

Pre-application planning advice from the LLFA

Guidance document

Warwickshire County Council as Lead Local Flood
Authority

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1. Introduction

On 15 April 2015 the Town and Country Planning (Development Management Procedure) (England) Order 2015 came into force which, under Schedule 4, made Lead Local Flood Authorities (LLFA's) a statutory consultee on surface water drainage for all 'major' planning applications. The definition of 'major' is given within Part 1 of this Order.

As the LLFA for Warwickshire, we are also responsible for managing flood risk from surface water, ground water and ordinary watercourses across the county. All sources of which can be impacted by new developments.

Please also note that this service is separate from any other pre-application advice offered by other statutory consultees and stakeholders such as the Local Planning Authority (LPA), water and sewerage companies and other WCC teams. Any advice given by the LLFA within pre-application services does not bind the County Council to any particular course of action, or formal decision by the LPA.

We will only engage in delivering our pre-application services where development proposals are not subject to a live planning application. This is to avoid conflict with our role as statutory consultee in the planning process.

The LLFA offer pre-application advice as a discretionary service; it is not a statutory requirement. Therefore, there may be times where the LLFA decline requests for pre-application advice. This may be, for example, because of an increased demand from statutory services or a reduction in available resource.

Further information on the service and how to apply can also be found on our website www.warwickshire.gov.uk/flooding/planning-and-sustainable-drainage

2. Why seek pre-application advice?

Engaging with pre-application advice can offer significant improvements to the efficiency and effectiveness of the planning system, as well as improving the quality of planning applications submitted. Early engagement is invaluable as the work can help reduce financial expenditure and make efficient use of time and resources. Utilising this service can also help to identify key flood risk and drainage issues that may otherwise arise during the planning process.

The pre-application advice service should enable developers to:

- Receive LLFA advice that is consistent, reliable, and tailored towards your needs and specific site proposals

- Ensure that the Flood Risk Assessment and/or Drainage Strategy are comprehensive and meets the requirement of both local and national policies and guidance
- Be informed of the LLFA requirements on the design of multi-functional Sustainable Drainage Systems (SuDS)
- Receive site-specific advice and information on historic flooding, flood investigations and relevant planning and consenting applications
- Discuss any flood risk mitigation required to offset the impact of a proposed development

3. What services do we provide?

3.1 Level 1 - General guidance

The LLFA hold a selection of readily available documents, which can be found online on our webpage and downloaded for free as part of our Level 1 service. These documents include:

- Surface Water Management Plan (SWMP)
- Local Flood Risk Management Strategy (LFRMS)
- Historical Flood Map

The National Planning Policy Framework (NPPF) requires that Local Plans should be supported by a Strategic Flood Risk Assessment (SFRA). Whilst an SFRA is used to assist Local Planning Authorities in directing new development to areas of lower flood risk, and to ensure flood risk is managed. Although the SFRA is not an LLFA document, it can also be found on our website.

We also have our 'Flood Risk Guidance for Development' document which provides detailed design guidance on LLFA requirements for SuDS and surface water drainage.

These documents can be found on <https://www.warwickshire.gov.uk/flooding/planning-and-sustainable-drainage>

3.2 Level 2 – Site-specific flood risk data request

Our Level 2 service is comprised of searching our records for flood risk data relevant to the proposed development site. This information will be collated into a summary report.

The flood risk data request will be produced by either a WCC Flood Risk Management Engineer or Officer, with support and sign off by a more senior member of the team.

The search of our records and relevant background data contained within the report provided will include the following:

- Relevant Local Policy including Local Plans and Neighbourhood Development Plans

- Flood Risk Mapping including the EA Flood Map for Planning and RoFSW map
- Asset Data and Ordinary Watercourse Land Drainage Consents
- Historic Flood Records
- Formal Flood Investigations
- LLFA Planning History

The summary report you will receive will also include a short commentary and identify key suggested actions and considerations for your application going forward; for example, the need for watercourse modelling, any consent requirements and whether a Flood Risk Assessment and or Drainage Strategy is required.

Any records shared will not contain property specific information due to data privacy regulations, but information will be delivered on a street-level where possible. Specific information relating to flood reports and investigations on our system may be shared, such as the source of flooding, date and context of reports where the LLFA hold this information.

Once we have processed your application and the payment has been received, we will produce the written summary report typically within 10 working days or as otherwise agreed. If you then require any further clarification or additional information, a Level 3 technical review and written informal advice may be required. Chargeable meetings can also be obtained. Please see Level 3 service offer below for further information.

3.3 Level 3 - Document review and written informal advice

Our Level 3 service is designed for a developer who wishes to obtain site-specific comments on early development proposals, based on a review of documentation provided and wider site-specific constraints.

The review and informal written advice will typically be produced by an experienced WCC Flood Risk Management Engineer, with support and sign off by a Senior Engineer.

The written informal advice is typically 6-10 pages in length (depending on the size and complexity of the site) and will be produced by the LLFA for use by the developer, giving advice and information on the proposals in relation to flood risk and sustainable drainage. The written informal advice will also include a basic site appraisal, which will consider background data similar to the Level 2 service available.

On Small Major or Large Major/ Phased developments (as defined in Section 5), additional consideration may also be given to the input of other partner Risk Management Authorities (RMA's).

The written advice is considered 'informal' as they do not replace or supersede formal comments that may subsequently be made by the LLFA in its role as statutory consultee on surface water flooding through the planning process.

The full list of recommended documents that may be provided to the LLFA can be found in Section 4 of this document. Applicants are encouraged to provide as many relevant documents as available, to fully utilise the service available. The more information provided to the LLFA, the more we are able to provide comment on.

We aim to complete the technical review and issue the informal written advice within 10 working days of payment and submission of the relevant application form and documentation (or as otherwise agreed). Where this is not possible due to the complexity of the site or range of information submitted for technical review, we will agree the timescale in advance.

Once our written informal advice has been issued, we can briefly clarify any comments (if required) via email. If you require further discussions following the receipt of this written advice, there is the option to have a meeting or site visit – please see section below.

We also offer add-ons, exclusive to our Level 3 pre-application service only.

3.4 Level 3a - Virtual Meeting (plus document review and written informal advice)

As an additional add-on to the Level 3 service above, Level 3a is a virtual meeting with the LLFA to discuss the development proposals in more detail. The virtual meeting would typically be attended by the Flood Risk Management Engineer completing the Level 3 review and also a Technician for support and minute writing. A Senior Engineer is likely to attend the meeting when the development is Large Major or Phased.

Once we have processed your request and the payment has been received, we will agree a suitable time to have the meeting which could either be before or after the technical review and informal written advice. The meeting will be arranged online via Microsoft Teams however, an in-person meeting can be arranged subject to an additional travel charge of £50/hr per attendee from the LLFA.

Subsequent to the pre-application meeting, the LLFA will produce a brief set of meeting minutes to outline what was discussed.

3.5 Level 3b - Site Visit (plus document review and written informal advice)

As an additional add-on to the Level 3 service above, Level 3b is a site visit with the LLFA to discuss the development proposals in more detail. The site visit would typically be attended by the Flood Risk Management Engineer completing the Level 3 review. A Senior Engineer is also likely to attend the site visit when the development is Large Major or Phased.

Representatives of the LLFA may take pictures of the proposed development site during a site visit, and any objections to this should be relayed on to the LLFA prior to the site visit.

Once we have processed your request and the payment has been received, we will agree a suitable time to have the site visit which could either be before or after the technical review and informal written advice.

Typically, at least 1 hour will be allocated for a site visit, longer for Large Major or Phased developments. Costs include reasonable travel time and mileage.

3.6 Level 3c – Other bespoke service

As an additional add-on to the Level 3 service above, Level 3c enables developers to receive LLFA advice and input to other requests not covered by the other pre-application advice levels and charging schedule.

This may include, for example, input to a master-planning workshop with developers or input into pre-application advice requests from partners such as the local planning authority or another WCC team. This will allow the cost of officer time spent on these activities recovered on a time-charge basis.

As this is a bespoke level of service, please contact us to discuss your requirements and obtain a fee.

4. What you will need to provide

To request pre-application advice please complete our online application form available [here](#).

Alternatively, you can download a copy of our application form on our website www.warwickshire.gov.uk/flooding/planning-and-sustainable-drainage. Once completed, please return it to us via email: FRMplanning@warwickshire.gov.uk

Whilst we appreciate that some information is not available for pre-application discussions, we expect a minimum level of information to be submitted as part of the application process, to enable us to provide quality advice and guidance.

We must receive a fully completed application form to be able to progress with the request for our pre-application advice service.

The submission of a completed application form should suffice for our Level 2 service.

Within the application form, applicants will be expected to list whether a site is brownfield or greenfield. Brownfield sites are identified as previously developed sites as described in the

National Planning Policy Framework (NPPF). There may be existing areas of hardstanding that will be utilised in design or are to be demolished. Greenfield sites are undeveloped sites with no previous permanent construction works.

For our Level 3, 3a, 3b and 3c services, where available, it is **recommended** that some or all of the following information is also submitted as part of your pre-application submission. Draft documents are preferable as they allow for flexibility of the design during the pre-application service.

- Location plan with red and blue line boundaries
- Site plan or masterplan
- Drainage Strategy/ Drainage Layout options
- Existing drainage plans
- Flood Risk Assessment (or parts of)
- Topographical survey
- Ground Investigation Report
- Photographs of the site

The above information should be submitted along with the application form as part of your request for pre-application advice. A member of the team will be in contact to acknowledge and begin processing your application as soon as possible.

5. Fees

Detailed below is the charging structure for the various levels of pre-application advice available for a range of development sizes. As pricing varies dependent on the development size, it is important to correctly identify the size of the development you wish to acquire pre-application advice on. Definitions of the development sizes are as follows:

Minor

- 1-9 dwellings
- Non-residential < 1,000m² of new internal floor space

Small Major

- 10-199 dwellings
- Non-residential between 1,000-10,000m² of new internal floor space

Large Major or Phased

- 200 or more dwellings
- Multi-phase developments
- Non-residential more than 10,000m² of new internal floor space

For any developments that are not covered by the definitions above (such as solar farms, highway schemes and recreation), or if the development is significantly higher than the

number of dwellings or floorspace in the definitions above, please contact us at frmplanning@warwickshire.gov.uk to agree the most appropriate charging band.

	Minor	Small Major	Large Major or Phased
Level 1 – General guidance available online	No fee	No fee	No fee
Level 2 – Site-specific flood risk data request	£130	£190	£300
Level 3 – Document review and written informal advice	£330	£680	£1,200

NB: Charges above exclude VAT (20%)

The services below are optional add-ons to **Level 3 only**.

The price shown below for optional Level 3 add-ons is the **total cost payable**. This is not in addition to the Level 3 cost in the above table.

	Minor	Small Major	Large Major or Phased
Level 3a - Virtual meeting* (plus document review and written informal advice)	£470	£900	£1,650
Level 3b - Site visit (plus document review and written informal advice)	£600	£1,040	£1,780
Level 3c – Other / bespoke	<i>Price on enquiry. See Section 3.6 of guidance for details</i>		

NB: Charges above exclude VAT (20%)

** in-person meetings are subject to a travel charge of £50/hr per LLFA attendee*

Please note that all fees paid are non-refundable regardless of whether or not a planning application is subsequently submitted. The LLFA reserves the right to levy additional charges i.e. additional work is subsequently required which may not have been included in the fee estimate; applicants will be advised of this prior to the work being undertaken. All fees are required upfront and no advice will be given or meeting held until the payment has been received by WCC.

6. Standards of service

Where proposals are for project work, large or major schemes with highly complex issues, a series of meetings or pre application submissions may be required. This will be discussed and an approach agreed during an initial pre-application meeting. Works required as part of the service will be subject to an additional fee. This will be agreed before completing further works, either by the LLFA providing a quote or agreed charges by the hour.

Please be aware that the LLFA will not be able to provide pre-application advice for live/active planning applications, which are currently in the planning system with the Local Planning Authority (LPA). As a statutory consultee for surface water, the relevant LPA will consult the LLFA to make a formal consultation response on any application that is classed a major site¹.

The pre-application service is also fully delivered within the Flood Risk Management cost centre and therefore there is no requirement to compensate other service areas for delivering it. Should we receive a bespoke request that includes other service areas, for example Legal Services or Ecology, then Level 3c of the pre-application service offer will apply and a bespoke charge will be calculated based on officer time within the Flood Risk Management team and any costs payable to other service areas.

7. Exemptions

Advice to District and Borough Councils on the following policy work will continue to be provided free of charge:

- Advice on policy preparation of Local Plans
- Advice on policy preparation of Supplementary Planning Documents
- Advice on preparation of Neighbourhood Development Plans
- Advice on other strategic consultations

This approach may be applicable to other strategic consultations, such as those from other Risk Management Authorities.

8. Disclaimer

Any advice given by LLFA officers for pre-application enquiries does not and cannot bind Warwickshire County Council to any particular course of action or any formal recommendation to the local planning authority on any subsequent planning application submitted for the development site. Any views or opinions are given without prejudice to the formal consideration of any planning application which will be subject to public consultation and ultimately determined by the local planning authority.

The County Council will use its best endeavours to honour the timescales outlined within this document and would normally expect such timescales to be adhered to. Occasionally however, it may not always be possible to respond as indicated, and in such instances we will communicate this to you at the earliest opportunity. The LLFA have the right to refuse

¹ Statutory Instruments 2015 No. 595 – The Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/595/made>)

requests due to unforeseen circumstances. The Council reserves the right to review the Fees chargeable at its discretion for any reason whatsoever.

9. Contact Details

Email: FRMplanning@warwickshire.gov.uk

Website: <https://www.warwickshire.gov.uk/flooding>

Phone: 01926 412982