that developers deliver on their commitments.

Top tip

If you are concerned that the flood alleviation measures on a site have been misinstalled or are not being maintained properly, you can raise your concerns with your Local Planning Authority. It is very important to have strong evidence (photographs work particularly well) to support your case.

Briefing 6



Where to get help – further information and glossary

This guide provides an introduction to using the **planning system** to reduce **flood risk**. The system is complex – but the good news is that there are many organisations you can contact and resources you can access to help you and your community to plan and prepare effectively for flood risk. Some useful places to begin are listed here.

Planning advice - organisations

Organisation	How can they help?	Web link
Planning Aid England	Planning Aid England can provide planning advice on a particular issue in your local area (England only).	https://planningaid.zendesk.com/hc/en-us/requests/new
Planning Aid for London	Planning Aid for London can provide planning advice on a particular issue in your local area (London only).	https://planningaidforlondon.org.uk/contact/
Friends of the Earth	Friends of the Earth employ legal specialists on both town planning and the environment who can help you to get hold of environmental information, take part in processes within the planning system, and use the law to protect the environment and public health.	https://friendsoftheearth.uk/legal-and-planning
	Friends of the Earth have published some useful guidance on your rights in planning which explains how you can have a say on decisions in your local area.	https://friendsoftheearth.uk/system-change/guide-community-rights-environment-and-planning-laws

Planning advice - resources

Resource	How can it help?	Web link
<i>Tools for Local Water Participation</i>	The online toolkit can help you to involve other local residents in your campaign to manage flood risk in your local area.	https://catchmentbasedapproach.org/learn/tools-for-local-water-participation/

Support for dealing with flooding and flood risk – organisations

Organisation	How can they help?	Web link
Department for Environment, Food and Rural Affairs (Defra)	A Defra webpage provides information on what to do to prepare if you expect to be flooded.	https://www.gov.uk/prepare-for-flooding
Environment Agency	The Environment Agency's flood information service can be used to find out if you live in an area at risk of flooding; to sign up to receive flood warnings; and to learn what you can do to prepare for a flood event.	https://flood-warning-information.service.gov.uk/plan-ahead-for-flooding
	The Environment Agency's flood maps show the latest information on the long-term flood risk in your local area.	https://flood-map-for-planning.service.gov.uk/
National Flood Forum	The National Flood Forum can help communities to reduce the flood risk in their local area.	https://nationalfloodforum.org.uk/
	The National Flood Forum website hosts a lot of information about managing flood risk, including useful guidance on sustainable drainage systems in developments .	https://nationalfloodforum.org.uk/wp-content/uploads/2019/09/Simple-SuDS-28th-July-2019-V1.pdf
British Red Cross	The Red Cross can help you to take steps to prepare yourself and your property before, during and after a flood.	https://www.redcross.org.uk/get-help/prepare-for-emergencies/how-to-prepare-for-floods-and-flooding
Age UK	Age UK provides information on how to work out if you live in an area at risk of flooding, how you can prepare for a flood, and what help is available in the event of a flood.	https://www.ageuk.org.uk/information-advice/care/housing-options/home-safety/preparing-for-flooding/
Property Care Association	The Property Care Association provides guidance on how you can protect your home from flooding – from how to find out if your home is at risk of flooding, to which types of building products to use to improve the resilience of your home to flooding events.	https://www.property-care.org/homeowners/flood-protection/flood-protection-and-your-property/

Support for dealing with flooding and flood risk – resources

Resource	How can it help?	Web link
<i>An Introduction to Natural Flood Management Techniques</i>	West Wolds Slow the Flow has produced a guide on the various natural flood management techniques that communities can use to manage the flow of water to prevent flooding.	https://www.westwoldsslowtheflow.org.uk/
<i>Flood Toolkit</i>	West Northamptonshire Council has produced a toolkit to help homeowners and communities to reduce the impacts of flooding in their area.	https://www.floodtoolkit.com/
<i>Homeowners Guide to Property Flood Resilience</i>	The Know Your Flood Risk campaign has published guidance to help you find out if your home is at risk of flooding and on how to protect your home from flooding, including making the most of sustainable drainage solutions.	https://www.landmark.co.uk/wp-content/uploads/2021/08/FloodGuide_ForHomeowners.pdf

Support for community action – funding

You may be able to apply for funding to support your community group, pay for expert planning advice, or implement a flood risk reduction scheme in your local area.

Organisation	How can they help?	Web link
Asda Foundation	The ASDA Foundation provides grants to grass-roots organisations.	http://www.asdafoundation.org/foundation-grants
National Lottery Community Fund	The National Lottery Community Fund supports a variety of community activities.	https://www.tnlcommunityfund.org.uk/funding/thinking-of-applying-for-funding/projects-we-fund
Spacehive	Spacehive is a funding platform for community projects.	https://www.spacehive.com/
Tesco Community Grants	Tesco Community Grants support local community projects across the UK.	https://tescocommunitygrants.org.uk/
UK Community Foundations	The UK's network of community foundations provides grant funding according to the needs of a particular area.	https://www.ukcommunityfoundations.org/

Support for community action - advice

Organisation	How can they help?	Web link
Association of British Insurers (ABI)	The Association of British Insurers has produced <i>Responding to Major Floods</i> , a guide for householders on how to minimise the potential impact from flooding and the steps to take to successfully claim insurance in the event of a flood.	https://www.abi.org.uk/globalassets/files/subject/public/flooding/abi_bro4120_major_floods_2017_v7-web.pdf
British Insurance Brokers' Association (BIBA)	The British Insurance Brokers' Association provides advice for householders who are either directly affected by flooding or who live in an area prone to flooding.	https://www.biba.org.uk/insurance-guides/weather-insurance-guides/flood-insurance/
	In partnership with the Department for Environment, Food and Rural Affairs, BIBA has produced <i>Obtaining Flood Insurance in High Risk Areas</i> , which provides information on obtaining a suitable insurance policy if you live in an area at risk of flooding.	https://d10ou7l0uhgg4f.cloudfront.net/wp-content/uploads/2015/02/04000000/high-risk-flood-insurance-guide.pdf
Flood Re	Flood Re was set up by the government to make sure that flood insurance is available and affordable to all households. You can find out whether your home qualifies for support from Flood Re – although it operates completely behind the scenes and you should still purchase insurance as normal through your provider.	https://www.floodre.co.uk/can-flood-re-help-me/
	Flood Re also provides links to websites offering information on flooding and flood damage, and on how to prepare for flooding events and take action to reduce flood risk.	https://www.floodre.co.uk/flood-resources/

Glossary

25 Year Environment Plan

Strategy document, published in 2018, setting out the UK government's plan for improving the natural environment over a 25-year period – available [here](#). It includes actions aimed at creating better habitats for wildlife, improving air and water quality, and reducing the amount of plastic in the ocean.

Canalisation

The straightening, deepening and widening of a natural river channel to increase flow capacity so that flood water is carried away more quickly. However, it may increase **flood risk** further downstream and can also have a negative impact on river ecosystems.

Change of use

The conversion of a building from one type of use to another, for example from a commercial use to residential use. Until very recently, change of use usually required **planning permission**.

Climate change

The long-term change in weather due to human activity. Global temperatures are continuing to increase, and extreme weather events are becoming more common.

Climate Change Act 2008

UK legislation that includes a target to reduce greenhouse gas emissions to net-zero by 2050.

Climate change allowances

Predictions of anticipated change in peak river flow, peak rainfall intensity and sea level rise caused by future **climate change**. **Local Planning Authorities** must consider local climate change allowances when preparing **Strategic Flood Risk Assessments**. Climate change allowances are also known as flood risk allowances.

Climate Change Committee

Independent organisation that advises the UK government on how the nation should reduce greenhouse emissions and cope with the impacts of **climate change** – see [here](#).

Coastal erosion

The loss of land along the coast due to the action of waves, tides, currents, and wind-driven sea water over time. Over a long period it is possible that homes and even whole villages will fall into the sea as the land retreats.

Coastal flooding

Seawater flooding of an area of land on the coast, often caused by a severe storm which forces excessive quantities of sea water onto the land.

Coastal Protection Authority

District and **Unitary Authorities** in coastal areas are designated as Coastal Protection Authorities. They have the responsibility of co-ordinating **coastal erosion** risk management activities in their area, including drawing up a **Shoreline Management Plan**.

Community Infrastructure Levy (CIL)

A charge that local authorities can require **developers** to pay as part of granting **planning permission** for new development. It is used to pay for the improvements to local infrastructure needed to support the increase in population and other impacts of new development. Further information is available [here](#).

Consultation (or Public consultation)

The process through which a public body, such as the government or a local authority, invites members of the public to give their opinion on proposals that are likely to affect their lives – such as a draft **Local Plan**.

Councillor

An elected member of a council.

County Council

A form of elected local government for a county area, responsible for functions such as education, but also minerals and waste planning.

Culvert

A man-made structure that allows water to flow underneath a road, footpath, or railway line. Culverts can become blocked by debris, which may cause flooding.

Department for Levelling Up, Housing and Communities (DLUHC)

The UK government department responsible for housing, communities and local government in England (formerly known as the Ministry of Housing, Communities and Local Government).

Department for Environment, Food and Rural Affairs (Defra)

The UK government department responsible for safeguarding the natural environment, supporting the food and farming industry, and supporting the rural economy.

Design code

A set of rules dictating what a new **development** should look like.

Developer/property developer

A company that purchases land to be used for new development, such as housing and, usually, undertakes the building of (for example) houses and the development of other infrastructure.

Development

Building on or carrying out other industrial activities on an area of land. In the **planning system**, it most often refers to the building of new homes.

Development control (or Development management)

The process of approving or rejecting applications for **planning permission**.

District Council

A form of elected local government for a rural or urban district, with local planning among its responsibilities (some district-level councils are formally named borough councils or city councils).

Environment Agency

Public body with oversight of the management of all sources of flooding and **coastal erosion** – although it is directly responsible only for managing the risk of flooding from **main rivers**, reservoirs, estuaries, and the sea. It advises on **Strategic Flood Risk Assessments** and **site-specific flood risk assessments**, and on the appropriateness of a proposed **development**.

Environmental Impact Assessment (EIA)

The process of collecting information about the impact a proposed **development** on the environment. The results are considered by the **Local Planning Authority** when deciding whether to grant **planning permission**.

Examination (or Public Examination)

Meeting held to assess whether a **Local Plan** follows national law, **policy**, and procedure. It is run by the **Planning Inspectorate** and provides an opportunity for members of the public to voice concerns about draft planning policies and suggest amendments, based on evidence.

Exception Test

A test undertaken as part of the process of granting **planning permission** in an area at risk of flooding. If the **Sequential Test** shows that it is not possible to develop in a lower-risk area, the Exception Test is used to assess whether the wider benefits of building in a location with higher risk outweigh the disbenefits from the **flood risk**.

Flash flooding

Rapid flooding of low-lying areas. It may be caused by heavy rainfall or by meltwater from heavy snow or ice. The impact is usually worse in built-up areas, where there are fewer permeable surfaces for the flood water to drain away.

Flood Action Group (FAG)

A group formed by people living within a community threatened by the risk of flooding. Flood Action Groups act as a representative voice for their wider community when working with their **Local Planning Authority** and in influencing the **planning system** on matters concerning local **flood risk**.

Flood and Coastal Erosion Risk Management Strategy for England

A document (issued in 2020) setting out what needs to be done by all Risk Management Authorities involved in flood and coastal erosion risk management in England – see [here](#).

Flood and Water Management Act 2010

UK legislation introduced to improve the nation's approach to the management of **flood risk** and **coastal erosion**. Further information is available [here](#).

Flood defences

Structures designed to prevent flooding or control flood water in order to minimise the harm to people and property.

Floodplain

A flat, low-lying area next to a body or bodies of water prone to flooding.

Flood risk

The combination of the likelihood of a flood event occurring and the impact that the flood would have if it did occur.

Flood Risk Management Strategy

A document produced by the **Lead Local Flood Authority** which assesses **flood risk** for the whole area, sets objectives for the management of flood risk, outlines the responsibilities of **Risk Management Authorities**, lists the costs and benefits of measures proposed to meet the objectives, and sets out how these measures will be funded.

Flood Zone

A system of four Flood Zones – called 1, 2, 3a, and 3b – is used to indicate the probability of **flood risk**, ignoring the presence of any flood defence. Areas in Flood Zone 1 are least likely to flood, with areas in Flood Zone 3 most likely. A map on the **Environment Agency's** website indicates the Flood Zone in which a property is located – available [here](#). Flood Zones do not take into account flood risk from sewers, ground or surface water, or reservoirs.

Fluvial flooding

Flooding caused when the water level in a river, ditch or stream overflows.

Groundwater flooding

Flooding caused by a rise in the level of underground water (known as the water table) to above ground level, as a result of prolonged or heavy rainfall. Groundwater flooding tends to happen gradually and can last much longer than other types of flooding as the water cannot drain into the saturated ground.

Internal Drainage Board

An authority established in areas of special drainage need in England and Wales, with powers to improve water level management in their particular area, known as an internal drainage district.

Lead Local Flood Authority (LLFA)

An area's Lead Local Flood Authority is either the **County Council** or the **Unitary Authority**. Lead Local Flood Authorities are responsible for providing advice on how **developments** manage surface water drainage and use **sustainable drainage systems**, and on the management of **flood risk** from **groundwater** and **surface water**. They are required to comment on all major **planning applications** with regard to flood risk from 'local' sources of flooding, such as surface water, groundwater, and **ordinary watercourses**.

Local Plan

The plan for future development in your local area, prepared by the **Local Planning Authority**. It includes maps of where new housing, other **development** and infrastructure are to go, and also contains **policies** prescribing the sort of things that can and cannot be built and rules on the quality of anything that is built. A **planning application** will be accepted much more easily if it is in line with the Local Plan. But **planning permission** can be given to proposals in areas not allocated in the plan if a substantial case is made. Further information is available **here**.

Local Planning Authority (LPA)

The council (or National Park Authority in some cases) that carries out planning functions for your local area. In areas where there is both a **County Council** and a **District Council**, it is the District Council that prepares the **Local Plan**.

London Borough Council

The Local Planning Authority for the London boroughs.

Main river

Main rivers are the main watercourses shown on the statutory main river maps drawn up by the **Environment Agency** and the **Department for Environment, Food and Rural Affairs**.

Major development

For residential development, any **development** consisting of ten or more residential units.

Material consideration

A planning term for something that should be taken into account when deciding whether to grant **planning permission** – such as the risk of flooding. Almost anything that relates to **development** or the use of land is capable of being a material consideration, but it will need to relate to the **National Planning Policy Framework** or **Planning Practice Guidance** to be taken seriously.

Minor development

For residential development, any **development** consisting of nine or fewer residential units.

National Planning Policy Framework (NPPF)

Document setting out the government's planning policies in England, and outlining how they should be applied. The NPPF must be taken into account by the **Local Planning Authority** when drawing up a **Local Plan** and in making decisions on **planning applications**. The NPPF is available **here**.

Natural flood management

The use of natural processes to minimise the impact of flood events. Examples include restoring bends in rivers to allow more water to be carried, and changing the way that land is managed so that the soil can absorb more water.

Neighbourhood Forum

A body formed either by a **Town Council** or a **Parish Council** (where one exists) or by local people for the purpose of producing a **Neighbourhood Plan**.

Neighbourhood Plan

A document produced by the local community, as represented by a **Neighbourhood Forum**, which sets out planning **policies** for a local area and is used by the **Local Planning Authority** when deciding whether to approve or deny a **planning application**.

Ombudsman

An independent official appointed to investigate complaints by members of the public against a company or an organisation.

Ordinary watercourse

Any watercourse not designated as a **main river**.

Parish Council

A form of local government – not present in all locations – based on civil parishes and with varying but limited powers. Parish Councils and **Town Councils** form the lowest tier of local government in the UK.

Permission in principle

Certain types of land (such as brownfield land) can be granted **planning permission** in principle, where the concept of **development** on that site is pre-approved but the details are not confirmed. Before starting to build on this land, **developers** have to submit to the **Local Planning Authority** limited details of what they intend to do.

Permitted development rights (PDR)

Certain changes to a building can be made without the need to apply for **planning permission**, under what are termed permitted development rights, although, in most cases, the risk of flooding must still be taken into account.

Planning and Compulsory Purchase Act 2004

A key piece of UK legislation within the planning system and on the compulsory purchase of land. It is of particular relevance as it places a legal duty on local authorities to address climate change.

Planning appeal

The process through which a **developer** or individual making a **planning application** can appeal against a planning decision, including the decision by a **Local Planning Authority** to reject the application. In England, appeals are processed and decided by the **Planning Inspectorate**.

Planning application

A document (physical or electronic) completed by a person, a group of people or an organisation to request permission from the **Local Planning Authority** to build something new or make a change to an existing building or structure.

Planning committee

A panel of local **councillors** at a **Local Planning Authority** who consider each **planning application** and vote on whether to grant **planning permission**.

Planning condition

Rather than refusing a **planning application**, a **Local Planning Authority** can grant **planning permission**, but with conditions that must be met by the **developer**.

Planning Inspector

A planning expert employed by the **Planning Inspectorate** to provide independent scrutiny of plans (such as **Local Plans**) before they can be adopted. Planning Inspectors also preside over **Examinations** of plans and decisions, and **planning appeals** on and inquiries into decisions that have been made.

Planning Inspectorate (PINS)

The national government agency responsible for **planning appeals**, national infrastructure **planning applications** and the **examination** and approval of **Local Plans**.

Planning officer

A planning professional employed by a **Local Planning Authority** to process (and for certain types of application decide on the outcomes of) **planning applications** and develop planning **policy** and **Local Plans**.

Planning permission

Formal permission from a **Local Planning Authority** for either a new **development** or a change to an existing building.

Planning Practice Guidance (PPG)

National guidance on various topics of relevance to the **planning system**, including **climate change** and **flood risk**. It is intended to be read alongside the **National Planning Policy Framework** and must be considered by planners when preparing the **Local Plan** and in decision-making on **planning applications**. The full Planning Practice Guidance set is available **here**.

Planning system

The set of processes which together are intended to ensure that **development** happens in the right place and at the right time, to the benefit of people, the economy, and the environment. These processes are multiple, complex, and carried out by a number of different organisations – mostly public bodies.

Policy

A set of ideas or a plan of what to do in particular situations that have/has been officially established by national or local government.

Prior approval

A condition of certain types of **permitted development** is the submission of a **planning application** to the **Local Planning Authority** for its 'prior approval'. This process allows the Local Planning Authority to consider the proposal with regard to certain, pre-defined factors.

Public hearing

A formal meeting to hear community viewpoints, held as part of the process of drawing up a **Local Plan**.

Regional Flood and Coastal Committee

There are 12 Regional Flood and Coastal Committees in England. They work with the **Environment Agency** and other partners to understand local issues better.

Resilience

The capacity to withstand or recover from a disaster or emergency such as flooding.

Resilience Forum

A local partnership consisting of representatives from local public services, including the emergency services, local authorities, the NHS, the **Environment Agency**, and others. Resilience forums plan and prepare for incidents and emergencies. They identify risks and produce emergency plans to either prevent or mitigate the impact of any incident on their local communities.

Risk Management Authorities (RMAs)

Public bodies, including the **Environment Agency** and **Lead Local Flood Authorities**, who work with communities to manage the risk of flooding from rivers, the sea, surface water, groundwater, and reservoirs.

Secretary of State

A senior Minister who is head of a UK government department.

Secretary of State call-in

The **Secretary of State** for Levelling Up, Housing and Communities has the power 'call in' any **planning application** to decide the outcome on behalf of the **Local Planning Authority**. The Secretary of State can call in a planning application for any reason – however, such instances usually relate to applications considered to be of national significance.

Sequential Test

A planning test comparing a proposed **development** site with other available sites to determine which has the lowest **flood risk** and to explore whether development could be steered to lower-risk areas.

Sewer flooding

Flooding occurring when sewage or water leaks from a sewerage system or rises above ground level through drainage systems, toilets, sinks, or showers.

Shoreline Management Plan (SMP)

A document assessing the risks associated with coastal processes over a large area, and setting a framework to address these risks and manage the shoreline in ways that reduce the risks to people and the environment.

Site-specific flood risk assessment

An assessment of **flood risk** on and resulting from a **development** site, carried out either by or on behalf of a **developer** as part of a **planning application**. The **Local Planning Authority** receiving the planning application uses the assessment to help determine whether to grant or deny **planning permission**.

Statutory consultee

An organisation that must be consulted and provide a substantive response to a **Local Planning Authority** concerning a **planning application**, prior to a final decision being made.

Storm surge

A change in sea level caused by a storm. It can lead to extensive flooding and poses danger to people living in coastal areas. The main causes of a storm surge are low pressure and high winds – high winds push the seawater towards the coast, causing it to pile up there, and low pressure at the centre of the storm can also 'pull' the water up. Strong winds in the storm can also generate large waves on top of the surge, which can cause damage to sea defences or spill over their tops, adding to the **flood risk**.

Strategic Environmental Assessment (SEA)

The process of collecting information about the environmental impact of the **policies** included in a draft **Local Plan**. It is undertaken at the plan-making stage.

Strategic Flood Risk Assessment (SFRA)

The process of collecting information about the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of **climate change**. It assesses the impact that land use changes and **development** in the area will have on **flood risk**. **Environment Agency** guidance on producing a Strategic Flood Risk Assessment is available [here](#).

Supplementary Planning Document (SPD)

A document produced by a **Local Planning Authority** providing further information for **developers** on how policies detailed in the **Local Plan** are to be implemented.

Surface water flooding

Surface water flooding occurs when water that has fallen onto the ground flows over impermeable surfaces, or accumulates in low spots, and the capacity of drainage systems is exceeded. It is very difficult to predict, as it is usually caused by very localised, intense storms which overwhelm surface water sewers and drainage systems. These **flash floods** typically occur and then disappear in a short space of time, but they can still be devastating if they get into our homes. The risk of surface water flooding can be exacerbated by sealing previously permeable surfaces (paving over gardens and other green spaces, for example), with the result that water can no longer soak away into the ground.

Sustainable drainage system (SuDS)

A drainage system in which water does not flow directly into the sewer network. Instead, water is stored locally, thus reducing the risk of **surface water flooding**. High-quality SuDS schemes include trees and/or other vegetation and provide other landscape and amenity benefits for local communities, but sometimes schemes referred to as a SuDS are just a concrete storage tank underneath a car park.

Town Council

A form of local government – not present in all locations – for small municipalities, operating with varying but limited powers. **Parish Councils** and Town Councils form the lowest tier of local government.

Unitary Authority

A form of elected local government responsible for providing all local government services for that area.

Viability test

A test carried out during the **planning application** process to determine whether it is viable for **developers** to deliver the other measures requested by the **Local Planning Authority** alongside the proposed **development**. It has been widely criticised for allowing landowners and developers to claim to be unable to contribute towards infrastructure costs and affordable housing, thus undermining **policy** requirements and maximising land value and profits at the expense of local communities.



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