Interim LLFA Guidance Note: Planning and Development in Leicestershire

This document should be read in conjunction with 'Planning Applications: Lead Local Flood Authority Statutory Consultation Checklist' and serves as interim LLFA surface water and flood risk guidance prior to completion of more comprehensive guidance.

Additional explanation & advisory notes to support the LLFA Statutory Consultation Checklist

1. Location plan

- A plan scale should be selected and identified that clearly shows the site location in the context of the surrounding environment.
- Plans and red line boundaries must be consistent across all documents submitted.

2. Proposals layout plan

- The development type should be clearly shown and layout (indicative or otherwise) should be submitted.

3. Evidence that the site can be drained

- In line with The Building Regulations 2010 Approved Document H, use the following hierarchy for assessing the most appropriate method of discharging surface water:
    1. Into the ground (infiltration)
    2. To a surface water body (rivers, watercourses, lakes, ponds, canals etc.)
    3. Into a surface water sewer, highway drain, or another drainage system
    4. Into a combined sewer
- Confirmation of outfall, including type, location and level information.
- The discharge of surface run off should be as high up the hierarchy of drainage options as reasonably practicable.
- Note that it is only possible to requisition a new sewer under Section 98 of the Water Industry Act (1991) to an existing public sewer. Where an outfall to a watercourse is proposed, the applicant must demonstrate control over the land through which the connection passes and discharges. Where relying on the use of third party land the applicant must provide evidence of a legal agreement with the relevant land owner(s).

4. Topographic & ground investigation details

- Sufficient topographic detail should be submitted to support the drainage proposals. For larger sites, a full topographic survey should be submitted. Some sites may be supported with OS or LiDAR data where available and appropriate.
- The level of any surface water outfall receptor must be fully evidenced.
- A desk study should be a minimum approach for a ground investigation review.
- Where an infiltration drainage proposal is submitted with no alternative non-infiltration option(s) identified, BRE Digest 365 Soakaway Design compliant test results for the site must be provided with calculations supporting the proposals.

5. The total impermeable area pre & post development

- This can be either on the development plan or in a FRA or drainage strategy report.
- Provide an indication of pre and post development impermeable areas for comparison.

6. All potential flood risk sources have been identified & assessed

- Sources of flood risk may include (but not be limited to), fluvial (rivers and watercourses), surface water, groundwater, overland flow and other sources (i.e. canal embankment or dam breach etc.).
- The need for modelling should be identified and undertaken where required.
- A formal flood risk assessment (FRA) is required where the development is:
    - in flood zone 2 or 3 including minor development and change of use
    - more than 1 hectare (ha) in flood zone 1
    - less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)
    - in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency
- The level of detail within a FRA should be appropriate to the scale and nature of the development.

7. Existing & proposed peak discharge rates

- The existing discharge rate should be clearly identified and expressed in litres per second (l/s) and litres per second per hectare (l/s/ha).
- The proposed discharge rate should be clearly identified and expressed in litres per second (l/s) and litres per second per hectare (l/s/ha).
- Evidence should be provided to substantiate existing and proposed flow rates. Section 24 of CIRIA C753 'The SuDS Manual' provides guidance regarding the selection and calculation of run-off estimation methods, including a useful summary in Table 24.1.
- To minimise the risk of system blockage the council would allow 5 l/s as the minimum discharge rate from a site.
- Brownfield sites must achieve greenfield run-off rates unless is adequately demonstrated to not be reasonably practicable or technically viable. In such instances, the applicant should seek to reduce discharges rate as much as reasonably practicable or technically viable. The proposed brownfield discharge rate should never represent an increase over the calculated existing discharge rate.
- Where discharging to a receiving system maintained and/or operated by another authority (i.e. water company, highway authority, Canals and River Trust, Internal Drainage Board etc.) evidence of consultation and the acceptability in principle of any discharge into their assets should be submitted for consideration by the LLFA and LPA (refer to clauses 2.21 3.11, 3.12 and 3.13 of LASOO Non-Statutory Technical Standards for Sustainable Drainage, Practice Guidance).

8. Consideration of sustainable drainage systems

- Sustainable drainage systems (SuDS) for managing surface water run-off should be considered for all development.
- Where SuDS are proposed, these should be detailed to an appropriate level for the type of planning application.
- Refer to CIRIA C753 'The SuDS Manual' for comprehensive guidance on the design and implementation of SuDS.

9. Attenuation volume calculations

- An estimate using industry standard methodology and tools to demonstrate any required attenuation volumes for surface water storage (SuDS techniques are recommended) and confirmation that this can be located within the development masterplan.
- A layout plan (produced to scale) showing location of all storage features including SuDS and flow controls.
- The calculations for attenuation requirements should allow for storm events up to the 1 in 100 year return period plus the appropriate allowance for climate change. For climate change guidance, refer to Section 24.7 of CIRIA C753 'The SuDS Manual'.
- Where applicable, the impacts of 'urban creep' should be included. Unless it can be demonstrated otherwise, a 10% increase in the impermeable area should be included within the storage calculations. Urban creep guidance is also contained within Section 24.7 of CIRIA C753 'The SuDS Manual'.

10. Consideration of the maintenance & management of all drainage elements

- Details submitted should consider how drainage proposals will be operated and maintained (including access) for the lifetime of the development with particular consideration given to shared elements that are likely to be maintained privately.
- Refer to CIRIA C753 'The SuDS Manual' (Part E Section 32A) and LASOO Non–Statutory Technical Standards for Sustainable Drainage, Practice Guidance (clauses 3.51-3.56).

Details should be proportionate to the development scale, type & risk

- Outline applications generally do not require definitive details (aside from elements of the proposals which are not reserved), only sufficient information to demonstrate that a viable drainage scheme can be delivered. Layout, scale and the specific locations of SuDS and drainage features should be identified indicatively, being confirmed in further detail as part of a subsequent reserved matters application. Although only indicative details are required at this stage, there should still be sufficient detail to support them.
- Reserved matters applications seek to fix the layout and form of the development. As such, sufficient details must be provided to demonstrate the proposals make sufficient allowance for the surface water drainage scheme as identified in the outline application. In many cases, sufficient detail would have been provided at the outline stage, but where the layout has changed or only indicative details were provided previously, further evidence and calculations supporting the layout should be provided at this stage.
- Full panning applications require the same levels of detail as an outline and reserved matters application combined, as a full application fixes the proposed layout.
- Hybrid Applications are a combination of outline and full applications and are typically submitted in order to expedite the first phase of development. The details required should match the details required for outline and full applications for the relevant areas of the site; however where there are interdependencies between the outline and full parts of the proposals, sufficient consideration should be made.
- Discharge of conditions applications are not subject to the checklist and sufficient details to satisfy the wording of the condition(s) should be submitted. All proposals should include supporting evidence such as calculations, modelling, approvals etc.
- Variations should include sufficient details in relation to drainage to support the proposed change, however in many cases; no revised drainage details are required. The checklist may apply dependant on the type of variation sought.

Minor applications

It is not the statutory duty of the LLFA to comment on minor applications; however where there is a specific flood risk or drainage concern the LLFA would seek to advise when consulted by the LPA. The checklist still applies to minor development, however there is greater emphasis on ensuring details are appropriate to the scale and type of development. In cases where unrestricted discharge rates would not exceed 5 l/s, no drainage strategy would be required; however a suitable outfall should still be identified. SuDS should still be considered for treatment benefit.

Not meeting the checklist requirements

It is acknowledge that in some instances, certain elements of the checklist may not be relevant to your application. Where you believe this to be the case, details should be submitted supporting any lack of detail for each checklist item.

Where certain elements of the checklist are not provided to the LLFA for review, the council reserve the right to defer further review of the submitted details until full details satisfying the checklist have been submitted.

Refer to the following links for further supporting information, guidance & policy:

- Leicestershire County Council Flooding and Drainage
  https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage
- National Planning Policy Framework
  https://www.gov.uk/government/publications/national-planning-policy-framework--2
- Flood Risk Assessment for Planning Applications
  https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications
- Environment Agency Climate Change Advice
  https://www.gov.uk/guidance/climate-change
- Non-Statutory Technical Standards
  https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards
- The SuDS Manual (CIRIA C753)
  https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx
- LASOO Non-Statutory Technical Standards for Sustainable Drainage
  http://www.susdrain.org/files/resources/other-guidance/lasoo_non_statutory_suds_technical_standards_guidance_2016_.pdf
- Government Advice of Flood Risk and Coastal Change
  https://www.gov.uk/guidance/flood-risk-and-coastal-change
- The Building Regulations 2010 Approved Document H
  https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h