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Guidance

Historic environment

Advises on enhancing and conserving the historic environment.

From: **Ministry of Housing, Communities and Local Government (/government/organisations/ministry-of-housing-communities-local-government)**, **Ministry of Housing, Communities & Local Government (2018 to 2021) (/government/organisations/ministry-of-housing-communities-and-local-government-2018-2021)** and **Department for Levelling Up, Housing and Communities (/government/organisations/department-for-levelling-up-housing-and-communities)**

Published 10 April 2014

Last updated 23 July 2019 —

Contents

This guidance has been updated see previous version (https://webarchive.nationalarchives.gov.uk/20190607161354/https://www.gov.uk/gui

dance/conserving-and-enhancing-the-historic-environment).

Overview: historic environment

What is the main legislative framework for the historic environment?

In addition to the planning framework which is primarily set out in the Town and Country Planning Act 1990 (http://www.legislation.gov.uk/ukpga/1990/8/contents):

- the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/contents) provides specific protection for buildings and areas of special architectural or historic interest
- the Ancient Monuments and Archaeological Areas Act 1979 (http://www.legislation.gov.uk/ukpga/1979/46/contents) provides specific protection for monuments of national interest
- the Protection of Wrecks Act 1973 (http://www.legislation.gov.uk/ukpga/1973/33/contents) provides specific protection for wreck sites of archaeological, historic or artistic interest
- the Historic Buildings and Ancient Monuments Act 1953 (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) makes provision for the compilation of a register of gardens and other land (parks and gardens, and battlefields).

While not part of the legislative framework, the UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972 (https://whc.unesco.org/en/conventiontext/) (to which the UK is a signatory) makes provision for the World Heritage List, which is a list of cultural and/or natural heritage sites of outstanding universal value.

Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as applying the relevant policies in the development plan and the National Planning Policy Framework.

Paragraph: 001 Reference ID: 18a-001-20190723

Revision date: 23 07 2019

What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196))

Paragraph: 002 Reference ID: 18a-002-20190723

Revision date: 23 07 2019

Plan-making: historic environment

What is a positive strategy for conservation and enjoyment of the historic environment?

In line with the National Planning Policy Framework (paragraph 185) (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment), plans should set out a positive

strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Plan-making bodies will need to consider the relationship and impact of other policies on the delivery of the strategy for conservation.

Paragraph: 003 Reference ID: 18a-003-20190723

Revision date: 23 07 2019

What is an appropriate evidence base for plan-making?

Policy on this is set out in paragraph 187 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para187) of the National Planning Policy Framework. Guidance can be found in the Plan-making (https://www.gov.uk/guidance/plan-making#045) section of the planning practice guidance.

Paragraph: 004 Reference ID: 18a-004-20190723

Revision date: 23 07 2019

How can heritage issues be addressed in neighbourhood plans?

Where it is relevant, neighbourhood plans (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale.

It is beneficial for any designated and non-designated heritage assets (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) within the plan area to be clearly identified at the start of the plan-making process so they can be appropriately taken into account.

The historic environment record is a useful source of information on the local historic environment. The local planning authority heritage advisers

can advise on local heritage issues to be considered when preparing a neighbourhood plan.

Further information on:

- Neighbourhood planning generally can be found in the neighbourhood planning section (https://www.gov.uk/guidance/neighbourhood-planning--2) of the planning practice guidance
- Heritage specific issues and neighbourhood planning (https://historicengland.org.uk/advice/hpg/historic-environment/neighbourhoodplanning/) is provided by Historic England.

Paragraph: 005 Reference ID: 18a-005-20190723

Revision date: 23 07 2019

Decision-making: historic environment

What is 'significance'?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of

our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Further commentary on the significance of World Heritage Sites.

Paragraph: 006 Reference ID: 18a-006-20190723

Revision date: 23 07 2019

Why is 'significance' important in decision-making?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (see How can the possibility of harm to a heritage asset be assessed?).

Paragraph: 007 Reference ID: 18a-007-20190723

Revision date: 23 07 2019

How can proposals avoid or minimise harm to the significance of a heritage asset?

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

See the Historic England website for further advice on assessing the significance of heritage assets (https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/).

Paragraph: 008 Reference ID: 18a-008-20190723

Revision date: 23 07 2019

What assessment of the impact of proposals on the significance of affected heritage assets should be included in an application?

Applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting (National Planning Policy Framework paragraph 189 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para189)). In doing so, applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

Paragraph: 009 Reference ID: 18a-009-20190723

Revision date: 23 07 2019

Where can local planning authorities get help to assess the significance of heritage assets?

In most cases the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice in addition to the information provided by the applicant, historic environment record, similar sources of information and inspection of the asset itself. Advice may be sought from appropriately qualified staff and experienced in-house experts or professional consultants, complemented as appropriate by consultation with National Amenity Societies and other statutory consultees and other national and local organisations with relevant expertise.

Paragraph: 010 Reference ID: 18a-010-20190723

Revision date: 23 07 2019

What is a historic environment record?

Historic environment records are publicly-accessible and dynamic sources of information about the local historic environment. They provide core information for plan-making and designation decisions (such as information about designated and non-designated heritage assets, and information that helps predict the likelihood of currently unrecorded assets being discovered during development) and will also assist in informing planning decisions by

providing appropriate information about the historic environment to communities, owners and developers as set out in the National Planning Policy Framework. See the Historic England website for details of how to access historic environment records (https://historicengland.org.uk/advice/technical-advice/information-management/hers/).

Paragraph: 011 Reference ID: 18a-011-20190723

Revision date: 23 07 2019

How do Design and Access Statement requirements relate to heritage assessments?

A Design and Access Statement (https://www.gov.uk/guidance/making-an-application#design-access-statement) is required to accompany certain applications for planning permission and applications for listed building consent.

Design and Access Statements provide a flexible framework for an applicant to explain and justify their proposal with reference to its context. In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposed design has responded to the historic environment through including the necessary heritage assessment as part of the Design and Access Statement.

Paragraph: 012 Reference ID: 18a-012-20190723

Revision date: 23 07 2019

What is the setting of a heritage asset and how can it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary).

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by

other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

See further guidance on setting of heritage assets and wind turbine development (https://www.gov.uk/guidance/renewable-and-low-carbon-energy#heritage-be-taken-into-account).

Paragraph: 013 Reference ID: 18a-013-20190723

Revision date: 23 07 2019

Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset in any decision (National Planning Policy Framework paragraph 191 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para191)). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

Paragraph: 014 Reference ID: 18a-014-20190723

Revision date: 23 07 2019

What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 193 to 196 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para193) of the National Planning Policy Framework.

Paragraph: 015 Reference ID: 18a-015-20190723

Revision date: 23 07 2019

When is securing a heritage asset's optimum viable use appropriate in planning terms?

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the National Planning Policy Framework (paragraph 196) (https://www.gov.uk/guidance/national-planning-

policy-framework/16-conserving-and-enhancing-the-historic-environment#para196) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset.

Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development.

'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration.

Paragraph: 016 Reference ID: 18a-016-20190723

Revision date: 23 07 2019

What evidence is needed to demonstrate that there is no viable use?

Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in paragraph 195b of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195). The aim of such marketing is to reach potential buyers who may be willing to find a viable use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but it will not have been demonstrated that the heritage asset has no viable use .

Paragraph: 017 Reference ID: 18a-017-20190723

Revision date: 23 07 2019

How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194 to 196) (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194)).

Paragraph: 018 Reference ID: 18a-018-20190723

Revision date: 23 07 2019

How can the possibility of harm to conservation areas be assessed?

Paragraph 201 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196) is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195). Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole. The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces.

See guidance on how trees are protected in conservation areas (https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas).

Paragraph: 019 Reference ID: 18a-019-20190723

Revision date: 23 07 2019

What is meant by the term public benefits?

The National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195) requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8 (https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Paragraph: 020 Reference ID: 18a-020-20190723

Revision date: 23 07 2019

How can Neighbourhood Development Orders and Community Right to Build Orders take account of heritage issues?

The policies in the National Planning Policy Framework, and the associated guidance, which relate to decision-making on planning applications which affect the historic environment, apply equally to the consideration of what planning permission may be granted through Neighbourhood Development Orders and Community Right to Build Orders.

Neighbourhood Development Orders and Community Right to Build Orders can only grant planning permission, not heritage consents (ie listed building consent or scheduled monument consent).

Historic England must be consulted on all Neighbourhood Development Orders and Community Right to Build Orders to allow it to assess the impacts on the heritage assets, and determine whether an archaeological statement (definition in regulation 22(2) of the Neighbourhood Planning (General) Regulations 2012 (http://www.legislation.gov.uk/uksi/2012/637/regulation/22/made)) is required. This, and other consultation requirements relating to development affecting heritage assets, are set out in regulation 21 of, and Schedule 1 to, the Neighbourhood Planning (General) Regulations 2012 (http://www.legislation.gov.uk/uksi/2012/637/contents/made).

Further information on making these Orders can be found:

- in the Neighbourhood planning section of guidance (https://www.gov.uk/guidance/neighbourhood-planning--2)
- in the When is permission required? section of guidance (https://www.gov.uk/guidance/when-is-permission-required)
- in the Neighbourhood Development Orders and Heritage guidance (https://historicengland.org.uk/advice/hpg/consent/ndo/) on the Historic England website

Paragraph: 021 Reference ID: 18a-021-20190723

Revision date: 23 07 2019

Designated heritage assets

How do heritage assets become designated?

The Department for Culture, Media and Sport (advised by Historic England) is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites.

Historic England identifies and designates registered parks and gardens and registered battlefields.

World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

In most cases, conservation areas are designated by local planning authorities.

Historic England administers all the national designation regimes. See the Department for Culture, Media and Sport website for further information on selection criteria and processes (https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments).

Paragraph: 022 Reference ID: 18a-022-20190723

Revision date: 23 07 2019

What are the different types of designated heritage assets?

Listed building (https://www.legislation.gov.uk/ukpga/1990/9/contents) – a building which has been designated because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:

- any object or structure fixed to the building
- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948

Scheduled monument (http://www.legislation.gov.uk/ukpga/1979/46/contents) – a monument which has been designated because of its national importance.

Protected wreck site (https://www.legislation.gov.uk/ukpga/1973/33/contents) – the site of a vessel lying wrecked on or in the sea bed, designated because

of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it.

Registered park or garden (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) – a designed landscape which has been designated because of its special historic interest.

Registered battlefield (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) – a battlefield which has been designated because of its special historic interest.

World heritage site – a cultural and/or natural heritage site inscribed because of its outstanding universal value.

Conservation area (https://www.legislation.gov.uk/ukpga/1990/9/part/II) – an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Paragraph: 023 Reference ID: 18a-023-20190723

Revision date: 23 07 2019

What do local planning authorities need to consider before designating new conservation areas?

Local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area. Undertaking a conservation area appraisal may help a local planning authority to make this judgment.

See the Historic England website for further advice on conservation area designation, appraisal and management (https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/).

Paragraph: 024 Reference ID: 18a-024-20190723

Revision date: 23 07 2019

Do local planning authorities need to review conservation areas?

Local planning authorities must review their conservation areas from time to time (section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/69)).

A conservation area appraisal can be used to help local planning authorities develop a management plan and plan-making bodies to develop appropriate policies for local and neighbourhood plans. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection.

Paragraph: 025 Reference ID: 18a-025-20190723

Revision date: 23 07 2019

How are World Heritage Sites protected and managed in England?

England protects its World Heritage Sites and their settings, including any buffer zones or equivalent, through the statutory designation process and through the planning system.

The Outstanding Universal Value of a World Heritage Site, set out in a Statement of Outstanding Universal Value, indicates its importance as a heritage asset of the highest significance to be taken into account by:

- the relevant authorities in plan-making, determining planning and related consent applications (including listed building consent, scheduled monument consent, development consent orders and Transport and Works Act Orders)
- and, where relevant, by the Secretary of State in determining such cases on appeal or following call in

Effective management of World Heritage Sites involves the identification and promotion of positive change that will conserve and enhance their Outstanding Universal Value, authenticity, integrity and with the modification or mitigation of changes which have a negative impact on those values.

Paragraph: 026 Reference ID: 18a-026-20190723

Revision date: 23 07 2019

How is the importance of World Heritage Sites reflected in the National Planning Policy Framework?

World Heritage Sites are defined as designated heritage assets (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) in the National Planning Policy Framework. The National Planning Policy Framework sets out detailed policies for the conservation and enhancement of the historic environment, including World Heritage Sites, through both plan-making and decision-making.

See further guidance on World Heritage Sites.

Paragraph: 027 Reference ID: 18a-027-20190723

Revision date: 23 07 2019

Further guidance on World Heritage Sites

Why are World Heritage Sites important?

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee inscribes World Heritage Properties onto its World Heritage List for their Outstanding Universal Value – cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. World Heritage Properties are referred to in the National Planning Policy Framework and in this guidance as 'World Heritage Sites' and are defined as designated heritage assets in the National Planning Policy Framework.

The government is a State Party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (known as the World Heritage Convention) and it was ratified by the UK in 1984.

Paragraph: 028 Reference ID: 18a-028-20190723

Revision date: 23 07 2019

How is the importance of each Site recognised internationally?

A Statement of Outstanding Universal Value is agreed and adopted by the World Heritage Committee for each Site on inscription. The Statement sets out what the World Heritage Committee considers to be of Outstanding Universal Value about the Site in relation to the World Heritage Convention and includes statements of integrity and, in relation to cultural sites or the cultural aspects of 'mixed' Sites, authenticity, and the requirements for protection and management.

Statements of Outstanding Universal Value are key reference documents for the protection and management of each Site and can only be amended or altered by the World Heritage Committee.

Paragraph: 029 Reference ID: 18a-029-20190723

Revision date: 23 07 2019

How many World Heritage Sites are there and where are they?

There are currently 19 cultural World Heritage Sites wholly or partly in England and one natural World Heritage Site. Details of each can be found on the National Heritage List for England (https://historicengland.org.uk/listing/the-list/).

Paragraph: 030 Reference ID: 18a-030-20190723

Revision date: 23 07 2019

How does the terminology used by UNESCO relate to the policies of the National Planning Policy Framework?

The international policies concerning World Heritage Sites use different terminology to that in the National Planning Policy Framework. World Heritage Sites are inscribed for their 'Outstanding Universal Value' and each World Heritage Site has defined its 'attributes and components': the tangible remains, visual and cultural links that embody that value. The cultural heritage within the description of the Outstanding Universal Value will be part of the World Heritage Site's heritage significance and National Planning Policy Framework policies will apply to the Outstanding Universal Value as they do to any other heritage significance they hold. As the National Planning Policy Framework makes clear, the significance of the designated heritage asset derives not only from its physical presence, but also from its setting.

Paragraph: 031 Reference ID: 18a-031-20190723

Revision date: 23 07 2019

What principles need to be considered in developing a positive strategy for the conservation and enjoyment of World Heritage Sites?

In line with the National Planning Policy Framework, plans, at all levels should conserve the Outstanding Universal Value, integrity and authenticity (where relevant for cultural or 'mixed' sites) of each World Heritage Site and its setting, including any buffer zone or equivalent. World Heritage Sites are designated heritage assets of the highest significance. Appropriate policies for the protection and sustainable use of World Heritage Sites, including enhancement where appropriate, need to be considered in relevant plans. These policies will need to take account of international and national requirements as well as specific local circumstances.

When developing plan policies to protect and enhance World Heritage Sites and their Outstanding Universal Value, plan-making bodies should aim to

satisfy the following principles:

- protecting the World Heritage Site and its setting, including any buffer zone, from inappropriate development
- striking a balance between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the World Heritage Site in its setting, including any buffer zone
- protecting a World Heritage Site and its setting from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect
- enhancing the World Heritage Site and its setting where appropriate and possible through positive management
- protecting the World Heritage Site and its setting from climate change but ensuring that mitigation and adaptation is not at the expense of integrity or authenticity

Local planning authorities whose area covers either the World Heritage Site itself or all or part of its setting need to take these principles and the resultant policies into account when making decisions on applications

Paragraph: 032 Reference ID: 18a-032-20190723

Revision date: 23 07 2019

How is the setting of a World Heritage Site protected?

The UNESCO Operational Guidelines seek protection of “the immediate setting” of each World Heritage Site, of “important views and other areas or attributes that are functionally important as a support to the Property” and suggest designation of a buffer zone wherever this may be necessary. A buffer zone is defined as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site. The buffer zone forms part of the setting of the World Heritage Site.

It may be appropriate to protect the setting of World Heritage Sites in other ways, for example by the protection of specific views and viewpoints, both from and to the site. Other landscape designations may also prove effective in protecting the setting of a World Heritage Site. However it is intended to protect the setting, it will be essential to explain how this is to be done in the relevant development plan policies.

Decisions on buffer zones are made on a case by case basis at the time of nomination and reviewed subsequently through the World Heritage Site Management Plan review process. Proposals to add or amend buffer zones

following inscription are submitted by government for approval by the World Heritage Committee who will consider and adopt the proposals as appropriate.

Paragraph: 033 Reference ID: 18a-033-20190723

Revision date: 23 07 2019

What are World Heritage Site management plans?

Each World Heritage Site has a management plan which contains both long term and day to day actions to protect, conserve and present the Site. Steering Groups, including key representatives from a range of national and local bodies, are responsible for the formulation and implementation of the plan, and public consultation at key stages of its development. The relevant local planning authority will often lead the Steering Group.

Management plans need to be developed in a participatory way, fully involving all interested parties and in particular those responsible for managing, owning or administering the Site. Each plan will need to be attuned to the particular characteristics and needs of the site and incorporate sustainable development principles. Each plan will:

- contain the location and Site boundary details
- specify how the Outstanding Universal Value, authenticity and integrity of each site is to be maintained
- identify attributes
- examine issues affecting its conservation and enjoyment

Management plans will usually cover topics such as its boundaries, development, tourism, interpretation, education and transport.

Given their importance in helping to sustain and enhance the significance of the World Heritage Site, relevant policies in management plans need to be taken into account in preparing development plans for the historic or natural environment (as appropriate) and in determining relevant planning applications.

Paragraph: 034 Reference ID: 18a-034-20190723

Revision date: 23 07 2019

What approach can be taken to assessing the impact of development on World Heritage Sites?

Applicants proposing change that might affect the Outstanding Universal Value, integrity and, where applicable, authenticity of a World Heritage Site through development within the Site or affecting its setting (including any buffer zone or equivalent) need to submit sufficient information with their applications to enable assessment of the potential impact on Outstanding Universal Value. This may include visual impact assessments, archaeological data and/or historical information. In many cases this will form part of an Environment Statement. Applicants may find it helpful to use the approach set out in the International Council on Monuments and Sites Heritage Impact Assessment guidelines (https://www.icomos.org/en/home-wh/108301-new-guidance-set-to-help-reduce-impacts-from-development-on-world-heritage-sites) and Historic England's guidance on setting and views (https://historicengland.org.uk/advice/planning/setting-and-views/).

World Heritage Sites are 'sensitive areas' for the purposes of determining if an Environmental Impact Assessment (https://www.gov.uk/guidance/environmental-impact-assessment) is required for a particular development proposal. Lower development size thresholds apply to the requirement for Design and Access Statements (https://www.gov.uk/guidance/making-an-application#design-access-statement) within World Heritage Sites as compared with the norm.

Paragraph: 035 Reference ID: 18a-035-20190723

Revision date: 23 07 2019

What consultation is required in relation to proposals that affect a World Heritage Site?

The UNESCO Operational Guidelines for the Implementation of the World Heritage Convention ask governments to inform the World Heritage Committee at an early stage of proposals that may affect the Outstanding Universal Value of the Site and "before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value is fully preserved". Therefore, it would be very helpful if local planning authorities could consult Historic England (for cultural Sites) or Natural England (for natural Sites) and Department for Culture, Media and Sport at an early stage and preferably pre-application about any development proposals which may affect a World Heritage Site or its setting (including any buffer zone or its equivalent).

It would also be helpful if local planning authorities inform World Heritage Site Steering Groups of development proposals which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent and consult them during the application process.

Local planning authorities are required to consult the Secretary of State for Housing, Communities and Local Government before approving any planning application to which Historic England maintains an objection and which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent. The Secretary of State then has the discretion as to whether to call-in the application for his/her own determination. Further information on the Secretary of State's involvement in deciding an application can be found in Determining a planning application (https://www.gov.uk/guidance/determining-a-planning-application#consult-with-the-Secretary-of-State) section of guidance.

Paragraph: 036 Reference ID: 18a-036-20190723

Revision date: 23 07 2019

Are permitted development rights restricted in World Heritage Sites?

World Heritage Sites are defined as article 2(3) land (https://www.gov.uk/guidance/when-is-permission-required#article-2) in the Town and Country Planning (General Permitted Development) Order 2015. This means that certain permitted development rights are restricted within the Site. Local planning authorities can restrict further development by using article 4 (https://www.gov.uk/guidance/when-is-permission-required#article-4-direction) and article 5 (minerals operations) directions under the 2015 Order.

Paragraph: 037 Reference ID: 18a-037-20190723

Revision date: 23 07 2019

Where can I find further information about World Heritage Sites?

Further information on World Heritage Sites can be found on the Department for Culture, Media and Sport website (https://www.gov.uk/government/publications/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments#appendix-1-nominating-places-in-the-uk-for-world-heritage-site-status) and on the UNESCO website (http://whc.unesco.org/).

Paragraph: 038 Reference ID: 18a-038-20190723

Revision date: 23 07 2019

Non-designated heritage assets

What are non-designated heritage assets?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph: 039 Reference ID: 18a-039-20190723

Revision date: 23 07 2019

How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (See the Historic England website for advice on local lists (https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/.)) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Paragraph: 040 Reference ID: 18a-040-20190723

Revision date: 23 07 2019

What are non-designated heritage assets of archaeological interest and how important are they?

The National Planning Policy Framework identifies two categories of non-designated heritage assets of archaeological interest:

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (National Planning Policy Framework footnote 63). They are of 3 types:

- those that have yet to be formally assessed for designation.
- those that have been assessed as being nationally important and therefore, capable of designation, but which the Secretary of State for Culture, Media and Sport has exercised his/her discretion not to designate.
- those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 because of their physical nature.

The reason why many nationally important monuments are not scheduled is set out in the document Scheduled Monuments, published by the Department for Culture, Media and Sport. Information on location and significance of such assets is found in the same way as for all heritage assets. Judging whether sites fall into this category may be assisted by reference to the criteria for scheduling monuments. Further information on scheduled monuments can be found on the Department for Culture, Media and Sport's website.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first.

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include

heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.

Paragraph: 041 Reference ID: 18a-041-20190723

Revision date: 23 07 2019

Heritage consent processes

Is listed building consent the same as planning permission?

Listed building consent and planning permission are 2 separate regimes. For some proposed works both planning permission and listed building consent will be needed, but in other cases only one, or neither, is required.

Paragraph: 042 Reference ID: 18a-042-20190723

Revision date: 23 07 2019

When is an application for planning permission required to carry out works to a listed building?

This will depend on the particular works involved, but in general terms:

- an application for planning permission is required if the works would usually require a planning application if the building was not listed
- an application for planning permission is not required if the works would normally be permitted development, there are no restrictions on the permitted development rights in respect of listed buildings and the permitted development rights have not been removed locally
- an application for planning permission is not required if the works would not constitute ‘development’ (https://www.gov.uk/guidance/when-is-permission-required#what-is-development) eg internal works to listed buildings

Paragraph: 043 Reference ID: 18a-043-20190723

Revision date: 23 07 2019

When is listed building consent required?

Any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest require listed building consent, irrespective of whether planning permission is also required. For all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.

Undertaking works, or causing works to be undertaken, to a listed building which would affect its character as a building of special historic or architectural interest, without first obtaining listed building consent is a criminal offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/9).

There is no fee for submitting an application for listed building consent.

Paragraph: 044 Reference ID: 18a-044-20190723

Revision date: 23 07 2019

What is a Listed Building Heritage Partnership Agreement?

A Listed Building Heritage Partnership Agreement is an Agreement between a local planning authority and the owner(s) of a listed building or group of listed buildings which grants listed building consent. It allows the local planning authority to grant listed building consent for the duration of the Agreement for specified works of alteration or extension (but not demolition) of those listed buildings covered by the Agreement (see sections 26A and 26B of the Planning (Listed Buildings and Conservation Areas) Act 1990) (https://www.legislation.gov.uk/ukpga/1990/9/contents).

Listed Building Heritage Partnership Agreements remove the need for the owner(s) concerned to submit repetitive applications for listed building consent for works covered by an Agreement.

When considering whether to grant listed building consent in a Listed Building Heritage Partnership Agreement local planning authorities are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest possessed by the listed building(s) to be included in the Agreement and will need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 045 Reference ID: 18a-045-20190723

Revision date: 23 07 2019

How long will a Listed Building Heritage Partnership Agreement last?

A Listed Building Heritage Partnership Agreement must make provision for its termination. The duration of a Listed Building Heritage Partnership agreement will be a matter for the local planning authority and the other parties to the Agreement to decide. Setting a time limit for a Listed Building Heritage Partnership Agreement is recommended to ensure that the Agreement continues to meet appropriate standards and principles for conservation, and continues to have regard to the special interest of the building.

Paragraph: 046 Reference ID: 18a-046-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow for a Listed Building Heritage Partnership Agreement?

The procedures, including those around consultation and publicity, which local planning authorities must follow for Listed Building Heritage Partnership Agreements, are set out in the Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/550/contents/made). See the Historic England website for advice on Listed Building Heritage Partnership Agreements (https://historicengland.org.uk/images-books/publications/setting-up-listed-building-hpa-advice-note-5/).

Paragraph: 047 Reference ID: 18a-047-20190723

Revision date: 23 07 2019

What is a Local Listed Building Consent Order?

Local Listed Building Consent Orders are made by local planning authorities and grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings in their area (see Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/section/26D)). This means that owners and developers do not need to submit repetitive applications for listed building consent for works covered by an Order.

When considering making a Local Listed Building Consent Order local planning authorities are required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will

need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 048 Reference ID: 18a-048-20190723

Revision date: 23 07 2019

How long will a Local Listed Building Consent Order last?

There is no time limit on the duration of Local Listed Building Consent Orders set out in the regulations. Local planning authorities may consider it expedient to set a time limit for the Order in each individual case.

Paragraph: 049 Reference ID: 18a-049-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow when making a Local Listed Building Consent Order?

The procedures, including those around consultation and publicity, which local planning authorities must follow when making a Local Listed Building Consent Order are set out in the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/551/contents/made) and the Historic England website has advice on Drawing up a Local Listed Building Consent Order (https://historicengland.org.uk/images-books/publications/drawing-up-local-listed-building-consent-order-advice-note-6/).

Paragraph: 050 Reference ID: 18a-050-20190723

Revision date: 23 07 2019

What is the difference between a Listed Building Heritage Partnership Agreement and a Local Listed Building Consent Order?

Listed Building Heritage Partnership Agreements are Agreements made between the local planning authority and the owner(s) of a listed building or group of listed buildings. There may be additional parties to the Agreement. As well as granting a general listed building consent for agreed works of alteration or extension to the listed building(s) to which the Agreement relates, they can cover other matters such as public access or management issues. They might be used, for example, to cover university campuses or large office buildings.

Local Listed Building Consent Orders are made by the local planning authority and grant a general listed building consent for specified works of alteration or extension to listed buildings of a specified description or in a specified part of the authority's area. They do not cover any other matters relating to the listed buildings. They are likely to be used for groups of similar or related listed buildings in multiple ownership, for example, estate villages or rows of terraced houses.

Paragraph: 051 Reference ID: 18a-051-20190723

Revision date: 23 07 2019

What is a Listed Building Consent Order?

A Listed Building Consent Order is made by the Secretary of State for Housing, Communities and Local Government to grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings of any description in England (see sections 26C, 26F, 26G and 28A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/contents)).

When considering making a Listed Building Consent Order the Secretary of State is required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will need to take account of the relevant policies in the National Planning Policy Framework.

A pilot Listed Building Consent Order is currently being developed with the Canal & River Trust to help inform the approach to future Orders. See the Historic England website for further information on Listed Building Consent Orders (https://historicengland.org.uk/images-books/publications/notes-listed-building-consent-orders/).

Paragraph: 052 Reference ID: 18a-052-20190723

Revision date: 23 07 2019

What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works provides formal confirmation that proposed works of alteration or extension (but not demolition) of a listed building do not require listed building consent because they do not affect the character of the listed building as a building of special architectural or historic interest (see section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/section/26H)).

Certificates of Lawfulness of Proposed Works are only available in respect of works which have not yet been carried out – they cannot be obtained retrospectively.

Works for which a Certificate of Lawfulness of Proposed Works is issued must be undertaken within 10 years from the date of issue of the Certificate.

Any person wishing to obtain a Certificate must submit an application to their local planning authority. The procedures for applications, and appeals against refusal or non-determination of an application, are set out in the Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/552/contents/made).

Paragraph: 053 Reference ID: 18a-053-20190723

Revision date: 23 07 2019

Is it necessary to apply for a Certificate of Lawfulness of Proposed Works before carrying out minor works to a listed building?

There is no obligation on anyone to apply for a Certificate of Lawfulness of Proposed Works.

Where a person is satisfied that the works they want to carry out do not require listed building consent they can, if they wish, proceed with those works without obtaining any confirmation from the local planning authority.

In order to avoid unnecessary applications, if there is any doubt about whether listed building consent is required, we would encourage owners and developers to discuss the matter with the local planning authority before submitting any application.

Paragraph: 054 Reference ID: 18a-054-20190723

Revision date: 23 07 2019

Is an application for planning permission required to carry out works to an unlisted building in a conservation area?

Planning permission is required for the demolition of certain unlisted buildings in conservation areas (known as ‘relevant demolition’) – see ‘When is permission required?’ (https://www.gov.uk/guidance/when-is-permission-required#demolition-in-a-conservation-area) section of the guidance.

Generally the requirement for planning permission for other works to unlisted buildings in a conservation area is the same as it is for any building outside a conservation area, although some permitted development rights

are more restricted in conservation areas. Further information in ‘When is permission required?‘ (https://www.gov.uk/guidance/when-is-permission-required) section of guidance.

Demolishing an unlisted building in a conservation area, without first obtaining planning permission where it is needed, is an offence under section 196D of the Town and Country Planning Act 1990 (http://www.legislation.gov.uk/ukpga/2013/24/schedule/17).

There is no fee for submitting an application for planning permission for the ‘relevant demolition’ of certain unlisted buildings in conservation areas.

Paragraph: 055 Reference ID: 18a-055-20190723

Revision date: 23 07 2019

What permissions/consents are needed for works to scheduled monuments and protected wreck sites?

Planning permission may be required (https://www.gov.uk/guidance/when-is-permission-required) for works to these kinds of designated heritage assets depending on whether the works constitute ‘development’ and whether any permitted development rights apply.

Irrespective of any requirement to obtain planning permission, works to scheduled monuments may require scheduled monument consent and works relating to protected wreck sites may require licences. These consent/licence regimes are outside the planning system and are the responsibility of the Department for Culture, Media and Sport advised and administered by Historic England. To undertake works without first obtaining a consent/licence where it is needed is a criminal offence. It is recommended therefore, that those intending to carry out works to these types of heritage asset contact Historic England at an early stage to confirm whether a consent/licence is needed. See the Department for Culture, Media and Sport website for further information on these regimes, including any consultation arrangements (https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments).

Paragraph: 056 Reference ID: 18a-056-20190723

Revision date: 23 07 2019

What permissions/consents are needed for registered parks and gardens, and registered battlefields?

Registered parks and gardens and registered battlefields are subject to the usual requirements to obtain planning permission. As they are designated heritage assets, the policies on designated heritage assets in the National Planning Policy Framework apply both in relation to plan-making and decision-making. As paragraph 194 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194) of the National Planning Policy Framework makes clear, substantial harm to or loss of:

- any designated heritage asset of the highest significance, which includes, registered battlefields and Grade I and II* registered parks and gardens, should be 'wholly exceptional'
- any Grade II registered park or garden should be 'exceptional'

Local planning authorities are required to consult Historic England and The Gardens Trust (formerly known as The Garden History Society) on certain applications for planning permission in respect of registered parks and gardens and registered battlefields.

Local planning authorities may also consult other organisations that they consider may have a particular interest in the proposed development. In this respect, local authorities may wish to consider consulting the Battlefields Trust in relation to applications affecting registered battlefields.

Paragraph: 057 Reference ID: 18a-057-20190723

Revision date: 23 07 2019

Consultation and notification requirements for heritage related applications

When must local planning authorities consult or notify other organisations about heritage related applications?

Local planning authorities are required to consult or notify Historic England, The Gardens Trust (formerly known as The Garden History Society) and the National Amenity Societies (ie Historic Buildings & Places (the working name of the Ancient Monuments Society), the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society) on certain applications. Further details of the requirements are set out in the following section.

Paragraph: 058 Reference ID: 18a-058-20190723

Revision date: 23 07 2019

When does Historic England need to be consulted or notified on applications for planning permission and listed building consent?

The requirements for consulting or notifying Historic England for different types of applications are set out at the following links:

- applications for planning permission
- applications for listed building consent

Paragraph: 059 Reference ID: 18a-059-20190723

Revision date: 23 07 2019

When do National Amenity Societies need to be notified of listed building consent applications?

National Amenity Societies need to be notified of certain listed building consent applications. The requirements are set out in Table 3.

Paragraph: 060 Reference ID: 18a-060-20190723

Revision date: 23 07 2019

When does The Gardens Trust (formerly known as The Garden History Society) need to be consulted on applications for planning permission?

The Gardens Trust needs to be consulted on certain planning applications. The requirements are set out in Table 4.

Paragraph: 061 Reference ID: 18a-061-20190723

Revision date: 23 07 2019

When must local planning authorities notify the Secretary of State for Housing, Communities and Local Government on heritage applications?

The current requirements for notifying the Secretary of State for Housing, Communities and Local Government are set out in Table 5.

Paragraph: 062 Reference ID: 18a-062-20190723

Revision date: 23 07 2019

Are applications where the applicant is Historic England or a local planning authority treated differently?

Some applications where the applicant is Historic England or a local planning authority are treated differently and are determined by the Secretary of State for Housing, Communities and Local Government rather than the local planning authority. Details are set out in Table 6.

Paragraph: 063 Reference ID: 18a-063-20190723

Revision date: 23 07 2019

Where should applications which need to be referred to Secretary of State for Housing, Communities and Local Government be sent?

They should be sent to:

PCU@communities.gov.uk

Enquiry number: 0303 444 8050

Paragraph: 064 Reference ID: 18a-064-20190723

Revision date: 23 07 2019

Table 1: Applications for planning permission: requirements to consult or notify Historic England

Broad requirements	Detailed requirements
For development that would affect the setting of a Grade I or Grade II* listed building	Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
For development involving the demolition, in whole or part, or the material alteration of Grade I or II* listed buildings	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015
For development that would affect the character and appearance of a conservation area where the development involves the	Regulation 5A(3) of the Planning (Listed Buildings and Conservation Areas)

Broad requirements	Detailed requirements
erection of a new building or the extension of an existing building, and the area of land in respect of which the application is made is more than 1,000 square metres	Regulations 1990 (as amended)
For development likely to affect the site of a scheduled monument	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015
For development likely to affect a registered battlefield or a Grade I or II* park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015
For development likely to affect certain strategically important views in London	Secretary of State for Housing, Communities and Local Government Directions relating to Protected Vistas
All applications by local planning authorities for demolition of an unlisted building in a conservation area	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended)

Paragraph: 065 Reference ID: 18a-065-20190723

Revision date: 23 07 2019

Table 2: Applications for listed building consent: requirements to notify Historic England

Broad requirements	Detailed requirements
To give notice of applications and decisions for works in respect of a Grade I or II* listed building	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021

Broad requirements	Detailed requirements
To give notice of applications and decisions for certain works to Grade II (unstarred) listed buildings. To notify where an application is made to a London borough, and the authority has not determined to refuse it	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 and Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Paragraph: 066 Reference ID: 18a-066-20190723

Revision date: 23 07 2019

Table 3: Applications for listed building consent: requirements to notify the National Amenity Societies

Broad requirements	Detailed requirements
To give notice of applications and decisions for works which comprise or include the demolition of the whole or any part of a listed building	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021

Paragraph: 067 Reference ID: 18a-067-20190723

Revision date: 23 07 2019

Table 4: Applications for planning permission: requirements to consult The Gardens Trust (formerly known as The Garden History Society)

Broad requirements	Detailed requirements
For development likely to affect any park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015

Paragraph: 068 Reference ID: 18a-068-20190723

Revision date: 23 07 2019

Table 5: Applications for planning permission and listed building consent: requirements to notify the Secretary of State for for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for planning permission	Where the local planning authority intends to grant consent for proposals to which Historic England objects because it would have an adverse impact on a World Heritage Site	The Town and Country Planning (Consultation) (England) Direction 2021
Application for listed building consent	Outside Greater London only, or in Greater London where the application is made by Historic England, where the local planning authority intend to grant consent for works to any Grade I or II* listed building or certain works to Grade II (unstarred) listed buildings where Historic England or any of the National Amenity Societies are notified and object	Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021
Application for listed building consent	In Greater London only, where Historic England intend to direct the authority to grant consent or authorise it to determine the application as it sees fit, in relation to Grade I and II* listed buildings and certain works to Grade II (unstarred) listed buildings	Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021

Paragraph: 069 Reference ID: 18a-069-20190723

Revision date: 23 07 2019

Table 6: Applications for listed building consent and planning permission for demolition of an unlisted building in a conservation area from Historic England and local planning authorities: requirement to refer to the Secretary of State for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for listed building consent by Historic England where Historic England or a national amenity society are notified and object to the work	To refer applications for Secretary of State's determination	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021
Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application	To refer applications for Secretary of State's determination	Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
Application for planning permission for demolition of unlisted building in a conservation area by local planning authorities where Historic England objects to the proposed works, and the local authority do not propose to refuse the application	To refer applications for Secretary of State's determination	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended)

Paragraph: 070 Reference ID: 18a-070-20190723

Revision date: 23 07 2019

Further information on heritage and planning issues

Where can I find further information on heritage planning issues?

- Listed building consent enforcement (https://www.gov.uk/guidance/ensuring-effective-enforcement#Listed-Building-enforcement)
- Listed building consent appeals (https://www.gov.uk/guidance/appeals#appeals-against-other-planning-decisions)
- Compulsory purchase in section 10 of the department's Guidance on compulsory purchase process and the Crichel Down Rules (https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance)

Paragraph: 071 Reference ID: 18a-071-20190723

Revision date: 23 07 2019

Published 10 April 2014
Last updated 23 July 2019 + show all updates

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Guidance

Renewable and low carbon energy

Guidance to help local councils in developing policies for renewable and low carbon energy and identifies the planning considerations.

From: **Ministry of Housing, Communities and Local Government (/government/organisations/ministry-of-housing-communities-local-government)**, **Ministry of Housing, Communities & Local Government (2018 to 2021) (/government/organisations/ministry-of-housing-communities-and-local-government-2018-2021)** and **Department for Levelling Up, Housing and Communities (/government/organisations/department-for-levelling-up-housing-and-communities)**

Published 18 June 2015

Last updated 14 August 2023 —

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Planning for renewable and low carbon energy: introduction

Why is planning for renewable and low carbon energy important?

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Paragraph: 001 Reference ID: 5-001-20140306

Revision date: 06 03 2014

Are all energy developments handled by local planning authorities?

Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008 (https://www.gov.uk/government/policies/providing-regulation-and-licensing-of-energy-industries-and-infrastructure/supporting-pages/planning-and-consents-for-national-energy-infrastructure), and the local planning authority is a statutory consultee. It is the government's intention to amend legislation so that all applications for onshore wind energy development are handled by local planning authorities. Microgeneration is often permitted development (https://www.planningportal.co.uk/permission/interactive-guidance) and may not require an application for planning permission.

Paragraph: 002 Reference ID: 5-002-20150618

Revision date: 18 06 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20150601163945/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/planning-for-renewable-low-carbon-energy-introduction/)

Developing a strategy for renewable and low carbon energy

How can local planning authorities develop a positive strategy to promote the delivery of renewable and low carbon energy?

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

Local and neighbourhood plans are the key to delivering development that has the backing of local communities. When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. In considering that potential, the matters local planning authorities should think about include:

- the range of technologies that could be accommodated and the policies needed to encourage their development in the right places;
- the costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals;
- different technologies have different impacts and impacts can vary by place;
- the UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

There is information below on community-led renewable energy initiatives.

Paragraph: 003 Reference ID: 5-003-20140306

Revision date: 06 03 2014

What is the role for community led renewable energy initiatives?

Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing positive local benefit from renewable energy development. Further information for communities interested in developing their own initiatives is provided by the Department for Energy Security and Net Zero. Local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.

Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments. Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development. To support

community based initiatives a local planning authority should set out clearly any strategic policies that those producing neighbourhood plans or Orders will need to consider when developing proposals that address renewable energy development. Local planning authorities should also share relevant evidence that may assist those producing a neighbourhood plan or Order, as part of their duty to advise or assist. As part of a neighbourhood plan, communities can also look at developing a community energy plan to underpin the neighbourhood plan.

Paragraph: 004 Reference ID: 5-004-20140306

Revision date: 06 03 2014

How can local planning authorities identify suitable areas for renewable and low carbon energy?

There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to.

When identifying suitable areas it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area.

There is a methodology available from the Department for Energy Security and Net Zero's website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (eg the size of wind turbines has been increasing). In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also to assess potential impacts on seascape character.

Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

In the case of wind turbines (https://questions-statements.parliament.uk/written-statements/detail/2015-06-18/HCWS42), a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan.

There is information in the rest of the guidance on technical considerations, criteria-based policies, buffer zones and decentralised energy.

Related policy: paragraph 154 (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#para154).

Paragraph: 005 Reference ID: 5-005-20150618

Revision date: 18 06 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20150601163943/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/developing-a-strategy-for-renewable-and-low-carbon-energy/)

How are ‘suitable areas’ defined in relation to wind energy development?

Suitable areas (https://gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#footnote49) for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.

Paragraph: 032 Reference ID: 5-032-150618

Revision date: 18 06 2015

What technical considerations relating to renewable energy technologies affect their siting?

Examples of the considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size, and:

- for biomass, appropriate transport links,
- for hydro-electric power, sources of water,

- for wind turbines, predicted wind resource, considerations relating to air safeguarding, electromagnetic interference and access for large vehicles.

Discussions with industry experts can help to identify the siting requirements and likely impacts of technologies. The National Policy Statements (https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects) on the Department for Energy Security and Net Zero's website give generic and technology specific advice relevant to siting particular technologies. The Environment Agency has published advice showing which areas may be suitable for open loop ground source heat pumps (https://www.bgs.ac.uk/technologies/web-map-services-wms/open-loop-ground-source-heat-pump-viability-screening-map-wms/) as well as advice on the technologies it regulates.

Paragraph: 006 Reference ID: 5-006-20140306

Revision date: 06 03 2014

Do criteria based policies have a role in planning for renewable energy?

Policies based on clear criteria can be useful when they are expressed positively (ie that proposals will be accepted where the impact is or can be made acceptable). In thinking about criteria the National Policy Statements (https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects) published by the Department for Energy Security and Net Zero provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed.

In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on

the protected area, will need careful consideration;

- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Paragraph: 007 Reference ID: 5-007-20140306

Revision date: 06 03 2014

Are buffer zones/separation distances appropriate between renewable energy development and other land uses?

Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.

Paragraph: 008 Reference ID: 5-008-20140306

Revision date: 06 03 2014

How can decentralised energy opportunities be identified?

There is an important contribution to be made by planning that is independent of the contribution from other regimes such as building regulations. For example, getting the right land uses in the right place can underpin the success of a district heating scheme. Similarly, planning can influence opportunities for recovering and using waste heat from industrial installations.

Planning can provide opportunities for, and encourage energy development which will produce waste heat, to be located close to existing or potential users of the heat. Planning can also help provide the new customers for the heat by encouraging development which could make use of the heat.

Information on local heat demand is published by the Department for Energy Security and Net Zero to assist planners and developers in identifying locations with opportunities for heat supply. See the national heat map (http://tools.decc.gov.uk/nationalheatmap) and the UK combined heat and power (CHP) development map (https://www.gov.uk/guidance/combined-heat-and-power#chp-development-map). This information will be supplemented in future by further work, including detailed mapping, on the potential for combined heat and power and district heating and cooling.

View the National Planning Policy Framework definition of 'decentralised energy' (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary).

Paragraph: 009 Reference ID: 5-009-20140306

Revision date: 06 03 2014

Particular planning considerations for hydropower, active solar technology, solar farms and wind turbines

What are the planning considerations that relate to specific renewable energy technologies?

Renewable energy developments should be acceptable for their proposed location. In addition to the factors that should be considered regarding the acceptability of a location for any form of renewable energy development there are particular considerations for the following technologies: hydropower, active solar technology (photovoltaics and solar water heating), solar farms and wind turbines. Also, local planning authorities may wish to consider how planning conditions or planning obligations can mitigate the impacts described.

Paragraph: 010 Reference ID: 5-010-20140306

Revision date: 06 03 2014

What are the particular planning considerations that relate to hydropower?

Planning applications for hydropower should normally be accompanied by a Flood Risk Assessment. Early engagement with the local planning authority and the Environment Agency will help to identify the potential planning issues, which are likely to be highly specific to the location. The Environment Agency has published advice on environmental protection for new hydropower schemes (https://www.gov.uk/guidance/new-hydropower-scheme-apply-to-build-one).

Paragraph: 011 Reference ID: 5-011-20140306

Revision date: 06 03 2014

What are the particular planning considerations that relate to active solar technology (photovoltaic and solar water heating)

Active solar technology, (photovoltaic and solar water heating) on or related to a particular building is often permitted development (https://www.planningportal.co.uk/permission/interactive-guidance) (which does not require a planning application) provided the installation is not of an unusual design, or does not involve a listed building, and is not in a designated area. Where a planning application is required, factors to bear in mind include:

- the importance of siting systems in situations where they can collect the most energy from the sun;
- need for sufficient area of solar modules to produce the required energy output from the system;
- the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;
- the colour and appearance of the modules, particularly if not a standard design.

Paragraph: 012 Reference ID: 5-012-20140306

Revision date: 06 03 2014

What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 (https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference) and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015 (https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488).
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when

no longer in use and the land is restored to its previous use;

- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Related policy: paragraph 170 (https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment)

Paragraph: 013 Reference ID: 5-013-20150327

Revision date: 27 03 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20140602172153/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/)

What are the particular planning considerations that relate to wind turbines?

The following questions should be considered when determining applications for wind turbines:

- Do local people have the final say on wind farm applications?
- How are noise impacts of wind turbines assessed?
- Is safety an issue when wind turbine applications are assessed?

- Is interference with electromagnetic transmissions an issue for wind turbine applications?
- How can the risk of wind turbines be assessed for ecology?
- How should heritage be taken into account in assessing wind turbine applications?
- Is shadow flicker and reflected light an issue for wind turbine applications?
- How to assess the likely energy output of a wind turbine?
- How should cumulative landscape and visual impacts from wind turbines be assessed?
- What information is needed to assess cumulative landscape and visual impacts of wind turbines?
- Decommissioning wind turbines

Paragraph: 014 Reference ID: 5-014-20150618

Revision date: 18 06 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20140602172153/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/)

Do local people have the final say on wind farm applications?

The written ministerial statement (https://questions-statements.parliament.uk/written-statements/detail/2015-06-18/HCWS42) made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Paragraph: 033 Reference ID: 5-033-150618

Revision date: 18 1506

How are noise impacts of wind turbines assessed?

The report, ETSU-R-97: The assessment and rating of noise from wind farms (https://www.gov.uk/government/publications/2010-to-2015-government-

policy-low-carbon-technologies) should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute of Acoustics. The Department for Energy Security and Net Zero accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97. It is available on the Department for Energy Security and Net Zero's website (https://www.gov.uk/government/policies/increasing-the-use-of-low-carbon-technologies/supporting-pages/onshore-wind).

Paragraph: 015 Reference ID: 5-015-20140306

Revision date: 06 03 2014

Is safety an issue when wind turbine applications are assessed?

Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies:

Buildings

Fall over distance (ie the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. This is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due to visual impact.

Power lines

National Grid, and/or the relevant Distribution Network Operators will be able to advise on the required standards for wind turbines being separated from existing overhead power lines.

Air traffic and safety

Wind turbines may have an adverse affect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems. There is a 15 kilometre (km) consultation zone and 30km or 32km advisory zone around every civilian air traffic radar, although objections can be raised to developments that lie beyond the 32km advisory zone. There is a c.15km statutory safeguarding consultation zone around Ministry of Defence aerodromes within which wind turbine proposals would be assessed for physical obstruction. See the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas). Further advice on wind energy and aviation can be found on the Civil Aviation Authority (https://www.caa.co.uk/safety-initiatives-and-resources/windfarms/windfarms/) and National Air Control Transport Services (https://www.nats.aero/) websites.

Defence

Wind turbines can adversely affect a number of Ministry Of Defence operations including radars, seismological recording equipment, communications facilities, naval operations and low flying. Developers and local planning authorities should consult with the Ministry of Defence (https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding) if a proposed turbine is 11 metres (m) to blade tip or taller, and/or has a rotor diameter of 2m or more.

Radar

In addition to air traffic radar, wind turbines may affect other radar installations such as weather radar operated by the Meteorological Office.

Strategic Road Network

The Highways Agency/Department for Transport have produced advice for siting wind turbines safely in relation to the strategic road network titled the Strategic road network and the delivery of sustainable development (2013) (https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development).

Paragraph: 016 Reference ID: 5-016-20140306

Revision date: 06 03 2014

Is interference with electromagnetic transmissions an issue for wind turbine applications?

Wind turbines can potentially affect electromagnetic transmissions (eg radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. Ofcom acts as a central point of contact for identifying specific consultees relevant to a site.

Paragraph: 017 Reference ID: 5-017-20140306

Revision date: 06 03 2014

How can the risk of wind turbines be assessed for ecology?

Evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be

assessed. Advice on assessing risks is available from Natural England's website (https://www.gov.uk/government/organisations/natural-england).

Paragraph: 018 Reference ID: 5-018-20140306

Revision date: 06 03 2014

How should heritage be taken into account in assessing wind turbine applications?

As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Paragraph: 019 Reference ID: 5-019-20140306

Revision date: 06 03 2014

Is shadow flicker and reflected light an issue for wind turbine applications?

Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.

Although problems caused by shadow flicker are rare, where proposals for wind turbines could give rise to shadow flicker, applicants should provide an analysis which quantifies the impact. Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it.

Paragraph: 020 Reference ID: 5-020-20140306

Revision date: 06 03 2014

How to assess the likely energy output of a wind turbine?

As with any form of energy generation this can vary and for a number of reasons. With wind turbines the mean wind speed at hub height (along with the statistical distribution of predicted wind speeds about this mean and the wind turbines used) will determine the energy captured at a site. The simplest way of expressing the energy capture at a site is by use of the 'capacity factor'. This though will vary with location and even by turbine in an individual wind farm. This can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced.

Paragraph: 021 Reference ID: 5-021-20140306

Revision date: 06 03 2014

How should cumulative landscape and visual impacts from wind turbines be assessed?

Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

Paragraph: 022 Reference ID: 5-022-20140306

Revision date: 06 03 2014

What information is needed to assess cumulative landscape and visual impacts of wind turbines?

In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The Historic England website (https://historicengland.org.uk/) provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

The bullets below set out the type of information that can usefully inform assessments.

Information to inform landscape and visual impact assessments:

- a base plan of all existing windfarms, consented developments and applications received, showing all schemes within a defined radius of the centre of the proposal under consideration
- for those existing or proposed windfarms within a defined radius of the proposal under consideration, a plan showing cumulative 'zones of visual influence'. (A zone of visual influence is the area from which a development or other structure is theoretically visible). The aim of the plan should be to clearly identify the zone of visual influence of each windfarm, and those areas from where one or more windfarms are likely to be seen
- the base plan and plan of cumulative zones of visual influence will need to reflect local circumstances, for example, the areas covered should take into account the extent to which factors such as the topography and the likely visibility of proposals in prevailing meteorological conditions may vary
- maps of cumulative zones of visual influence are used to identify appropriate locations for visual impact studies. These include locations for simultaneous visibility assessments (ie where two or more schemes are visible from a fixed viewpoint without the need for an observer to turn their head, and repetitive visibility assessments (ie where the observer is able to see two or more schemes but only if they turn around)
- sequential effects on visibility occur when an observer moves through a landscape and sees two or more schemes. Common routes through a landscape (eg major roads; long distance paths or cycle routes) can be identified as 'journey scenarios' and the proposals impact on them can be assessed
- photomontages showing all existing and consented turbines, and those for which planning applications have been submitted, in addition to the proposal under consideration. The viewpoints used could be those identified using the maps of cumulative zones of visual influence. The photomontages could be annotated to include the dimensions of the existing turbines, the distance from the viewpoint to the different

schemes, the arc of view and the format and focal length of the camera used

- at the most detailed level, description and assessment of cumulative impacts may include the following landscape issues: scale of development in relation to landscape character or designations, sense of distance, existing focal points in the landscape, skylining (where additional development along a skyline appears disproportionately dominant) and sense of remoteness or wildness

Paragraph: 023 Reference ID: 5-023-20140306

Revision date: 06 03 2014

Decommissioning wind turbines

Local planning authorities should consider using planning conditions to ensure that redundant turbines are removed when no longer in use and land is restored to an appropriate use.

Paragraph: 024 Reference ID: 5-024-20140306

Revision date: 06 03 2014

When is pre-application consultation with the local community compulsory for wind turbine proposals?

There is a legal requirement to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres as identified in article 3 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 (https://www.legislation.gov.uk/uksi/2015/595/article/3/made).

The following questions should be considered when undertaking compulsory pre-application consultation with the local community for wind turbine proposals:

- Who is responsible for conducting compulsory pre-application consultation with the local community for wind turbine proposals?
- What must a prospective applicant for planning permission for a wind turbine do when undertaking compulsory pre-application consultation with the local community?
- How can a prospective applicant for planning permission for a wind turbine establish who needs to be consulted?
- Will compulsory pre-application consultation with the local community apply to planning applications for wind turbine(s) determined by the Secretary of State?

- What role can the local planning authority play in compulsory pre-application consultation with the local community for wind turbine proposals?
- What happens if a prospective applicant for a wind turbine does not comply with the requirement to undertake compulsory pre-application consultation with the local community?

Paragraph: 025 Reference ID: 5-025-20150415

Revision date: 15 04 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20140505175953/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/)

Who is responsible for conducting compulsory pre-application consultation with the local community for wind turbine proposals

The requirement to undertake compulsory pre-application consultation with the local community is the responsibility of the prospective applicant for planning permission.

Paragraph: 026 Reference ID: 5-026-20140410

Revision date: 10 04 2014

What must a prospective applicant for planning permission for a wind turbine(s) do when undertaking compulsory pre-application consultation with the local community?

The requirements that must be fulfilled are set out in sections 61W and 61X of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/4/enacted) and article 4 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 (https://www.legislation.gov.uk/uksi/2015/595/article/4/made). In summary, a prospective applicant for planning permission must:

- publicise the proposal in such a way as the applicant reasonably considers is likely to bring it to the attention of a majority of the people who live at, or otherwise occupy, premises in the vicinity of the land;
- set out how persons may contact them regarding the proposal. The applicant must give sufficient information about the proposed timetable to ensure that people wishing to comment on the proposed development may do so in good time;
- if they decide to go ahead with making an application for planning permission, have regard to any responses received when finalising the application to be submitted;

- when submitting their application explain how the local community has been consulted, what comments have been received, and how account has been taken of those comments.

These are minimum requirements, but it is in the prospective applicant's interest to conduct pre-application consultation to an appropriate standard to ensure that they fully understand the views of those within the vicinity of the land to which the application relates.

Paragraph: 027 Reference ID: 5-027-20150415

Revision date: 15 04 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20140602172153/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/)

How can a prospective applicant for planning permission for a wind turbine(s) establish who needs to be consulted?

Where it is required, compulsory pre-application consultation must meet the legislative requirements set out in section 61W of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/4/enacted). These require that applicants must publicise the proposal in such a way as the applicant reasonably considers is likely to bring it to the attention of a majority of persons who live at or otherwise occupy premises in the vicinity of the land.

There is no one size fits all approach to pre-application consultation and, providing it meets the legislative requirements, decisions on the nature and extent of consultation will need to be made on a case by case basis and in light of the relevant circumstances. Pre-application consultation should be proportionate to the scale and nature of a proposed development, the local context and the people that might be materially affected by the planning impacts of the development.

When deciding how and who to consult, prospective applicants will need to consider what is necessary in the specific circumstances of their proposal but a useful starting point is to consider the extent of engagement with the local community a local planning authority would normally undertake if a formal planning application were to be submitted. Prospective applicants are encouraged to discuss these matters with the local planning authority.

Paragraph: 028 Reference ID: 5-028-20140410

Revision date: 10 04 2014

Will compulsory pre-application consultation with the local community apply to planning applications for wind turbine(s) determined by the

Secretary of State?

Compulsory pre-application consultation with the local community applies to applications under Part 3 of the Town and Country Planning Act (https://www.legislation.gov.uk/ukpga/1990/8/contents) which meet the criteria. Specific provision is made so that the duty applies to applications meeting the criteria made directly to the Secretary of State where a local planning authority has been designated as poorly performing under section 62A of the 1990 Act (https://www.legislation.gov.uk/ukpga/2013/27/section/1/enacted).

Paragraph: 029 Reference ID: 5-029-20140410

Revision date: 10 04 2014

What role can the local planning authority play in compulsory pre-application consultation with the local community for wind turbine proposals?

Local planning authorities are encouraged to work constructively with prospective applicants undertaking compulsory pre-application consultation with the local community. Under section 61W(7) of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/4/enacted), an applicant must have regard to the advice (if any) given by the local planning authority about local good practice. See more general information on the role of the local planning authorities at the pre-application stage (https://www.gov.uk/guidance/before-submitting-an-application#the-local-planning-authority).

Paragraph: 030 Reference ID: 5-030-20140410

Revision date: 10 04 2014

What happens if a prospective applicant for a wind turbine does not comply with the requirement to undertake compulsory pre-application consultation with the local community?

If the requirements set out in sections 61W and 61X of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/4/enacted) and article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (https://www.legislation.gov.uk/uksi/2015/595/article/4/made) have not been met and a planning application is submitted, the local planning authority will not be able to validate it until the prospective applicant complies.

Paragraph: 031 Reference ID: 5-031-20150415

Revision date: 15 04 2015 See previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20140602172153/http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-

energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/)

Battery Energy Storage Systems

Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.

Paragraph: 032 Reference ID: 5-032-20230814

What is the planning application process for battery energy storage systems?

When applying for planning permission for development involving lithium-ion battery energy storage systems these are subject to the requirements set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (https://www.legislation.gov.uk/uksi/2015/595/contents/made) .

Paragraph: 033 Reference ID: 5-033-20230814

What can applicants seeking planning permission for battery energy storage systems do to ensure they consider any potential risks?

Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made.

Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council (https://www.ukfrs.com/sites/default/files/2023-04/Grid%20Scale%20Battery%20Energy%20Storage%20System%20planning%20Guidance%20for%20FRS.pdf) (PDF, 488 KB) when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.

Paragraph: 034 Reference ID: 5-034-20230814

What can local planning authorities do to ensure they consider any potential risks when determining the planning application?

When planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation (https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation) prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.

Local planning authorities are also encouraged to consider guidance produced by the National Fire Chiefs Council (https://www.ukfrs.com/sites/default/files/2023-04/Grid%20Scale%20Battery%20Energy%20Storage%20System%20planning%20Guidance%20for%20FRS.pdf) (PDF, 488 KB) when determining the application.

Paragraph: 035 Reference ID: 5-035-20230814

Who is the relevant local fire and rescue service for an area?

Find the relevant fire and rescue service here (https://fireengland.uk/your-fire-and-rescue-service/find-your-service), with any correspondence being directed to the Chief Fire Officer for circulation to the correct department.

Paragraph: 036 Reference ID: 5-036-20230814

Published 18 June 2015
Last updated 14 August 2023 + show all updates

GOV•UK

Guidance

Flood risk and coastal change

Advises how to take account of and address the risks associated with flooding and coastal change in the planning process.

From: **Ministry of Housing, Communities and Local Government (/government/organisations/ministry-of-housing-communities-local-government)**, **Ministry of Housing, Communities & Local Government (2018 to 2021) (/government/organisations/ministry-of-housing-communities-and-local-government-2018-2021)** and **Department for Levelling Up, Housing and Communities (/government/organisations/department-for-levelling-up-housing-and-communities)**

Published 6 March 2014

Last updated 17 September 2025 —

Applies to England

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— Site-specific flood risk assessment: Checklist

This guidance has been updated – see previous version (https://webarchive.nationalarchives.gov.uk/ukgwa/20220802221446/https://www.gov.uk/guidance/flood-risk-and-coastal-change).

Planning and flood risk

What is “flood risk”?

“Flood risk” is a combination of the probability and the potential consequences of flooding. Areas at risk of flooding are those at risk of flooding from any source, now or in the future. Sources include rivers and the sea, direct rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, reservoirs, canals and lakes and other artificial sources. Flood risk also accounts for the interactions between these different sources. This term is key to the application of the presumption in favour of sustainable development in paragraph 11 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development).

For areas at risk of river and sea flooding, this is principally land within Flood Zones 2 and 3 or where a Strategic Flood Risk Assessment shows it will be at risk of flooding in the future. It can also include an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems.

Table 1 provides definitions of the Flood Zones, from low to high probability of river and sea flooding. A map showing river and sea flooding is available from the Environment Agency’s Flood Map for Planning (https://flood-map-for-

planning.service.gov.uk/). The Environment Agency has also set out who is responsible for flood and coastal erosion risk management in its National flood and coastal erosion risk management strategy (Annex A) (https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england--2). Government has also published a Flood and coastal erosion risk management policy statement (https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement). Strategic flood risk assessments show all sources of flood risk, now and in the future.

Paragraph: 001 Reference ID: 7-001-20220825

Revision date: 25 08 2022

What is meant by a “design flood”?

This is a flood event of a given annual flood probability, which is generally taken as:

- river flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year); or
- tidal flooding with a 0.5% annual probability (1 in 200 chance each year); or
- surface water flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year),

plus an appropriate allowance for climate change (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances).

Paragraph: 002 Reference ID: 7-002-20220825

Revision date: 25 08 2022

What are the main steps in assessing flood risk?

The National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, new development should not be allowed. The main steps to be followed in addressing flood risk are set out below, starting with assessing and then avoiding flood risk. The steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere.

Assess flood risk

- Strategic policy-making authorities should undertake a Strategic Flood Risk Assessment;
- Where appropriate, in areas at risk of flooding, developers undertake a site-specific flood risk assessment to accompany applications for planning permission (or prior approval for certain permitted development rights, or Technical Details Consent);
- Assessments of flood risk identify sources of uncertainty and how these are accounted for in a mitigation strategy. Further information on how to do this can be found in Flood risk assessment for planning applications (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications).

Paragraph: 003 Reference ID: 7-003-20220825

Revision date: 25 08 2022

What process is used in plan or decision-making where flood risk is a consideration?

Where an assessment shows that flood risk is a consideration for a plan or development proposal, the process is set out below:

Avoid

- In plan-making, a sequential approach should be employed. This involves applying the 'Sequential Test' and, if needed, the 'Exception Test'.
- In decision-making, where necessary, planning authorities also apply the Sequential Test and, if needed, the Exception Test, to ensure that flood risk is minimised and appropriately addressed.
- Where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed.
- Substitute lower vulnerability uses for higher vulnerability uses.
- Within sites, using site layout to locate the most vulnerable aspects of development in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. In addition, measures to avoid flood risk vertically can then be taken, by locating the most vulnerable uses on upper storeys, and by raising finished floor and/or ground levels, where appropriate and that such techniques are suitably designed (https://knowledge.bsigroup.com/products/flood-resistant-and-resilient-construction-guide-to-improving-the-flood-performance-of-buildings/standard). Such measures should also account for residual flood risks from flood risk management infrastructure.

Control

- Planning authorities and developers can investigate measures to control the risk of flooding affecting the site. Early discussions with relevant flood risk management authorities, reference to Strategic Flood Risk Assessments and any programme of flood and coastal erosion risk management schemes (https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes) will help to identify such opportunities.

Mitigate

- Use flood resistance and resilience measures to address any residual risks remaining after the use of the avoidance and control measures described above. Passive measures should be prioritised over active measures as they are likely to be more effective and more reliable. See What is flood resistance and resilience?

Manage residual risk

- Consider further management measures to deal with any residual risk remaining after avoidance, control and mitigation have been utilised. Provide safe access and escape routes.
- Consider whether adequate flood warning would be available to people using the development. Residual risks will need to be safely managed to ensure people are not exposed to hazardous flooding. See What is needed to ensure safe evacuation and flood response procedures are in place?.

This approach should be considered early in the design process to ensure that any tensions between different requirements, such as the impact of raised floor levels on access, are designed out wherever possible. Avoidance measures can discourage or exclude certain sections of society, such as the elderly or those with less mobility. Innovative design can help ensure that communities are safe and sustainable without excluding these sections of society. Where historic buildings are involved, early consultation with Historic England should be undertaken and their guide on flood resilience for historic properties (https://historicengland.org.uk/advice/technical-advice/flooding-and-historic-buildings/) provides additional information. Tensions between flood risk mitigation measures and other planning matters, do not justify unsafe development.

See the Secretary of States role in the call-in process.

Paragraph: 004 Reference ID: 7-004-20220825

Revision date: 25 08 2022

What to consider when determining whether a proposed development will be safe for its lifetime?

When assessing the safety implications of flood risk for development proposed in a site allocation or planning application, the following should be considered:

- the characteristics of a possible flood event, including residual risks from flood risk management infrastructure e.g. the type and source of flooding and frequency, depth, velocity, speed of onset and duration;
- the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment. This includes the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change);
- the structural safety of buildings: and
- the impact of a flood on the essential services provided to or from a development.

Further guidance on safety, including safe depth and velocity thresholds can be found in the Flood risk assessment guidance for new development (https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/flood-risk-assessment-guidance-for-new-development).

Where flood risk management infrastructure such as flood defences form part of the strategy for addressing flood risk, strategic and site-specific flood risk assessments should, where appropriate:

- identify how this infrastructure will be operated, funded and maintained;
- ensure there is space for future maintenance or new flood risk management infrastructure that is likely to be needed;
- consider the consequences of flood risk management infrastructure failing or its design standard being exceeded;
- consider the likelihood of defences keeping pace with climate change, e.g. is funding available and what are the funding options (e.g. Community Infrastructure Levy, planning obligations / S106 agreements, or Partnership Funding (https://www.gov.uk/guidance/partnership-funding-for-fcerm-projects)). This should inform the nature of residual risk to be considered.

See also further advice on:

- When are emergency plans needed?
- What emergency planning considerations are there in relation to reservoirs?

Having regard to all the above considerations, the National Planning Policy Framework is clear that flood risk should not be increased elsewhere,

including over the lifetime of the permission not just at the point of grant of permission.

Paragraph: 005 Reference ID: 7-005-20220825

Revision date: 25 08 2022

What is considered to be the lifetime of development when applying policies on flood risk and coastal change?

Residential development can be assumed to have a lifetime of at least 100 years, unless there is specific justification for considering a different period. For example, the time in which flood risk or coastal change is anticipated to affect it, where a development is controlled by a time-limited planning condition. The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment.

Where development has an anticipated lifetime significantly beyond 100 years such as some major infrastructure projects, or where it would create significant land-use change such as a new settlement or substantial urban extension, it may be appropriate to consider a longer period for the lifetime of development when assessing the potential impacts of climate change on flood risk or coastal change and considering the future prospects for flood and coastal erosion risk management infrastructure. It may also be a consideration when identifying existing development that may not be sustainable in the long term, and seeking opportunities for relocation. These approaches could be particularly justified where long-term risks relate to sea level rise.

Paragraph: 006 Reference ID: 7-006-20220825

Revision date: 25 08 2022

Taking flood risk into account in preparing plans

What are the key steps involved when preparing strategic policies?

Diagram 1: Taking flood risk into account in the preparation of strategic policies

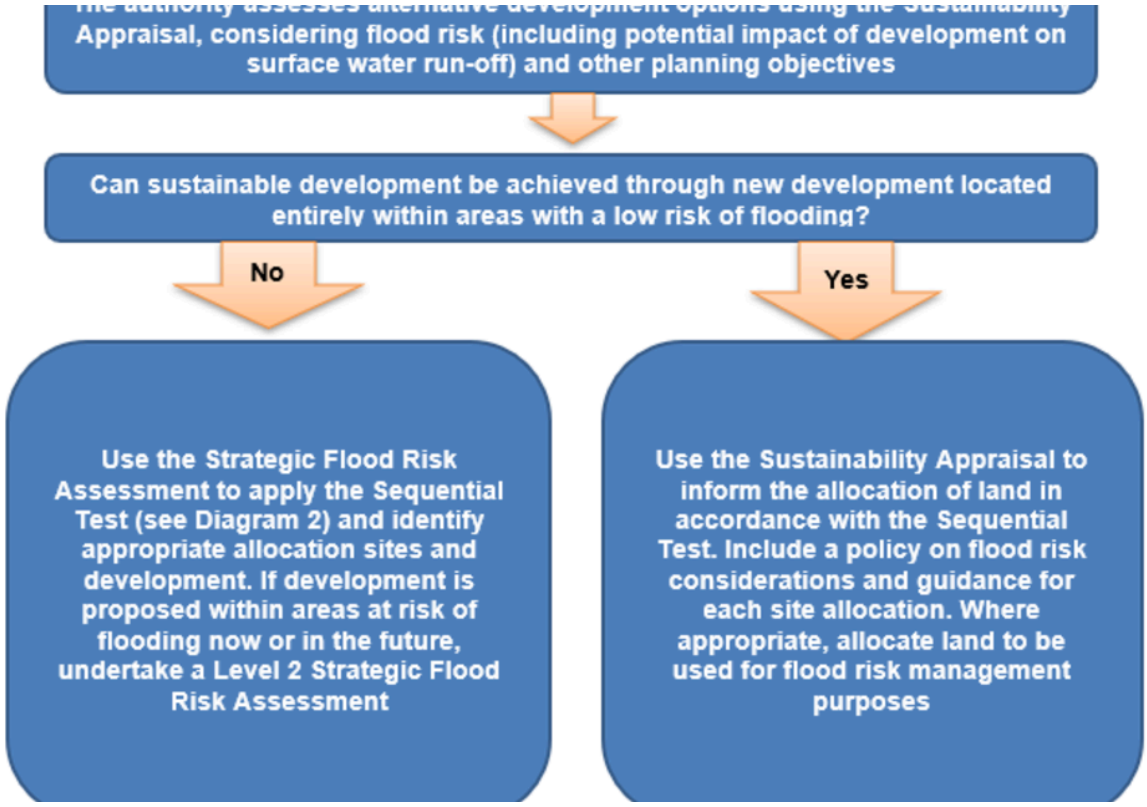

Diagram 1: Taking flood risk into account in the preparation of strategic policies

Accessible version

1. The strategic policy-making authority (on its own or jointly with other authorities/ partners) undertakes a Level 1 Strategic Flood Risk Assessment

2. The authority uses the Strategic Flood Risk Assessment to: (i) inform the scope of the Sustainability Appraisal for consultation; and (ii) identify where development can be located in areas with a low risk of flooding

3. The authority assesses alternative development options using the Sustainability Appraisal, considering flood risk (including potential impact of development on surface water run-off) and other planning objectives

4. Can sustainable development be achieved through new development located entirely within areas with a low risk of flooding?

If Yes:

5. Use the Sustainability Appraisal to inform the allocation of land in accordance with the Sequential Test. Include a policy on flood risk considerations and guidance for each site allocation. Where appropriate, allocate land to be used for flood risk management purposes

6. Include the results of the application of the Sequential Test (and Exception Test see Diagram 3 - where appropriate) in the Sustainability

Appraisal Report. Use flood risk indicators and Core Output Indicators to measure the Plan's success (End).

Alternate process at step 4.

4. Can sustainable development be achieved through new development located entirely within areas with a low risk of flooding?

If No:

5. Use the Strategic Flood Risk Assessment to apply the Sequential Test (see Diagram 2) and identify appropriate allocation sites and development. If development is proposed within areas at risk of flooding now or in the future, undertake a Level 2 Strategic Flood Risk Assessment

6. Assess alternative development options using the Sustainability Appraisal, transparently balancing flood risk against other planning objectives

7. Use the Sustainability Appraisal to inform the allocation of land in accordance with the Sequential Test. Include a policy on flood risk considerations and guidance for each site allocation. Where appropriate, allocate land to be used for flood risk management purposes

8. Include the results of the application of the Sequential Test (and Exception Test see Diagram 3 - where appropriate) in the Sustainability Appraisal Report. Use flood risk indicators and Core Output Indicators to measure the Plan's success (End).

Paragraph: 007 Reference ID: 7-007-20220825

Revision date: 25 08 2022

Notes to diagram 1:

- Read more about Strategic Flood Risk Assessment
- View guidance on Sustainability Appraisal (https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal)
- View diagram 2: Application of the Sequential Test for plan preparation
- View diagram 3: Application of the Exception Test to plan preparation
- Read more about the Sequential Test
- Read more about the Exception Test

See also:

- Which flood risk management bodies should local planning authorities seek advice from when preparing plans?
- Is flood risk relevant to plan policies that change the use of land or buildings?
- Is flood risk relevant to waste and minerals plans?

Paragraph: 008 Reference ID: 7-008-20220825

Revision date: 25 08 2022

What is a Strategic Flood Risk Assessment?

A Strategic Flood Risk Assessment is a study carried out by one or more local authorities or other strategic policy-making authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances), and to assess the cumulative impact that land use changes and development in the area will have on flood risk. It identifies opportunities to reduce the causes and impacts of flooding and gathers information on the land that is likely to be needed for flood risk management infrastructure. A Strategic Flood Risk Assessment should be used to:

- inform the sustainability appraisal (https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal) of the Local Plan, so that flood risk is fully taken into account when considering allocation options and in the preparation of plan policies;
- apply the Sequential Test and, where necessary, the Exception Test when determining land use allocations;
- inform the allocation of land to safeguard it for flood risk management infrastructure;
- inform policies for change of use and reducing the causes and impacts of flooding;
- identify the requirements for site-specific flood risk assessments in particular locations, including those at risk from sources other than river and sea flooding;
- determine the acceptability of flood risk in relation to emergency planning capability;
- help demonstrate how the adaptation to climate change (https://www.legislation.gov.uk/ukpga/2004/5/section/19) has been met.

Local Planning Authorities should take an integrated approach to flood risk management when preparing plans, as per National Planning Policy Framework paragraph 161(c). This is a collaborative, catchment-based approach delivering coordinated management of water storage, supply, demand, wastewater, flood risk, quality of water and the wider environment. It can help to identify the most effective and efficient approaches to addressing too much or too little water, enabling sustainable and climate resilient development in a way which reduces flood risk whilst delivering multiple wider benefits.

For guidance on how to prepare a strategic flood risk assessment, refer to How to prepare a strategic flood risk assessment (https://www.gov.uk/guidance/local-planning-authorities-strategic-flood-risk-assessment).

Paragraph: 009 Reference ID: 7-009-20220825

Revision date: 25 08 2022

Who needs to be consulted when preparing plan policies?

Advice should be sought from the early stages of evidence base collation through to policy preparation, as part of an integrated approach to flood risk management. Consider how Plans can support the actions set out in: strategic flood risk documents (flood risk management plans (https://www.gov.uk/government/collections/flood-risk-management-plans-frmps-2015-to-2021), shoreline management plans (https://www.gov.uk/government/publications/shoreline-management-plans-smps), surface water management plans, and local flood risk management strategies prepared by Lead Local Flood Authorities (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities#lead-local-flood-authorities)); water cycle studies, drainage and wastewater management plans and green infrastructure strategies where they exist; river basin management plans (https://www.gov.uk/government/collections/river-basin-management-plans-2015); as well as planned capital investment in flood risk management infrastructure (https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes).

All plans also need to be informed by flood risk advice where relevant, from:

- The Environment Agency
- Lead local flood authorities
- Internal drainage boards where they exist to identify the scope of their interests
- Water and sewerage companies

- Reservoir owners and operators: to understand the impact on them and on reservoir safety and operation
- Emergency planners, emergency services, local resilience forums (https://www.gov.uk/guidance/local-resilience-forums-contact-details) and other flood incident responders
- Navigation authorities: navigation authorities need to be consulted by the local planning authority in relation to sites adjacent to, or which discharge into, canals – especially where these are impounded above natural ground levels

Paragraph: 010 Reference ID: 7-010-20220825

Revision date: 25 08 2022

How should land for future flood risk management infrastructure be safeguarded?

During the preparation of strategic policies, it is useful to identify any land which is likely to be needed for flood and coastal erosion risk management infrastructure. Consideration can also be given to any necessary access to that land, and any additional land which may be needed temporarily during construction.

Strategic policy-making authorities need to consult with other Risk Management Authorities (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities) and refer to strategic flood risk documentation (such as flood risk management plans (https://www.gov.uk/government/collections/flood-risk-management-plans-frmps-2015-to-2021), shoreline management plans (https://www.gov.uk/government/publications/shoreline-management-plans-smps), adaptation plans, surface water management plans, and local flood risk management strategies prepared by Lead Local Flood Authorities (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities#lead-local-flood-authorities)) and the Environment Agency's Programme of flood and coastal erosion risk management schemes (https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes), to identify the land that is likely to be needed. Local Planning Authorities may then consider allocating these sites or including policies in their plan to discourage development that could prevent or hinder the delivery of planned flood risk management associated infrastructure. Land could also be safeguarded for natural flood management approaches that help to reduce the causes and impacts of flooding, particularly where development has the potential to prevent, hinder or help to enable their delivery.

Safeguarding land in this way is particularly important for infrastructure that reduces the risk of flooding to large amounts of existing development, or

where options for managing risk in other ways are limited.

Paragraph: 011 Reference ID: 7-011-20220825

Revision date: 25 08 2022

What approach should be taken to making provision for the relocation of development and infrastructure?

Ongoing coastal erosion or change and increasing flood risk due to climate change may mean that some existing development and infrastructure may not be sustainable in the long term. Plans can address this by:

- Identifying locations where existing development and infrastructure may not be sustainable in the long term. Such locations could include those which are, or are expected to be in future, subject to coastal erosion (e.g. Coastal Change Management Areas), frequent (e.g. areas likely to be permanently inundated by the sea or tidal estuaries/rivers or with sufficient frequency as to become intertidal, Flood Zone 3b or areas likely to be in 3b in future), disruptive or hazardous flooding, combined with little or no prospect of these risks being adequately mitigated by new or improved flood and coastal erosion risk management infrastructure, or property level resilience measures.
- Including policies setting out the types of development that will and will not be appropriate in these locations, including by limiting the planned lifetime of the development and preventing increases in vulnerability and development footprint. Local authorities could also consider whether it would be appropriate to make use of their powers under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (https://www.legislation.gov.uk/uksi/2015/596/article/4/made) to remove a permitted development right and require planning permission to be sought in each case.
- Formally allocating additional land in plans for relocation or roll-back of existing development (particularly development completed prior to Shoreline Management Plans) and habitat affected by coastal change or increasing flood risk due to climate change. Including policies in plans and conditions on permissions to ensure identified land is used for this purpose.

An approach that considers the exceptional circumstances of having to replace existing development at risk of flooding or coastal change by granting planning permissions where normally they would be refused may be more suitable for some local planning authorities. This could involve for example granting planning permission in open countryside allowing caravan parks to be moved back from the coast when the site is affected by coastal erosion or tidal inundation.

Paragraph: 012 Reference ID: 7-012-20220825

Revision date: 25 08 2022

Is flood risk relevant to minerals and waste plans?

Minerals and waste planning authorities need to take account of flood risk when allocating land for development. They should prepare their plan policies with regard to any available Strategic Flood Risk Assessments. The location of Mineral Safeguarding Areas and site allocations, in particular in relation to sand and gravel workings which are often located in functional floodplains, need to be identified and assessed in Strategic Flood Risk Assessments. Minerals and waste planning authorities could explore possible benefits, such as restoring mineral working located in flood risk areas to increase flood water storage, which can also enhance the natural environment. Partnership working on joint Strategic Flood Risk Assessments offers the best opportunity to identify and realise these opportunities.

Paragraph: 013 Reference ID: 7-013-20220825

Revision date: 25 08 2022

Is flood risk relevant to local policies that change the use of land or buildings?

A change in use may involve an increase in flood risk if the vulnerability of the development is changed – see National Planning Policy Framework Annex 3 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification). For example, changing from industrial use to residential use will increase the vulnerability classification from ‘less’ to ‘more’ vulnerable. Change of use within the same vulnerability classification can also increase the vulnerability of the development, for example the sub-division of a home into a series of flats may introduce more people or confine dwellings to the ground floor. Even if a development’s vulnerability is not increasing, change of use can often present an opportunity to improve the flood resilience of existing development, the design of which may not have been informed by a site-specific flood risk assessment when it was first constructed.

As changes of use are not normally subject to the Sequential or Exception tests, when formulating policy, the local planning authority will need to consider what changes of use will be acceptable, taking into account the Strategic Flood Risk Assessment. This is likely to depend on whether developments can be designed to be safe and that there is adequate emergency planning provision.

Paragraph: 014 Reference ID: 7-014-20220825

Revision date: 25 08 2022

How can neighbourhood planning take account of flood risk?

The overall approach in paragraph 161 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change) applies to neighbourhood planning (https://www.gov.uk/guidance/neighbourhood-planning--2).

Where they make provision for development, the qualifying bodies involved in neighbourhood planning will need to:

- ensure that neighbourhood plans (and any neighbourhood development/community right to build orders) are informed by suitable assessment of flood risk from all sources, both now and in the future;
- steer development to areas of lower flood risk as far as possible;
- ensure that any development in an area at risk of flooding would be safe, for its lifetime taking account of climate change impacts (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances);
- be able to demonstrate how flood risk to and from the plan area/ development site(s) will be managed, so that flood risk will not be increased overall, and that opportunities to reduce flood risk, for example, through the use of sustainable drainage systems where appropriate, are included in the plan/order.

Local planning authorities will need to have these aims in mind in providing advice or assistance to qualifying bodies involved in neighbourhood planning. Refer to:

- What to consider if there is a risk of flooding in the neighbourhood plan area?
- What to consider if bringing forward a Neighbourhood Development Order/Community Right to Build Order in an area at risk of flooding?

Paragraph: 015 Reference ID: 7-015-20220825

Revision date: 25 08 2022

What advice and information on flood risk is available for neighbourhood planning?

Locality, in conjunction with the Environment Agency and other statutory agencies, have created a toolkit which provides advice on how to consider the environment when producing neighbourhood plans (https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/). Anyone preparing a neighbourhood plan or order may also find it helpful to consult the lead local flood authority for the area.

Strategic Flood Risk Assessments are the primary source of flood risk information in considering which areas covered by a neighbourhood plan may be appropriate for development. If, however, the strategic flood risk assessment is out-of-date or lacks an appropriate detail in this area, it may be necessary for neighbourhood planning bodies to undertake additional work to assess the risk of flooding to development being promoted in a neighbourhood plan or order. Other important sources include the Environment Agency's Flood Map for Planning (https://flood-map-for-planning.service.gov.uk/). Local planning authorities can make available to qualifying bodies any reports or information relating to the Strategic Flood Risk Assessment, and share any other information relevant to flood risk (such as the application of the Sequential and Exception Tests to the Local Plan).

Paragraph: 016 Reference ID: 7-016-20220825

Revision date: 25 08 2022

What needs to be considered if there is a risk of flooding in the neighbourhood area?

Where the Strategic Flood Risk Assessment, or other available flood risk maps or information, indicates that part or parts of a neighbourhood plan area may be at risk of flooding, the qualifying body should have regard to the National Planning Policy Framework's policies on flood risk. Where they are considering proposing development, they will need to show that this would be consistent with the local planning authority's application of the Sequential Test and if necessary, the Exception Test for the plan. If not, these tests will need to be re-visited on a local authority-wide basis.

Where areas under consideration for development are inconsistent with the spatial strategy set out in the relevant plan, it is likely that the qualifying body will need to provide further information to demonstrate that any development proposed by the neighbourhood plan passes the Sequential Test, and if necessary, the Exception Test.

There is further guidance on the approach to individual development proposals, or where a Neighbourhood Development or Community Right to Build Order is proposed, in an area at risk of flooding.

Paragraph: 017 Reference ID: 7-017-20220825

Revision date: 25 08 2022

What should be considered if bringing forward a Neighbourhood Development Order/Community Right to Build Order/Local Development Order in an area at risk of flooding?

Orders for development in an area at risk of flooding, should, prior to adoption, be subject to:

- the sequential test and, where appropriate, the exception test; and
- a site-specific flood risk assessment

Where the relevant area is identified as being at risk of flooding now or in the future, or is in an area with critical drainage problems, advice on the scope of the flood risk assessment required needs to be sought from the Environment Agency. Where the area may be subject to other sources of flooding, it may be helpful to consult other bodies involved in flood risk management, as appropriate.

Local development orders should not be adopted where:

- they fail to satisfy the sequential test and, where relevant, the exception test; or
- the flood risk assessment fails to demonstrate that the development approved will be safe throughout its lifetime, without increasing flood risk elsewhere and meets the other requirements of National Planning Policy Framework paragraph 167

The flood risk assessment checklist may be helpful in this respect.

Paragraph: 018 Reference ID: 7-018-20220825

Revision date: 25 08 2022

What should be considered for the preparation of local design codes?

Those preparing local design codes need to consider how flood risk from all sources, now or in the future, could affect or be affected by design considerations. Local design codes will need to accord with the National Model Design Code (parts 1 and 2) requirements on water and drainage and follow the approach set out in paragraph 003 and paragraph 004, ensuring all development will be appropriately flood resistant and resilient, with reference to the CIRIA Property Flood Resilience Code of Practice (https://www.ciria.org/ItemDetail?iProductCode=C790F&Category=FREEPUBS).

Local design codes should encourage and support the use of sustainable drainage systems as this can lead to better integration, multi-functional benefits and reduced land-take. They should where possible also use opportunities presented by development to reduce the causes and impacts of flooding, making as much use of natural flood management as possible to increase flood resistance and flood resilience.

Local design codes do not justify unsafe development or development which increases flood risk elsewhere.

Paragraph: 019 Reference ID: 7-019-20220825

Revision date: 25 08 2022

Site-specific flood risk assessment

What is a site-specific flood risk assessment?

A site-specific flood risk assessment is carried out by (or on behalf of) a developer to assess the flood risk to and from a development site and should accompany a planning application where prescribed in footnote 55 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change). The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances), and with regard to the vulnerability of its users (see National Planning Policy Framework Annex 3 – Flood Risk Vulnerability (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification).

Developers can use the Environment Agency guidance on flood risk assessments (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications) when considering the scope of the assessment.

The objectives of a site-specific flood risk assessment are to establish:

- whether a proposed development is likely to be affected by current or future flooding from any source;
- whether it will increase flood risk elsewhere;
- whether the measures proposed to deal with these effects and risks are appropriate;
- the evidence for the local planning authority to apply (if necessary) the Sequential Test, and;

- whether the development will be safe and pass the Exception Test, if applicable.

See further information on the detail needed in a flood risk assessment (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications).

Paragraph: 020 Reference ID: 7-020-20220825

Revision date: 25 08 2022

What level of detail is needed in a site-specific flood risk assessment?

The information provided in the flood risk assessment needs to be credible and fit for purpose. Site-specific flood risk assessments need to be proportionate to the anticipated degree of flood risk and make optimum use of information already available, including information in a Strategic Flood Risk Assessment for the area, and the Environment Agency's Flood Map (https://flood-map-for-planning.service.gov.uk/) and surface water flood risk information on Check the long term flood risk for an area in England (https://www.gov.uk/check-long-term-flood-risk). Flood risk assessments need to include the information set out in the flood risk assessment checklist.

A flood risk assessment needs to be appropriate to the scale, nature and location of the development. For example, where the development is an extension to an existing house (for which an application for planning permission is required) which would not significantly increase the number of people present in an area at risk of flooding, the local planning authority would generally need a less detailed assessment to be able to reach an informed decision on the planning application. For a new development comprising a greater number of houses in a similar location, or one where the flood risk is greater, the local planning authority would need a more detailed assessment.

See further advice on flood risk assessment. (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications)

Paragraph: 021 Reference ID: 7-021-20220825

Revision date: 25 08 2022

What further advice is available on the preparation of a site-specific flood risk assessment?

For large or vulnerable developments in areas of high risk, developers should consider consultation with the Environment Agency and/or any other relevant flood risk management bodies for more detailed advice in advance of submitting their planning application. For advice on how to get

environmental advice from the Environment Agency, consult this joint guidance (https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals) and charging terms and conditions (https://www.gov.uk/government/publications/planning-and-marine-licence-advice-standard-terms-for-our-charges).

Applicants for planning permission (or prior approval for certain permitted development rights, or technical details consent) will find the Agency's advice on assessing flood risk for planning applications (https://www.gov.uk/flood-risk-assessment-for-planning-applications) helpful when preparing a site-specific flood risk assessment.

The checklist may be helpful to applicants/developers in preparing a site-specific flood risk assessment.

Advice should also be sought from the local authority and lead local flood authority. See How should the lead local flood authority be involved when assessing planning applications?

Paragraph: 022 Reference ID: 7-022-20220825

Revision date: 25 08 2022

The sequential approach to the location of development

What is the aim of the sequential approach?

The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

Paragraph: 023 Reference ID: 7-023-20220825

Revision date: 17 09 2025

How can the Sequential Test be applied to the location of development?

The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development. The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas. In doing so, information such as flood depth, velocity, hazard and speed-of-onset in the event of flood risk management infrastructure exceedance and/or failure, should be considered as appropriate. Information on the probability of flood defence failure is unsuitable for planning purposes given the substantial uncertainties involved in such long-term predictions.

Paragraph: 024 Reference ID: 7-024-20220825

Revision date: 25 08 2022

How can the Sequential Test be applied in the preparation of strategic policies?

This is illustrated in diagram 2. The Sequential Test needs to be applied to the whole local planning authority area to increase the possibilities of accommodating development which is not exposed to flood risk, both now and in the future.

Where possible, local planning authorities can jointly review development options over a wider area (e.g. a river catchment) where this could potentially broaden the scope for opportunities to reduce flood risk and put the most vulnerable development in lower risk areas, considering flood risk both now and in the future.

Plan policies designed to exempt specific types of planning applications, such as windfall sites, from the sequential test may be considered, where such policies can restrict the exemption to specific sites that have been subject to, and satisfy, the sequential test at the plan-making stage.

Paragraph: 025 Reference ID: 7-025-20220825

Revision date: 25 08 2022

Diagram 2: Application of the Sequential Test for plan preparation

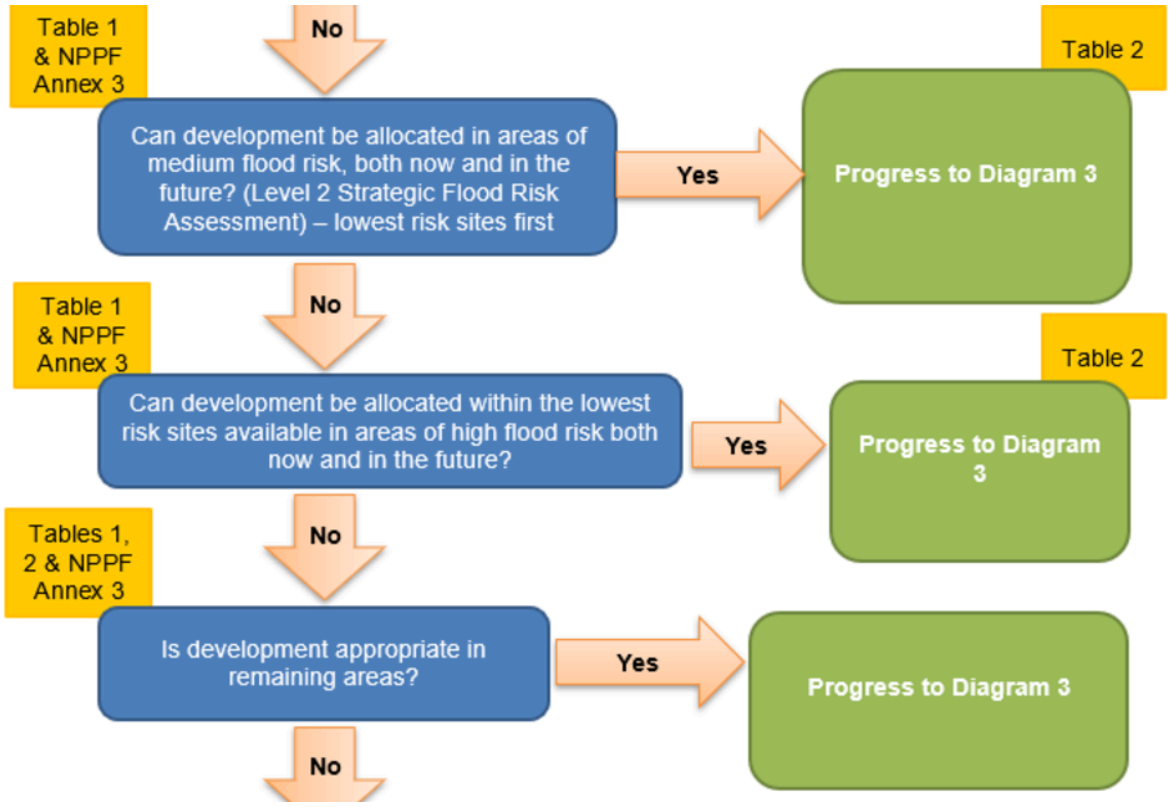

Diagram 2: Application of the Sequential Test for plan preparation

Accessible version

1. Can development be allocated in areas of low flood risk both now and in the future? (Level 1 Strategic Flood Risk Assessment). **If Yes:** Sequential test passed

If No:

2. Can development be allocated in areas of medium flood risk, both now and in the future? (Level 2 Strategic Flood Risk Assessment) – lowest risk sites first. (Table 1 and NPPF Annex 3). **If Yes:** Progress to Diagram 3 (Table 2)

If No:

3. Can development be allocated within the lowest risk sites available in areas of high flood risk both now and in the future? (Table 1 and NPPF

Annex 3). **If Yes:** Progress to Diagram 3 (Table 2)

If No:

4. Is development appropriate in remaining areas? (Tables 1, 2 and NPPF Annex 3). **If Yes:** Progress to Diagram 3

If No:

5. Strategically review need for development using Sustainability Appraisal

Notes to Diagram 2:

Other sources of flooding also need to be considered.

See Table 1, National Planning Policy Framework Annex 3 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification), Table 2 and Diagram 3.

See guidance on applying the Sequential Test to individual applications.

See further guidance on the role of sustainability appraisal in the sequential test.

Paragraph: 026 Reference ID: 7-026-20220825

Revision date: 25 08 2022

How should the sequential test be applied to planning applications?

See advice on the sequential approach to development and the aim of the sequential test.

The sequential test should be applied to ‘Major’ and ‘Non-major’ development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.

In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

The absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications. However, housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.

See also advice on who is responsible for deciding whether an application passes the Sequential Test and further advice on the Sequential Test process available from the Environment Agency (https://www.gov.uk/flood-risk-assessment-the-sequential-test-for-applicants) (flood risk standing advice).

Paragraph: 027 Reference ID: 7-027-20220825

Revision date: 17 09 2025

How should the area of search for the sequential test be identified?

For individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. For some developments this may be clear, for example, the catchment area for a school. For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.

A pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. Equally, where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.

For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.

Paragraph: 027a Reference ID: 7-027a-20220825

Revision date: 17 09 2025

What is a ‘reasonably available’ site?

Sites should be considered ‘reasonably available’ for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal.

In considering whether alternative lower-risk sites (which could, where relevant, be a series of two or more smaller sites) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered ‘reasonably available’.

Paragraph: 028 Reference ID: 7-028-20220825

Revision date: 17 09 2025

Who is responsible for deciding whether an application passes the Sequential Test?

Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other ‘reasonably available’ sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. The applicant may also need to check on the current status of relevant sites to determine if they can be considered ‘reasonably available’.

Local planning authorities should inform the applicant and, where relevant, the Environment Agency about the outcome of the sequential test at the earliest opportunity, as this may avoid other work being undertaken unnecessarily.

Local planning authorities may find it helpful to prepare guidance on the appropriate area of search for common development types. They may also find it helpful to keep an up-to-date register of ‘reasonably available’ sites, clearly ranked in flood risk preference. This could be part of their housing and/or economic land availability assessments or as a separate document. This should be informed by the strategic flood risk assessment with any ranking methodology agreed with the Environment Agency. Such an

approach could increase certainty for developers and save time at application stage.

Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.

Paragraph: 029 Reference ID: 7-029-20220825

Revision date: 25 08 2022

How does the Sequential Approach apply to minerals and waste development?

Waste and mineral planning authorities should apply the sequential approach to the allocation of sites for waste management and, where possible, mineral extraction and processing. It should also be recognised that mineral deposits have to be worked where there is no scope for relocation (and sand and gravel extraction is defined as 'water-compatible development' in National Planning Policy Framework Annex 3 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification), acknowledging that these deposits are often in flood risk areas).

However, mineral working should not increase flood risk elsewhere and sites need to be designed, worked and restored accordingly.

Mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation. This is likely to be most effective at a strategic (county) scale.

Paragraph: 030 Reference ID: 7-030-20220825

Revision date: 25 08 2022

The Exception Test

What is the Exception Test?

The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where

suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- 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.

The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified. Table 2 sets out the circumstances when the Exception Test will be required.

Paragraph: 031 Reference ID: 7-031-20220825

Revision date: 25 08 2022

Does the Exception Test need to be applied to all proposed development in flood risk areas?

The Exception Test should only be applied as set out in Table 2 and only if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered.

Paragraph: 032 Reference ID: 7-030-20220825

Revision date: 25 08 2022

How can the Exception Test be applied in preparing plan policies?

This is summarised in diagram 3.

Diagram 3: Application of the Exception Test to plan preparation

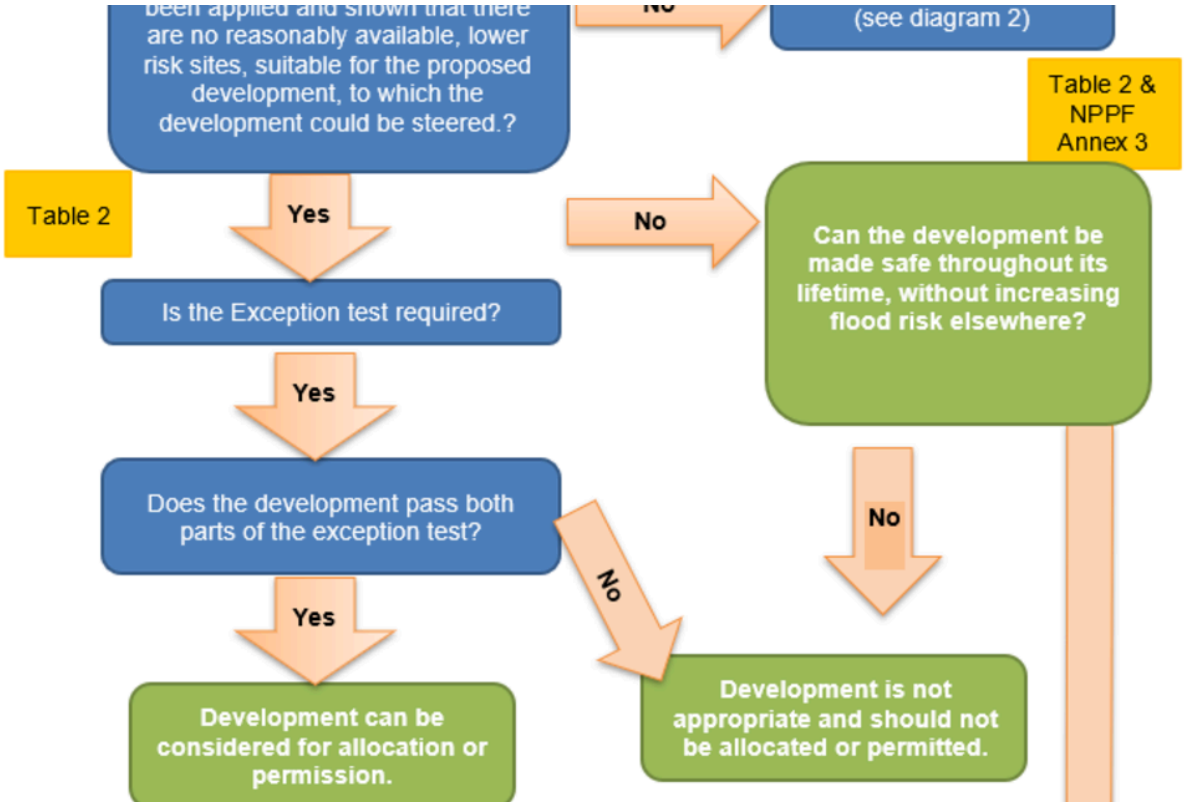

Diagram 3: Application of the Exception Test to plan preparation

Accessible version

1. **Start Here:** Has the sequential test been applied and shown that there are no reasonably available, lower risk sites, suitable for the proposed development, to which the development could be steered? **If No:** Do the sequential test (see diagram 2)

If Yes:

2. Is the Exception test required (Table 2)? **If Yes:**

Does the development pass both parts of the exception test?

- **If Yes:** Development can be considered for allocation or permission.
- **If No:** Development is not appropriate and should not be considered.

2. Is the Exception test required (Table 2)? **If No:**

Can the development be made safe throughout its lifetime, without increasing flood risk elsewhere (NPPF Annex 3 and Table 2)?

- **If Yes:** Development can be considered for allocation or permission.
- **If No:** Development is not appropriate and should not be considered.

Paragraph: 033 Reference ID: 7-033-20220825

Revision date: 25 08 2022

Notes to diagram 3:

- View diagram 2: Application of the Sequential Test for Local Plan preparation
- View National Planning Policy Framework Annex 3: Flood Risk Vulnerability Classification (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification)
- View table 2: Flood risk vulnerability and flood zone 'incompatibility'

Paragraph: 034 Reference ID: 7-034-20220825

Revision date: 25 08 2022

When should the Exception Test be applied to planning applications?

The Exception Test should only be applied when following application of the Sequential Test, it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives). The applicant will need to provide the local planning authority with evidence to demonstrate how both elements of the Exception Test will be satisfied.

Where a development proposal is in accordance with an allocation made in a Plan following the application of the Sequential and Exception Tests, it should not be necessary to repeat aspects of the Exception Test unless:

- Elements of the development that were key to it satisfying the Exception Test at the plan-making stage (such as wider sustainability benefits to the community or measures to reduce flood risk overall) have changed or are not included in the proposed development; or
- The understanding of current or future flood risk has changed significantly.

The test only needs to be repeated to the extent needed to validate its conclusions and secure any measures necessary. In all cases, a suitable site-specific flood risk assessment should be provided at application stage, where prescribed in footnote 55 of the National Planning Policy Framework.

Paragraph: 035 Reference ID: 7-035-20220825

Revision date: 25 08 2022

How can it be demonstrated that wider sustainability benefits to the community outweigh flood risk?

Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan's Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence.

Examples of wider sustainability benefits to the community could include:

- The re-use of suitable brownfield land as part of a local regeneration scheme,;
- An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure;
- The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems;

Identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors should be considered. Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the site allocation in the plan should not be made or planning permission should be refused.

Paragraph: 036 Reference ID: 7-036-20220825

Revision date: 25 08 2022

How can it be demonstrated that development will reduce flood risk overall?

Developers should refer to the Strategic Flood Risk Assessments and site-specific Flood Risk Assessments to identify opportunities to reduce flood risk overall and to demonstrate that the measures go beyond just managing the flood risk resulting from the development. Reductions could be achieved, for example by:

- Incorporating green infrastructure within the layout and form of development to make additional space for the flow and storage of flood water;
- Providing Sustainable Drainage Systems, that manage flood risk beyond the proposed site and above the usual standard, such as by removing surface water from existing combined sewers;
- Providing or making contributions to flood risk management infrastructure that will provide additional benefits to existing communities and/or by

safeguarding the land that would be needed to deliver it.

Further guidance is provided on reducing the causes and impacts of flooding.

In order to demonstrate that the Exception Test has been satisfied without securing measures that would reduce flood risk overall, it will need to be demonstrated that such measures cannot be identified or are unfeasible.

Please see How to assess the suitability of development where there is a possibility it will increase flood risk elsewhere

Paragraph: 037 Reference ID: 7-037-20220825

Revision date: 25 08 2022

The role of the Environment Agency and Lead Local Flood Authorities in assessing planning applications

How should the Environment Agency be involved where there is a risk of flooding?

There is a statutory requirement for local planning authorities to consult the Environment Agency for developments in certain areas of flood risk (as defined in Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made) before granting planning permission. The Environment Agency provides flood risk guidance (https://www.gov.uk/guidance/flood-risk-assessment-standing-advice) for local planning authorities and developers on what to include in a flood risk assessment, when to consult the Environment Agency (https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities) and how to address flood risk using standing advice.

When local planning authorities are providing pre-application advice on development proposed in flood risk areas, they can encourage developers to approach the Environment Agency for detailed advice where flood risk standing advice requires consultation with the Environment Agency.

All local planning authorities should notify the Environment Agency (https://www.gov.uk/guidance/determining-a-planning-application#para019) of the decision on any planning application where the Agency has objected on flood risk grounds.

Paragraph: 038 Reference ID: 7-038-20220825

Revision date: 25 08 2022

What must happen if a local planning authority wants to grant permission for a major development against Environment Agency flood risk advice (referral to the Secretary of State)?

For any planning application for major development where the local planning authority is minded to grant permission and the proposal:

1. Is within Flood Zones 2 or 3, or on land within Flood Zone 1 which has been notified to the local planning authority as having critical drainage problems; and

2. Is the subject of a sustained objection by the Environment Agency on flood-risk grounds,

the local planning authority must follow the procedure provided for in the Town and Country Planning (Consultation) (England) Direction 2021 (https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2021). Prior to this, the authority, the Agency and the applicant should first make all reasonable endeavours to negotiate and come to an agreement as to whether changes could be made to the application that would enable the Agency to withdraw its objection. The referral process set out in the Direction will need to be followed by the local planning authority unless the Environment Agency withdraws its flood risk objection in writing. This means that if the Agency still concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, then the authority must refer the application to the Secretary of State for possible call-in. All documents prescribed by the Direction must be submitted as soon as practicably possible to the Secretary of State, upon which 21 days is the prescribed period in which a call-in decision may be made. During that period the Local Planning Authority must not make a decision on the application unless the Secretary of State advises no call-in will be made before the elapse of the 21 days.

In this context, “major development” means:

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

The Environment Agency publishes transparency data comprising an annual list of all those planning applications to which it made an initial objection on the basis of flood risk (https://www.gov.uk/government/publications/environment-agency-objections-to-planning-on-the-basis-of-flood-risk). Many of these issues will be resolved before a final decision is made by the Local Planning Authority. Where the

Environment Agency records the Local Planning Authorities final decision, the list also indicates whether or not Environment Agency advice was followed.

The list will help local authorities complete their annual monitoring reports and meet their reporting obligations to government under the Single Data List. The list also helps measure the effectiveness of local planning in relation to flood risk.

Paragraph: 039 Reference ID: 7-039-20220825

Revision date: 25 08 2022

How should the lead local flood authority be involved when assessing planning applications?

When considering proposals for major development the local planning authority will need to consult the lead local flood authority on surface water drainage. Local planning authorities may find it helpful to agree with lead local flood authorities the circumstances and locations where site specific flood risk assessments will be required due to surface water or other local flood risks and lead local flood authority advice can be sought on other planning applications which raise surface water or other local flood risk issues. This can be achieved by having regard to the available information on local flood risks, including the Strategic Flood Risk Assessment and the updated map of flood risk from surface water (https://www.gov.uk/check-long-term-flood-risk).

Where surface water or other local flood risks are likely to significantly affect a proposed development site, early discussions between the planning authority and the developer will help to identify the flood risk issues that the authority would expect to see addressed in the planning application and accompanying site-specific flood risk assessment.

Paragraph: 040 Reference ID: 7-040-20220825

Revision date: 25 08 2022

Addressing residual flood risk

What is “residual risk”?

Residual risk comes in two main forms:

- Residual risk from flood risk management infrastructure; and

- Residual risk to a development once any site-specific flood mitigation measures are taken into account.

Examples of residual flood risk from flood risk management infrastructure include:

- a breach of a raised flood defence, blockage of a surface water conveyance system or failure of a pumped drainage system;
- failure of a reservoir; and
- a flood event that exceeds a flood management design standard, such as a flood that overtops a raised flood defence, or an intense rainfall event which the drainage system cannot accommodate.

Examples of residual flood risk to a development include:

- the depth of internal flooding predicted after any raising of land or floor levels;
- the flood hazard to which people would be exposed on access or escape routes after they have been raised; and
- a failure of flood forecasting or flood warning and the risks associated with people not receiving warnings or acting upon them.

When considering residual risks over the lifetime of development, local planning authorities will need to make informed decisions about the likely presence of flood risk management infrastructure in future, taking advice from relevant risk management authorities. Where flood risk management infrastructure is likely to be improved to keep pace with climate change, the potential consequences of flooding resulting from breach or failure of that improved infrastructure is likely to be the main driver for mitigation.

Where infrastructure is unlikely to be improved, the potential consequences of flooding resulting from overtopping or the design standard being exceeded will also be an important consideration. It is important to consider the consequences of both overtopping and breach, as the nature of flooding will be different in each case. There may, therefore, be a need for different flood risk management measures.

Paragraph: 041 Reference ID: 7-041-20220825

Revision date: 25 08 2022

How can residual risk be addressed?

Residual risk should be minimised using each stage of the process set out in paragraph 004 of this guidance It will not be appropriate to rely solely on emergency plans to mitigate residual risk.

Where residual risk from flood risk management infrastructure affects large areas, the Strategic Flood Risk Assessment will need to indicate the nature, severity and variation in risk within this area, and provide guidance for residual risk issues to be covered in site-specific flood risk assessments. It may also be appropriate for this information to inform a sequential approach to the location of development within these areas, where the initial application of the Sequential Test is unable to steer development to lower risk areas. Where necessary, local planning authorities should use information on identified residual risk to state in strategic policies their preferred mitigation strategy for ensuring development will be safe throughout its lifetime in relation to urban form, risk management and where flood mitigation measures are likely to have wider sustainable design implications.

Areas behind flood defences are at particular risk from rapid onset of fast-flowing and deep-water flooding, with little or no warning if defences are breached. Measures need to be designed to:

- avoid internal flooding from residual risk from flood risk management infrastructure wherever possible; and
- ensure people are not exposed to hazardous flooding, irrespective of the development's vulnerability classification.

Paragraph: 042 Reference ID: 7-042-20220825

Revision date: 25 08 2022

When are emergency plans needed?

One of the considerations to ensure that any new development is safe, including where there is a residual risk of flooding for flood risk management infrastructure, is whether adequate flood warnings would be available to people using the development. An emergency plan will be needed wherever emergency flood response is an important component of making a development safe. Emergency plans will be essential for sites at risk of flooding used for holiday or short-let caravans and camping and for any site with transient occupancy (e.g. hostels and hotels).

Paragraph: 043 Reference ID: 7-043-20220825

Revision date: 25 08 2022

What are the important considerations for emergency plans?

Emergency plans will need to take account of the likely impacts of climate change, e.g. increased water depths and the impact on escape routes. In consultation with emergency planners and services, the local planning

authority will need to ensure that agreed emergency plans are secured and implemented through appropriate planning conditions or planning agreements.

The emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe. Even with defences in place, if the probability of inundation is high, safe access and escape should be maintained for the lifetime of the development. The practicality of safe evacuation from an area will depend on:

- the type of flood risk present, and the extent to which advance warning can be given in a flood event;
- the number of people that would require evacuation from the area potentially at risk;
- the adequacy of both evacuation routes and identified places that people from evacuated places use/are taken to (and taking into account the length of time that the evacuation may last); and
- sufficiently detailed and up to date multi-agency flood plans being in place for the locality that address these and related issues. These are prepared by local resilience forums (https://www.gov.uk/guidance/local-resilience-forums-contact-details).

Paragraph: 044 Reference ID: 7-044-20220825

Revision date: 25 08 2022

Who should be consulted on emergency planning issues?

Local planning authorities are advised to consult with their emergency planning officers as early as possible during the preparation of plans and strategic flood risk assessment, and also regarding any planning applications which have implications for emergency planning. Where development is proposed or expected in flood risk areas with implications for emergency planning, local planning authorities should work with their emergency planning officers to produce local guidelines setting out requirements for flood warning, evacuation and places of safety, against which individual planning applications can then be judged. These should avoid additional burdens on emergency services, explore opportunities for development proposals to address any shortfall in emergency service and infrastructure capacity, and minimise the need for further consultation at planning application stage.

Where issues affecting emergency services are identified during Plan preparation, it may be relevant to contact the local resilience forum – multi-agency partnerships made up of representatives from local public services which prepare for local incidents and catastrophic emergencies. Or in some

cases, it may be appropriate for the local planning authority to consult the emergency services on specific emergency planning issues related to new developments.

Paragraph: 045 Reference ID: 7-045-20220825

Revision date: 25 08 2022

What emergency planning considerations are there in relation to reservoirs?

The failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.

Local planning authorities should also consider any implications for reservoir safety (https://www.gov.uk/guidance/reservoirs-owner-and-operator-requirements#reservoir-safety) and reservoir owners and operators caused by new development located downstream of a reservoir, such as the cost of measures to improve the design of the dam to reduce flood risk, the operation of the reservoir, and general maintenance costs, by consulting with reservoir owners and operators on plan and development proposals. Local authorities, as category 1 responders (https://www.gov.uk/guidance/preparation-and-planning-for-emergencies-responsibilities-of-responder-agencies-and-others), can access more information about reservoir risk and reservoir owners using the Resilience Direct system (https://rdl.resilience.gov.uk/oxauth/auth/secureia/user-validation.htm). Developers should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's 'agent of change' policy (paragraph 187). This could be through Community Infrastructure Levy or section 106 obligations for example.

Applications will need to include any evidence Local Planning Authorities need to understand the impact of individual developments on reservoirs. In doing so, they need to refer to relevant guidance in the Institution of Civil Engineers publication Floods and Reservoir Safety (4th edition) (https://www.icevirtuallibrary.com/doi/book/10.1680/frs.60067) and the Environment Agency's Guide to risk assessment for reservoir safety management (https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/risk-assessment-for-reservoirs). It may be necessary to seek expert advice, such as from an All Reservoirs Panel Engineer, from the government accredited list under How to appoint a panel engineer (https://www.gov.uk/guidance/reservoirs-owner-and-operator-requirements#how-to-appoint-a-panel-engineer).

Consideration should also be given to the potential impacts of development on the operation of reservoirs. This is particularly important where impacts could affect the management of flood risk or the supply of water.

Paragraph: 046 Reference ID: 7-046-20220825

Revision date: 25 08 2022

How can you ensure acceptable emergency planning provision?

Where access and escape are important to the overall safety of development in areas of flood risk, the local planning authority should consult with emergency planning staff and, where appropriate with the emergency services, unless local standards or guidelines have been put in place in lieu of consultation.

Strategic Flood Risk Assessments and site-specific policies in plans may help to identify relevant locations and developments. Safety considerations can affect the overall design or acceptability of the development. Developers should seek to minimise reliance on emergency services to make development safe.

Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood, considering the effects of climate change for the lifetime of the development. Access and escape routes need to be designed to be functional for changing circumstances over the lifetime of the development. Specifically:

- Access routes should allow occupants to safely access and exit their dwellings in design flood conditions. Vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required in addition to the requirements of the building regulations (https://www.gov.uk/government/publications/fire-safety-approved-document-b).
- Wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention).
- Where a failure of flood risk management infrastructure would result in flooding with a speed-of-onset that would not allow sufficient time for safe

access and escape, an internally accessible place of safety, capable of accommodating the likely number of occupants or users of the proposed development should also be provided. Local planning authorities should consider whether the development can be considered safe given the predicted duration of flooding and the vulnerability of occupants/users. In doing so, local planning authorities should account for the likely impacts of flooding on essential services such as electricity, gas, telecommunications, water supply and sewerage. Any place of safety needs to be designed to facilitate rescue in case emergency care is needed or if it is unlikely to be safe for occupants/users to wait until flood waters have receded sufficiently for safe access/escape to be possible.

Paragraph: 047 Reference ID: 7-047-20220825

Revision date: 25 08 2022

What is needed to ensure safe evacuation and flood response procedures are in place?

To demonstrate to the satisfaction of the local planning authority that the development will be safe for its lifetime taking account of the vulnerability of its users, a site-specific flood risk assessment may need to show that appropriate evacuation procedures and flood response infrastructure are in place to manage the residual risk associated with an extreme flood event.

In locations where there is a residual risk of flooding due to the presence of defences, judgements on whether a proposal can be regarded as safe will need to consider the feasibility and provision of evacuation from the area should it be flooded. See also the advice on emergency plans.

Proposals that are likely to increase the number of people living or working in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. To mitigate this impact it is especially important to look at ways in which the development could help to reduce the overall consequences of flooding in the locality, either through its design (recognising that some forms of development may be more resistant or resilient to floods than others) or through off-site works that benefit the area more generally. Where the impact cannot be wholly mitigated, developers need to cover the full cost of any additional emergency services provision needed, consistent with the ‘agent of change’ policy contained in the National Planning Policy Framework (at paragraph 187).

Paragraph: 048 Reference ID: 7-048-20220825

Revision date: 25 08 2022

Other flood risk considerations

How to assess the suitability of development where there is a possibility it will increase flood risk elsewhere.

Development or the cumulative impacts of development may result in an increase in flood risk elsewhere as a result of impacts such as the loss of floodplain storage, the deflection or constriction of flood flow routes or through inadequate management of surface water. Site-specific flood risk assessments should assess these impacts and demonstrate how mitigation measures have addressed them. Where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided. Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked.

Whilst the use of stilts and voids below buildings may be an appropriate approach to mitigating flood risk to the buildings themselves, such techniques should not normally be relied upon for compensating for any loss of floodplain storage. This is because voids do not allow water to freely flow through them, trash screens get blocked, voids get silted up, they have limited capacity, and it is difficult to stop them being used for storing belongings or other materials.

The loss of floodplain storage is less likely to be a concern in areas benefitting from appropriate flood risk management infrastructure or where the source of flood risk is solely tidal.

Where development proposals would result in the deflection or constriction of identified flood flow routes, a site-specific flood risk assessment will need to demonstrate that such routes will be safely managed within the site. The impact of development on flood flow routes may also be an important consideration for sites which benefit from the presence of flood risk management infrastructure and where flow routes are likely to affect the site in the event of a failure or exceedance of such infrastructure. Any such measures to ensure development will not increase risk elsewhere would need to be secured in any planning permission granted. The provision of multifunctional sustainable drainage systems, natural flood management and green infrastructure can also make a valuable contribution to mitigating the cumulative impacts of development on flood risk.

Where it is not possible to fully mitigate the impacts of development on flood risk elsewhere, now and in the future, the site-specific flood risk assessment will need to fully detail the extent and nature of the increase in risk and to assess its significance. This is likely to be a key consideration in whether planning permission is granted.

Paragraph: 049 Reference ID: 7-049-20220825

Revision date: 25 08 2022

How can planning limit the planned lifetime of development?

This can be achieved by time-limited planning permissions that can contain conditions relating to the review of that permission in relation to factors that may mean the development will need to relocate, for example:

- Rates of coastal erosion and change;
- Rate of increased flood risk due to climate change.

The Local Planning Authority should be satisfied that adequate and secure financial arrangements are in place for the removal of time-limited development.

Paragraph: 050 Reference ID: 7-050-20220825

Revision date: 25 08 2022

The flood risk issues raised by minor developments

What is meant by “minor development” in relation to flood risk?

Minor development means:

- minor non-residential extensions (industrial/commercial/leisure etc): extensions with a floorspace not in excess of 250 square metres.
- alterations: development that does not increase the size of buildings, e.g. alterations to external appearance.
- householder development: for example, sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling (e.g. subdivision of houses into flats) or any other development with a purpose not incidental to the enjoyment of the dwelling.

What is meant by “major” and “non-major” development?

“Major development” is defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Article 2) (https://www.legislation.gov.uk/uksi/2015/595/article/2/made).

‘Non major development’ is any development falling below the above thresholds but excluding minor development. For example, a planning application for 8 dwellings an office building creating 750 square metres of floor space, or a development with a site area of 0.4 hectares.

Are minor developments likely to raise flood risk issues?

Minor developments are unlikely to raise significant flood risk issues unless:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities; or
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

Even minor developments can affect flood risk within or beyond the property, particularly in areas susceptible to flooding. Applications for minor development involving extensions or additions should still meet the requirements to provide a site-specific flood risk assessment (as per footnote 55 of the National Planning Policy Framework). A pragmatic approach should be taken to the scope and level of detail of the assessment – a shorter, simpler assessment is likely to be sufficient in most such cases. As a minimum, the assessment needs to show that the development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.

The Environment Agency’s advice on flood risk assessment (https://www.gov.uk/flood-risk-assessment-for-planning-applications) is helpful for ensuring extensions or alterations are designed and constructed to conform to any flood protection already incorporated in the property, and include flood resilience measures in the design.

Paragraph: 051 Reference ID: 7-051-20220825

Revision date: 25 08 2022

The flood risk issues raised by changes of use

What issues need to be considered and what does the applicant need to do?

Applicants for permission to change the use of a property need to meet the requirements to provide a site-specific flood risk assessment set out in footnote 55 of the National Planning Policy Framework

(https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#footnote55). It is for the applicant to show that the change of use meets the objectives of the National Planning Policy Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively throughout the lifetime of the development.

Changes of use can increase the vulnerability of the development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding. Older existing properties may not previously have been subject to a flood risk assessment and appropriate mitigation measures, or the nature or severity of the flood risk may have changed over time, requiring more appropriate mitigation. Even if a development's vulnerability is not increasing, change of use can often present an opportunity to improve the flood resilience of existing development.

The local planning authority may have a Local Plan policy on what changes of use will be acceptable in areas at risk of flooding.

Paragraph: 052 Reference ID: 7-052-20220825

Revision date: 25 08 2022

Permitted development rights and flood risk

What are the flood risk considerations in relation to permitted development rights?

A number of permitted development rights are subject to prior approval by the local planning authority in respect of flooding. Such applications for prior approval in areas of flood risk must be accompanied by a site-specific flood risk assessment as required by the prior approval process set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (https://www.legislation.gov.uk/uksi/2015/596/contents/made) or footnote 55 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change) as applicable. Flooding prior approvals require consultation with the Environment Agency where the development is in an area within Flood Zone 2 or Flood Zone 3, or in an area within Flood Zone 1 which has critical drainage problems.

Rights that provide for hard surfaces, for householders or business, require that provision is made for a permeable or porous surface.

A local planning authority may consider making an Article 4 direction to remove a specific permitted development right, requiring planning

permission to be sought in each individual case, where such development could impact on the risk of flooding.

Paragraph: 053 Reference ID: 7-053-20220825

Revision date: 25 08 2022

Proximity to watercourses and need for a flood risk activity permit

If works are proposed on or near a river, flood defence or sea defence, a separate permission may be required. The type of permission needed and whether it must be sought from the Environment Agency, Lead Local Flood Authority or Internal Drainage Board will depend on the activity and location proposed. Check if you need permission to do work on a river, flood defence or sea defence (https://www.gov.uk/permission-work-on-river-flood-sea-defence).

If the development of the site involves any activity within specified distances of main rivers, a flood risk activity permit may be required in addition to planning permission. For non-tidal main rivers, a flood risk activity permit may be required if the development of the site is within 8 metres of a riverbank, flood defence structure or culvert. For tidal main rivers, a flood risk activity permit may be required if the development of the site is within 16 metres of a riverbank, flood defence structure or culvert. A flood risk activity permit may also be required for activity (e.g. land raising) in the floodplain of a main river if it could affect flood flow or storage, and potential impacts are not controlled by a planning permission.

The Environment Agency has details on obtaining a Flood Risk Activity Permit (https://www.gov.uk/guidance/flood-risk-activities-environmental-permits).

For works on or near an ordinary watercourse, which have the potential to obstruct flow, you must apply for Ordinary Watercourse Consent. Apply by contacting either:

- Your lead local flood authority through your local council (https://www.gov.uk/find-your-local-council); or
- The internal drainage board (IDB) (https://www.ada.org.uk/member_type/idbs/) in your area, if the proposed development lies within an internal drainage district.

Paragraph: 054 Reference ID: 7-054-20220825

Revision date: 25 08 2022

Sustainable drainage systems

What are sustainable drainage systems and why are they important?

Sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change. They provide benefits for water quantity, water quality, biodiversity and amenity. Many types of sustainable drainage systems are possible, contributing to reducing the causes and impacts of flooding. Multifunctional sustainable drainage systems are those that deliver a wider range of additional biodiversity and environmental net gains such as to:

- ameliorate urban heating and air pollution;
- replenish groundwater resources;
- contribute to biodiversity net gain targets;
- capture and re-use rainwater;
- store carbon;
- reduce the need for carbon-intensive construction techniques and pumped systems;
- release capacity in combined sewerage systems and at wastewater treatment works;
- create and connect valuable areas of blue-green infrastructure
- reduce lifetime maintenance costs; and
- enhance the attractiveness and value of new development by integrating water management with habitat for wildlife and opportunities for amenity and recreation.

The layout and function of drainage systems needs to be considered at the start of the design process for new development, as integration with road networks and other infrastructure can maximise the availability of developable land.

Guidance on the planning considerations on sustainable drainage needs to be read in conjunction with guidance related to:

- water quality (https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-quality)
- what to think about if there are concerns about water supply/quality? (https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#para019)

Paragraph: 055 Reference ID: 7-055-20220825

Revision date: 25 08 2022

What sort of sustainable drainage systems can be considered?

The types of sustainable drainage system which it may be appropriate to consider, will depend on the proposed development and its location, as well as any planning policies and guidance that apply locally. Where possible, preference should be given to multi-functional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Particular types of sustainable drainage features may not be practicable or appropriate in some locations, such as the use of infiltration techniques from potentially polluting development in areas where groundwater provides a potable supply of water (e.g. Groundwater Source Protection Zone 1 (https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs)). Local planning authorities may find it helpful to set out those local situations where they anticipate particular sustainable drainage features:

- being inappropriate; or
- delivering the greatest benefits.

Local planning authorities may wish to encourage the incorporation of rainwater harvesting in sustainable drainage systems. Such systems are likely to be most appropriate for larger commercial or industrial applications and/or for development in areas with a current or likely future Water Stressed Area Classification (https://www.gov.uk/government/publications/water-stressed-areas-2021-classification). Refer to Water Efficiency Standards (https://www.gov.uk/guidance/housing-optional-technical-standards#water-efficiency-standards) and consider such features as part of a Water Cycle Study (https://www.gov.uk/guidance/water-cycle-studies).

Consideration of sustainable drainage systems early in the design process for development, including at the pre-application or master-planning stages, can lead to better integration, multi-functional benefits and reduced land-take.

Paragraph: 056 Reference ID: 7-056-20220825

Revision date: 25 08 2022

Where can advice be obtained on surface water drainage?

When considering major development with surface water drainage the local planning authority must consult the lead local flood authority (http://www.legislation.gov.uk/uksi/2015/595/schedule/4/made) on proposed drainage arrangements. For other developments, particularly in areas at risk of flooding, the local planning authority should consider the circumstances where it would be beneficial to seek advice from the lead local flood authority. Local planning authorities are also advised to consult as appropriate:

1. The relevant sewerage undertaker where adoption by the undertaker or a connection with a public sewer is proposed.
2. The Environment Agency, in areas with critical drainage problems (https://data.gov.uk/dataset/d10fb8e5-f3af-48c1-a489-8c975b0165de/areas-with-critical-drainage-problems) (for non-major and major development in Flood Zone 1 consultation is a legal requirement if the Local Planning Authority receives notification from the Environment Agency).
3. The relevant highway authority for an affected road.
4. The Canal and River Trust, if the drainage system may directly or indirectly involve the discharge of water into or under a waterway managed by them.
5. An internal drainage board, if the drainage system may directly or indirectly involve the discharge of water into an ordinary watercourse (within the meaning of section 72 of the Land Drainage Act 1991 (http://www.legislation.gov.uk/ukpga/1991/59/contents)) within the board's district.

Non-statutory technical standards (https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards) are available to guide decisions about the design, maintenance and operation of sustainable drainage systems. Refer to the Environment Agency's approach to groundwater protection (https://www.gov.uk/government/publications/groundwater-protection-position-statements). Detailed industry guidance (for example CIRIA's SuDS Manual (https://www.ciria.org/ItemDetail?iProductCode=C753&), the Institution of Civil Engineers' SuDS Route Maps (https://www.ice.org.uk/engineering-resources/best-practice/sustainable-drainage-systems-latest-guidance/), provide technical details for the suitability of sustainable drainage systems for a wide range of design characteristics.

Applicants and developers should take into consideration the above.

Paragraph: 057 Reference ID: 7-057-20220825

Revision date: 25 08 2022

Are there particular factors the local planning authority will need to address when considering a sustainable drainage system as part of a planning application?

The local planning authority should be satisfied that the minimum standards of operation for the proposed sustainable drainage system are appropriate, and that there are clear maintenance and adoption arrangements in place for the lifetime of the development. The local planning authority will need to consider whether the proposed standard of construction would facilitate adoption and maintenance by an appropriate body such as the water and sewerage company under the Ofwat-approved Sewerage Sector Guidance (https://www.water.org.uk/sewerage-sector-guidance-approved-documents/). Also refer to the non-statutory technical standards (https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards).

The use of monitoring and operation technology as part of sustainable drainage systems could help to optimise their effectiveness and allow their operation to be adapted over time.

Paragraph: 058 Reference ID: 7-058-20220825

Revision date: 25 08 2022

What information on sustainable drainage needs to be submitted with a planning application?

Where SuDS are required in accordance with paragraphs 167 and 169 of the National Planning Policy Framework, to reduce delays in the planning process, applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage systems as part of their planning application (including outline applications), having regard to the nature and scale of the development proposed. Where a site-specific flood risk assessment is required, it may be appropriate to combine the two. Local planning authorities should consider setting out requirements for supporting information on sustainable drainage systems as part of their local list of information requirements (https://www.gov.uk/guidance/making-an-application#Local-information-requirements).

Supporting information will need to describe the existing and proposed surface water management arrangements to ensure there is no increase in flood risk to others off-site. It may need to address:

1. What are the existing surface water drainage arrangements for the site?
2. If known, what (approximately) are the existing rates and volumes of surface water run-off generated by the site?

3. What are the proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change? What are the proposals for restricting discharge rates?
4. Demonstrate how the hierarchy of drainage options has been followed. Explain and justify why the types of sustainable drainage systems and method of discharge have been selected and why they are considered appropriate. Where sustainable drainage systems are considered to be inappropriate, provide clear evidence to justify this. Where cost is a reason for not including sustainable drainage systems, provide information to enable comparison with the lifetime costs of a conventional public sewer connection.
5. How have sustainable drainage systems been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site?
6. What multifunctional benefits will the sustainable drainage system provide? For major developments, if multifunctional sustainable drainage systems are not being provided, what evidence is there that such techniques are not possible?
7. What opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system?
8. How will run-off from the completed development be prevented from causing an impact elsewhere?
9. How has the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption? What are the plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development?

Paragraph: 059 Reference ID: 7-059-20220825

Revision date: 25 08 2022

What considerations apply to the adoption of sustainable drainage systems?

Proposals for Sustainable Drainage Systems should include arrangements for their long-term maintenance. Possible arrangements could include (but are not limited to) adoption by:

- a water and sewerage company
- the local authority
- the lead local flood authority
- a community trust

- a private management company

Adoption bodies may have their own specific approval criteria and protocols in place for sustainable drainage systems that need to be satisfied prior to any adoption or maintenance agreement being taken forward. These will need to be examined early in the design process to ensure any such criteria are clearly understood by the applicant.

Section 104 of the Water Industry Act 1991 (http://www.legislation.gov.uk/ukpga/1991/56/section/104) allows for water and sewerage companies to adopt drainage assets that fall within the legal meaning of a sewer (including sewage disposal works) or lateral drain. Some sustainable drainage systems can therefore be considered adoptable by the relevant water and sewerage company. In considering such an adoption route, applicants are advised to consult with the appropriate water and sewerage company at the earliest opportunity, ideally at the design stage of the development. The water and sewerage company is likely to want to see full details of a sustainable drainage system proposed for adoption as part of any Section 104 application. The Ofwat-approved Sewerage Sector Guidance (https://www.water.org.uk/sewerage-sector-guidance-approved-documents/) sets out those design and construction standards that need to be met in order for qualifying features to be adopted by the relevant water and sewerage company.

Paragraph: 060 Reference ID: 7-060-20220825

Revision date: 25 08 2022

Are other permits needed for sustainable drainage systems?

In some cases, a separate permission may be needed for sustainable drainage systems that release polluting liquids:

- to surface water such as rivers or streams
- directly or indirectly to water underground

Check if an Environmental Permit is needed from the Environment Agency by visiting Check if you need an environmental permit (https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit#what-you-need-a-permit-for). In many cases, an Environmental Permit will not be needed. Check when you do not need a permit (https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits#when-you-do-not-need-a-permit).

If a sustainable drainage system involves works on or near a river, flood defence or sea defence, a separate permission may be required. See Proximity to watercourses and need for a flood risk activity permit.

Paragraph: 061 Reference ID: 7-061-20220825

Revision date: 25 08 2022

Reducing the causes and impacts of flooding

In addition to the broad policy aim of securing net gains across each sustainable development objective, all Plans should make as much use as possible of opportunities presented by new development to reduce the causes and impacts of flooding, through the use of natural flood management techniques wherever they would be effective. Strategic flood risk assessments should identify such opportunities. Developments subject to the Exception Test also need to reduce flood risk overall, where possible. This section sets out a number of ways in which these requirements may be met.

Paragraph: 062 Reference ID: 7-062-20220825

Revision date: 25 08 2022

How can sustainable drainage reduce the causes and impacts of flooding?

A comprehensive sustainable drainage approach can help to alleviate flood risk as well as managing the impacts where flooding does occur, for example by:

- Maximising opportunities for infiltration of surface water through replacement of impermeable surfaces with permeable surfaces;
- Maximising opportunities for planting and vegetated areas, in preference to engineered surfaces, to increase evapo-transpiration and provide improvements for biodiversity and wider natural capital benefits;
- Providing additional surface water storage over and above the minimum requirements e.g. an over-sized pond, to accommodate more extreme rainfall events; and
- Reducing surface water loadings on the existing sewerage network. This could include using systems to capture run-off from surrounding development, not just the proposed development, by incorporating it into the provision of an area-wide strategic sustainable drainage system, planned in conjunction with local risk management authorities and sewerage providers. This approach could help reduce the risk of sewer flooding and free up capacity in wastewater treatment works, off-setting the need for off-site reinforcements of the sewerage network.

Paragraph: 063 Reference ID: 7-063-20220825

Revision date: 25 08 2022

What is natural flood management and how can it reduce the causes and impacts of flooding?

Natural flood management techniques work with natural processes to protect, restore and emulate the natural functions of catchments, floodplains, rivers and the coast. They aim to manage the sources and pathways of flood waters whilst providing wider benefits to people, wildlife and the environment. Examples include:

- Land management such as removing impermeable surfacing to maximise infiltration, planting trees to increase evapo-transpiration, or making green space where flood waters are most likely to flow or collect, or where rivers and their meanders are likely to migrate;
- River restoration (https://www.therrc.co.uk/river-restoration) such as removing culverts and other capacity restrictions, reintroducing meanders to provide additional storage, or naturalising river beds and banks to slow the flow;
- Coastal management such as creating saltmarshes, sand dunes and the realignment of coastal risk management structures to absorb wave energy, reduce the impacts of tidal surges and adapt to rising sea levels.

The contribution natural flood management techniques can make to reduce the causes and impacts of flooding will vary greatly from case to case. In some cases, they may be capable of comprehensively addressing flood risk to a site on their own, but in many cases they will need to be used in a complementary way alongside more conventional flood risk management techniques such as engineered defences. Natural flood management techniques can also contribute to the delivery of biodiversity and environmental net gains and support the implementation of river basin management plans (https://www.gov.uk/government/collections/river-basin-management-plans-2015) and the public body duty (http://www.legislation.gov.uk/uksi/2017/407/regulation/33/made) to have regard to them. See further information on other types of natural flood management (1 page summaries) (https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk), along with a working with natural processes evidence directory (https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk).

Paragraph: 064 Reference ID: 7-064-20220825

Revision date: 25 08 2022

How can the most suitable natural flood management techniques be identified?

Local circumstances will dictate which natural flood management techniques are most suitable in each case. You can contact the Environment Agency (https://www.gov.uk/government/publications/planning-and-marine-licence-advice-standard-terms-for-our-charges) or lead local flood authority (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities#lead-local-flood-authorities) to discuss what is appropriate in specific locations. The working with natural processes evidence base (https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk) contains a wealth of information about natural flood management, including different techniques and their benefits. There are also some maps which may be useful as an initial guide. Mapping the potential for working with natural processes (https://www.arcgis.com/apps/mapviewer/index.html?webmap=7315f943998847e2b3797a85665f5438) shows areas where there may be an opportunity to implement particular techniques and Spatial prioritisation of catchments suitable for using natural flood management (https://environment.data.gov.uk/dataset/793f7e63-0c3e-49cd-808f-9f77e55382d2) identifies some (generally small and rural) catchments where measures that slow the flow of water are likely to provide the greatest flood benefits. These maps should only be used as a guide and should always be supplemented with local catchment knowledge.

Paragraph: 065 Reference ID: 7-065-20220825

Revision date: 25 08 2022

How to deliver natural flood management through strategic plans

The Strategic Flood Risk Assessment and assessment of infrastructure needs (https://www.gov.uk/guidance/plan-making#delivery-of-strategic-matters), are likely to be key sources of evidence to inform strategic policies. Policies could promote the use of natural flood management techniques and set out expectations for natural flood management contributions. Land that is likely to be needed for natural flood management could also be protected by safeguarding land for future flood risk management infrastructure.

Paragraph: 066 Reference ID: 7-066-20220825

Revision date: 25 08 2022

How can natural flood management be delivered through new development?

Developers can consider natural flood management opportunities early in the design process and engage in pre-application discussions with the Environment Agency (https://www.gov.uk/government/publications/planning-and-marine-licence-advice-standard-terms-for-our-charges), lead local flood authority (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities#lead-local-flood-authorities) and other risk management authorities (https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities). It is likely to be beneficial to integrate natural flood management techniques with any proposed sustainable drainage systems and green infrastructure provision to maximise multifunctional benefits whilst minimising land-take. Site specific flood risk assessments will assess the impact of any proposed natural flood management techniques on flood risk.

Local Planning Authorities can use planning conditions (https://www.gov.uk/guidance/use-of-planning-conditions) and obligations (https://www.gov.uk/guidance/planning-obligations) where appropriate, to secure the implementation, retention and maintenance of any natural flood management techniques proposed, while it may be appropriate to use the community infrastructure levy or planning obligations to fund area-wide flood management improvements. Where off-site natural flood management techniques are proposed, it may be necessary for the Local Planning Authority to secure a contribution towards their delivery, through Community Infrastructure Levy (https://www.gov.uk/guidance/community-infrastructure-levy) or a planning obligation (https://www.gov.uk/guidance/planning-obligations).

Proposals to introduce new culverting or to build on top of existing culverting are likely to have adverse impacts on flood risk, ecology, human health and safety and amenity whilst increasing maintenance costs and hindering future options to restore the watercourse. Such proposals are likely to run contrary to natural flood management objectives and the objectives of River Basin Management Plans.

Paragraph: 067 Reference ID: 7-067-20220825

Revision date: 25 08 2022

Flood resistance and flood resilience

What is flood resistance and flood resilience?

Property Flood Resilience is an approach to building design which aims to reduce flood damage and speed recovery and reoccupation following a flood. It uses a combination of flood resistance and recovery measures (referred to here as resilience measures), and is described in the industry-developed CIRIA Property Flood Resilience Code of Practice (https://www.ciria.org/ItemDetail?iProductCode=C790F&Category=FREEPUBS),

which provides advice for both new-build and retrofit. It includes specific guidance for local authority planners (https://www.ciria.org/Resources/Free_publications/CoP_for_PFR_resource.aspx).

Flood resistance measures, or dry-proofing, stops water entering a building up to a safe structural limit. Resistance measures can be passive, such as flood doors which are normally closed; or active, such as air brick covers or removable flood barriers. Flood resistant construction can prevent entry of water or minimise the amount that may enter a building where there is short duration flooding with water depth up to approximately 0.6 metres, depending on the building's characteristics. Where measures to exclude water in this way are proposed above this level, advice should be sought from a suitably qualified building surveyor, architect or structural engineer.

This form of construction needs to be used with caution and accompanied by resilience measures that will speed-up flood recovery, as effective flood resistance can be difficult to achieve. Hydrostatic pressures exerted by floodwater can cause long-term structural damage, undermine the foundations of a building or cause leakage through the walls, floor or sub-floor, unless the building is specifically designed to withstand such stresses. In addition, temporary and demountable defences are not appropriate for new-build developments.

Flood resilience measures (also called recoverability measures, or wet-proofing), accept that water will enter the building, but through careful design and changes to the construction will minimise damage and allow faster cleaning, drying, repairing and re-occupancy of the building after a flood. Measures are preferably passive, such as the use of resilient building materials (https://knowledge.bsigroup.com/products/flood-resistant-and-resilient-construction-guide-to-improving-the-flood-performance-of-buildings/standard), or active such as moving sensitive equipment or belongings to upper floors when flooding is expected. Flood resistance and resilience measures cannot be used to justify development in inappropriate locations.

Paragraph: 068 Reference ID: 7-068-20220825

Revision date: 25 08 2022

What needs to be considered in the use of appropriate flood resistance and resilience measures?

The first preference is to apply the avoidance measures set out in paragraph 004 Where this is not possible, flood resistance and flood resilience measures may need to be incorporated into the design of buildings and other infrastructure, including behind flood defence systems. Resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk, but they may be suitable in some circumstances, such as:

- water-compatible and less vulnerable uses where temporary disruption is acceptable and the development remains safe;
- where the use of an existing building is to be changed and it can be demonstrated that the avoidance measures set out in paragraph 004 are not practicable and the development remains safe;
- as a measure to manage residual flood risk from flood risk management infrastructure when avoidance measures have been exhausted.

Further information on flood resistance and resilience is available as part of the advice on flood risk assessment for planning applications (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications) available from the Environment Agency and in the CIRIA Property Flood Resilience Code of Practice (https://www.ciria.org/ItemDetail?iProductCode=C790F&Category=FREEPUBS).

Paragraph: 069 Reference ID: 7-069-20220825

Revision date: 25 08 2022

Planning and development in areas of coastal change

What is Integrated Coastal Zone Management?

Integrated Coastal Zone Management is a joined-up and participatory approach towards the planning and management of coastal areas (land and marine). The key principles are:

- a long term view
- a broad holistic approach
- adaptive management
- working with natural processes
- support and involvement of all relevant administrative bodies
- use of a combination of instruments
- participatory planning
- reflecting local characteristics

In coastal areas, local planning authorities will need to collaborate with the Marine Management Organisation to ensure that plans and policies across the land/sea boundary are coordinated. See further guidance on the Marine Management Organisation's role (https://www.gov.uk/government/organisations/marine-management-organisation/about).

Local planning authorities are strongly encouraged to adopt the principles set out in the Coastal Concordat for England (https://www.gov.uk/government/publications/a-coastal-concordat-for-england), working in collaboration with other relevant public bodies to coordinate the consenting process for coastal development.

The Local Government Association Special Interest Group on Coastal Issues comprises more than 50 local authorities from around the coast of England to represent the broad range of interests of coastal, estuarine and maritime communities. See the Coastal Change Adaptation Planning Guidance (https://lgacoastalsig.com/).

Paragraph: 070 Reference ID: 7-070-20220825

Revision date: 25 08 2022

What is a Coastal Change Management Area?

This is an area identified in plans as likely to be affected by physical changes to the coast. Such changes include erosion, coastal landslip, permanent inundation or accretion.

See related policy in paragraphs 170 to 173 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change).

Paragraph: 071 Reference ID: 7-071-20220825

Revision date: 25 08 2022

What are the considerations in defining Coastal Change Management Areas?

A Coastal Change Management Area will only need to be defined where rates of shoreline change are expected to be significant over the next 100 years, taking account of climate change (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances). They will not normally need to be defined where the accepted shoreline management plan policy is to hold or advance the line (maintain existing, or build new flood and coastal erosion risk management infrastructure) for the whole period covered by the shoreline management plan, subject to evidence of how this may be secured, taking advice from the Environment Agency. A Coastal Change Management Area should be defined where the shoreline management plan policy is anything other than hold or advance the line at any time during its plan period. In addition, where there is uncertainty about securing funding for the implementation of hold or advance the line policies, local planning authorities can still identify areas that could be affected by coastal change

to ensure prospective developers are made aware of the potential risks and inappropriate development is avoided.

Local planning authorities will need to demonstrate that they have considered shoreline management plans, which provide a large-scale assessment of the risks associated with coastal processes, and provide the primary source of evidence in defining the coastal change management areas.

Shoreline management plans (http://www.environment-agency.gov.uk/research/planning/104939.aspx) identify risk on time horizons up to 100 years and include maps showing the geographical extent of each risk area. In defining Coastal Change Management Areas, local planning authorities, using the best available evidence, may wish to identify separate sub-zones for each of the time horizons – or may alternatively rely on the latest shoreline management plan to provide that level of information.

Other sources that may help inform decisions on the appropriate area for the coastal change management area include:

- catchment flood management plans
- shoreline / coastal strategies
- estuary management plans
- harbour management plans
- river basin management plans (https://www.gov.uk/government/collections/river-basin-management-plans-2015)
- Environment Agency's national coastal erosion risk map (https://www.arcgis.com/apps/webappviewer/index.html?id=9cef4a084bbb4954b970cd35b099d94c&marker=636394.9963403749%2C332466.006489025%2C27700%2C%2C%2C&markertemplate=%7B%22title%22%3A%22%22%2C%22x%22%3A636394.9963403749%2C%22y%22%3A332466.006489025%2C%22wkid%22%3A27700%2C%22isIncludeShareUrl%22%3Atrue%7D&level=16)

Although the primary basis for defining the Coastal Change Management Area are the physical processes affecting the coast, the local planning authority may also wish to take into account the extent of existing settlements and requirements for land-use change or facilitating roll-back and relocation of land uses.

Paragraph: 072 Reference ID: 7-072-20220825

Revision date: 25 08 2022

What development will be appropriate in a Coastal Change Management Area?

Local Planning Authorities should ensure that strategic plans are sufficiently flexible to deal with changing circumstances in coastal areas, such as updates to relevant Shoreline Management Plans or sudden shifts in the protection afforded to a particular area.

General policy tests for considering development in Coastal Change Management Areas are set out in the National Planning Policy Framework.

Within this context, essential infrastructure (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification) may be permitted in a Coastal Change Management Area, provided there are clear plans to manage the impacts of coastal change on it, and it will not have an adverse impact on rates of coastal change elsewhere.

Ministry of Defence installations that require a coastal location can be permitted within a Coastal Change Management Area, provided there are clear plans to manage the impacts of coastal change. Where the installation will have a material impact on coastal processes, this will need to be managed to minimise adverse impacts on other parts of the coast.

For other development, the following may be appropriate, subject to the tests in the National Planning Policy Framework:

- Within the short-term risk areas (i.e. losses are expected within 20-years), a limited range of development directly linked to the coastal strip, such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping – all with time-limited planning permissions;
- Within the medium (20 to 50-year) and long-term (up to 100-year) risk areas, a wider range of time-limited development, such as hotels, shops, office or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community. Other significant development, such as key community infrastructure, is unlikely to be appropriate unless it has to be sited within the Coastal Change Management Area to provide the intended benefit to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides;
- Existing buildings, infrastructure and land-use subject to the relevant planning permission could adapt and diversify to changing circumstances, where it reduces vulnerability, increases resilience and raises funds to facilitate subsequent relocation
- Permanent new residential development (including through change of use) will not be appropriate within a Coastal Change Management Area.

In all cases, there should still be careful consideration of the policies on development and flood risk, including table 2

Further advice on:

- how a vulnerability assessment can be used to demonstrate whether development is appropriate in a coastal change management area
- permitted development rights in areas at risk of coastal change
- how neighbourhood plans and Neighbourhood Development/Community Right to Build Orders should take account of coastal change

Advice is also available on what approach should be taken to making provision for the relocation of development away from Coastal Change Management Areas.

Paragraph: 073 Reference ID: 7-073-20220825

Revision date: 25 08 2022

When will a vulnerability assessment be required to demonstrate whether development is appropriate in a coastal change management area?

Applications for development in a Coastal Change Management Area may need to be accompanied by a coastal change vulnerability assessment, demonstrating whether or not the requirements of National Planning Policy Framework paragraph 172 can be met. It would be advisable for the developer to agree the scope of a coastal change vulnerability assessment (which should be appropriate to the degree of risk and the scale, nature and location of the development) in advance with the local planning authority and in consultation with the coast protection authority, the Environment Agency (where flood risk is also an issue) and any other relevant stakeholders.

In considering the requirements in paragraph 172 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change) a vulnerability assessment will need to demonstrate that the development:

- would not impair the ability of communities and the natural environment to adapt sustainably to the impacts of a changing climate;
- will be safe through its planned lifetime, without increasing risk to life or property, or requiring new or improved coastal defences;
- would not affect the natural balance and stability of the coast or exacerbate the rate of shoreline change to the extent that changes to the coast are increased nearby or elsewhere.

The coastal change vulnerability assessment should also consider measures for managing the development at the end of its planned life, including any proposals for the removal or relocation of the development before the site is immediately threatened by shoreline changes. The use of modular forms of construction can mean buildings can be disassembled and reassembled in a new location as a way of minimising the cost of relocation. Further advice on limiting the planned lifetime of a development.

Local Planning Authorities may also wish to set out in local policy or guidance other areas where applications for development will need to be accompanied by a coastal change vulnerability assessment.

Paragraph: 074 Reference ID: 7-074-20220825

Revision date: 25 08 2022

What issues do local planning authorities need to consider in relation to permitted development rights (https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights) in coastal change areas?

Where development is permitted development under the Town and Country Planning (General Permitted Development) (England) (Order) 2015 and is likely to result in an increase in the scale of property or the number or vulnerability of occupants at risk from coastal change, local planning authorities may want to consider whether to make use of their powers under Article 4 of the Order (http://www.legislation.gov.uk/uksi/2015/596/article/4/made) to require planning permission to be sought in each case.

Paragraph: 075 Reference ID: 7-075-20220825

Revision date: 25 08 2022

How can neighbourhood plans and neighbourhood development/community right to build orders take account of coastal change?

In any instance where a Neighbourhood Area is proposed in a Coastal Change Management Area, careful attention should be paid to the guidance on what development would be appropriate in such an area, including whether time-limiting planning permissions are needed. The local planning authority will need to be consulted about existing and anticipated levels of risk, and the types of development that may or may not be appropriate.

See related policy in paragraphs 170 to 173 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change).

Paragraph: 076 Reference ID: 7-076-20220825

Revision date: 25 08 2022

Flood Zone and flood risk tables

- Table 1: Flood Zones
- National Planning Policy Framework Annex 3 - Flood risk vulnerability classification (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification)
- Table 2: Flood risk vulnerability and flood zone 'incompatibility'

Paragraph: 077 Reference ID: 7-077-20220825

Revision date: 25 08 2022

Table 1: Flood Zones

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)
Zone 2 Medium Probability	Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise: • land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or

Flood Zone	Definition
	• land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding). Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

Note: The Flood Zones shown on the Environment Agency's Flood Map for Planning (Rivers and Sea) do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding. Reference should therefore also be made to the Strategic Flood Risk Assessment (https://www.gov.uk/guidance/local-planning-authorities-strategic-flood-risk-assessment) when considering location and potential future flood risks to developments and land uses.

Paragraph: 078 Reference ID: 7-078-20220825

Revision date: 25 08 2022

Table 2: Flood risk vulnerability and flood zone 'incompatibility'

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	**X**	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	**X**	**X**	**X**	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

Notes to table 2:

- This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea;
- The Sequential and Exception Tests do not need to be applied to those developments set out in National Planning Policy Framework footnote 56 (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change). The Sequential and Exception Tests should be applied to 'major' and 'non major' development;
- Some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts.

"†" In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

"*" In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Paragraph: 079 Reference ID: 7-079-20220825

Revision date: 25 08 2022

Site-specific flood risk assessment: Checklist

1 - Development site and location

You can use this section to describe the site you are proposing to develop. It would be helpful to include, or make reference to, a location map which clearly indicates the development site.

a. Where is the development site located? (e.g. postal address or national grid reference)

b. What is the current use of the site? (e.g. undeveloped land, housing, shops, offices)

c. Which Flood Zone (for river or sea flooding) is the site within? (i.e. Flood Zone 1, Flood Zone 2, Flood Zone 3). As a first step, you should check the Flood Map for Planning (https://flood-map-for-planning.service.gov.uk/). Check the Strategic Flood Risk Assessment for the area available from the local planning authority to identify if the site is within Flood Zone 1 but at increased risk of flooding in future due to climate change

d. Also check the Strategic Flood Risk Assessment to identify if there are any other sources of flooding that may affect the site now or in the future.

2 - Development proposals

You can use this section to provide a general summary of the development proposals. It would be helpful to include, or make reference to, an existing block plan and a proposed block plan, where appropriate.

a. What are the development proposal(s) for this site? Will this involve a change of use of the site and, if so, what will that change be?

b. In terms of vulnerability to flooding, what is the vulnerability classification of the proposed development? See National Planning Policy Framework Annex 3 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification) for an explanation of the vulnerability classifications.

c. What is the expected or estimated lifetime of the proposed development likely to be (e.g. 100 years or 75 years)? See paragraph 006 of this guidance for further advice on how to assess the lifetime of developments for flood risk and coastal change purposes. (It may also be advisable to seek advice from the local planning authority).

3 - Sequential test

For developments in areas identified as being at risk of any source of flooding now or in the future. (If the development lies outside such areas, you can skip this section and go to section 4.)

You can use this section to describe how you have applied the sequential test (if needed as set out in paragraphs 162 to 163 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-

change)) to the proposed development, and the evidence to demonstrate how the requirements of the test have been met. See guidance on the sequential approach for further information. (You are advised to contact the local planning authority to confirm whether the sequential test should be applied and to ensure the appropriate level of information is provided.)

a. What search area have you used to identify alternative sites with a lower risk of flooding? What is your justification for choosing this search area?

b. Which alternative site(s) within the search area have you identified? Do you consider the site(s) to be reasonably available and appropriate for the proposed development? If not, what is your justification for this? With reference to the relevant strategic and site-specific flood risk assessments, are the sites at lower flood risk than your proposed site?

c. If you have identified any reasonably available, lower risk site(s), appropriate to the proposed development, do you consider there to be any other wider sustainable development objectives that would make steering the development to these other locations inappropriate? If so, please explain and justify this.

d. As well as flood risk from rivers or the sea, have you taken account of the risk from any other sources of flooding, such as surface water, in selecting the location for the development?

4 - Climate Change

How is flood risk at the site likely to be affected by climate change? (The local planning authority's Strategic Flood Risk Assessment should have taken this into account.) Further advice on how to take account of the impacts of climate change in flood risk assessments (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances) is available from the Environment Agency.

5 - Site specific flood risk

You can use this section to describe the risk of flooding to and from the proposed development over its expected lifetime, including appropriate allowances for the impacts of climate change. It would be helpful to include any evidence, such as maps and level surveys of the site, flood data sets (e.g. flood levels, depths and/or velocities) and any other relevant data (e.g. speed of onset and duration), which can be acquired through consultation with the Environment Agency (https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#get-information-to-complete-an-assessment), the lead local flood authority for the area, or any other relevant flood risk management authority.

Alternatively, you may consider undertaking or commissioning your own assessment of flood risk, using methods such as computer flood modelling.

a. What is/ are the main source(s) of flood risk to the site? (e.g. tidal/sea, fluvial or rivers, surface water, groundwater, other?). You should consider the flood mapping available from the Environment Agency's Flood Map for Planning (https://flood-map-for-planning.service.gov.uk/), the Strategic Flood Risk Assessment for the area, historic flooding records (e.g. the historic flood map (https://data.gov.uk/dataset/76292bec-7d8b-43e8-9c98-02734fd89c81/historic-flood-map) and local authority section 19 flood investigation reports (https://www.legislation.gov.uk/ukpga/2010/29/section/19)) and any other relevant and available information.

b. What is the probability of the site flooding, taking account of the maps of flood risk available from the Environment Agency's Flood Map for Planning (https://flood-map-for-planning.service.gov.uk/), the local planning authority's Strategic Flood Risk Assessment and any further flood risk information?

c. Are you aware of any other sources of flooding that may affect the site? What are the interactions between different sources of flooding?

d. What is the expected depth and level for the design flood? See paragraph 002 of this guidance for information on what is meant by a "design flood". If possible, flood levels should be presented in metres above Ordnance Datum (i.e. the height above average sea level).

e. With any relevant flood risk management infrastructure operating effectively, are properties expected to flood internally in the design flood and to what depth and velocity? The nature of any internal flooding resulting from any residual risk should also be specified. Internal flood depths should be provided in metres.

f. How will the development be made safe from flooding and the impacts of climate change (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances), for its lifetime, taking residual risk into account? Demonstrate how the steps set out in paragraph 004 have been followed to develop the strategy for addressing flood risk for the development.

g. How will you ensure that the development and any measures to protect the site from flooding will not cause any increase in flood risk off-site and elsewhere? Have you taken into account the impacts of climate change (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances), over the expected lifetime of the development (e.g. providing compensatory flood storage which has been agreed with the Environment Agency)?

h. Are there any opportunities offered by the development to reduce the causes and impacts of flooding? See paragraph 037 of this guidance for further advice.

i. What are the sources of uncertainty in the assessment of risk and how have they been accounted for in the proposed strategy for addressing flood risk?

6. Surface water management *

You can use this section to describe your arrangements for surface water management. Alternatively, these details could be presented in a separate sustainable drainage strategy. Details of what to include can be found in the sustainable drainage systems section.

7. Occupants and users of the development

You can use this section to provide a summary of the numbers of future occupants and users of the new development; the likely future pattern of occupancy and use; and proposed measures for protecting vulnerable people from flooding.

a. Will the development proposals increase the overall number of occupants and/or people using the building or land, compared with the current use? If this is the case, by approximately how many will the number(s) increase?

b. Will the proposals change the nature or times of occupation or use, such that it may affect the degree of flood risk to these people? If this is the case, describe the extent of the change.

c. Where appropriate, are you able to demonstrate how the occupants and users that may be more vulnerable to the impact of flooding (e.g. residents who will sleep in the building; people with health or mobility issues etc) will be located primarily in the parts of the building and site that are at lowest risk of flooding? If not, are there any overriding reasons why this approach is not being followed?

8. Exception test

You can use this section to provide the evidence to support certain development proposals in flood zones 2 or 3 if, following application of the sequential test, it is appropriate to apply the exception test, as set out in paragraphs 163-164 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change). See this guidance for further information on the exception test. It is advisable to contact the local planning authority to confirm whether the exception test needs to be applied and to ensure the appropriate level of information is provided.

a. Would the proposed development provide wider sustainability benefits to the community? If so, with reference to the site-specific flood risk assessment, could these benefits be considered to outweigh the flood risk to and from the proposed development? See paragraph 36 of this guidance for further information.

b. How can it be demonstrated that the proposed development will remain safe over its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere? See paragraph 038 of this guidance for further information.

c. Will it be possible for the development to reduce flood risk overall (e.g. through the provision of new or improved flood defences, or improved drainage)? See paragraph 038 for further advice.

9. Residual risk

You can use this section to describe any residual risks that remain after the flood risk management and mitigation measures are implemented, and to explain how these risks can be managed to keep the users of the development safe over its lifetime. See addressing residual flood risk (https://www.gov.uk/guidance/flood-risk-and-coastal-change#para41) for more information.

a. What flood related risks will remain after the flood risk avoidance, management and mitigation measures have been implemented?

b. How, and by whom, will these residual risks be managed over the lifetime of the development? (e.g. putting in place emergency plans).

10. Flood risk assessment credentials

You can use this section to provide details of the author and date of the flood risk assessment.

a. Who has undertaken the flood risk assessment?

b. When was the flood risk assessment completed?

Paragraph: 080 Reference ID: 7-080-20220825

Revision date: 25 08 2022

Published 6 March 2014
Last updated 17 September 2025 + show all updates