

When to consult the Environment Agency

This guidance sets out what types of planning consultations the Environment Agency wishes to be consulted on in England. It is based on the Development Management Procedure Order 2010 (DMPO) and current Government planning policy.

Inclusion on this list does not mean we will provide a bespoke response to each of the consultation categories.

The guidance does not override, alter or amend any existing local ways of working established between Environment Agency Planning Liaison teams and individual Local Planning Authorities (LPAs). It also does not override the requirement to use Flood Risk Standing Advice¹ (FRSA).

Pre-application and planning application consultations -

Category	Description
Cemeteries	Development relating to using land as a cemetery, including extensions.
Coastal erosion	Development located within Coastal Change Management Areas, as defined by the LPA.
Environmental Impact Assessment (EIA) ²	Development requiring an EIA, including screening, scoping opinions and the environmental statement.
Fish farm/fisheries	Development for the purpose of fish farming and fisheries.
Flood risk	Development, other than minor ³ or as defined in our FRSA ¹ , which is carried out on land: <ul style="list-style-type: none"> • within Flood Zone 2⁴ or 3⁵, or • in Flood Zone 1⁶ where critical drainage problems have been notified to the LPA.
Groundwater protection	Non-householder and potentially contaminating development ⁷ located in Source Protection Zones.
Hazardous waste/Control of Major Accident Hazard Regulations (COMAH) Sites	Development: <ul style="list-style-type: none"> • of new establishments, or • modifications to existing establishments which could have significant repercussions on major accident hazards, or • within 250 metres, where the siting or development would increase the risk or consequences of a major accident.

Intensive farming	Development of intensive animal farming (such as pig or poultry) that may require an Environmental Permit ⁸ .
Land contamination	Development on potentially contaminated land ⁷ which may pollute controlled waters ⁹ .
Land of one hectare or more	Any development on land of one hectare or more.
Licensed landfill	Development within 250 metres of land which is, or has been, used to deposit refuse or waste (excluding historic landfills, unless the proposal is on top of a landfill).
Mineral extraction	Development involving mineral and mining operations and restoration schemes.
Oil and fuels	Development for the purpose of refining or storing non-domestic mineral oils and their by-products.
Refuse or waste	Development involving using land to deposit, store, transfer, process and/or treat refuse or waste.
Sewage, trade effluent, slurry or sludge	Development for the retention, treatment or disposal of sewage, trade waste, slurry or sludge (excluding construction of single private treatment sewage plants, septic tanks and cesspools where less than 10 people will normally reside or congregate).
Works affecting a watercourse	Development involving: <ul style="list-style-type: none"> • carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River¹⁰ which has been notified to the LPA, or • culverting or controlling the flow of any river or stream.
Discharge/variations of Conditions	Only consultations where the Environment Agency has requested the condition be attached to the planning permission.
Planning appeals	Only appeals related to an Environment Agency objection or recommended condition.

Strategic Consultations -

Category	Description
Local Plans	Development Plan Documents, including documents prepared

	individually or in co-operation with other LPAs.
Environmental evidence documents	<p>Including, but should not be limited to:</p> <ul style="list-style-type: none"> • Water Cycle Strategy. • Strategic Flood Risk Assessment. • Surface Water Management Plan. • Strategic Infrastructure Plan. • Environmental or Green Infrastructure Study. • Strategic Housing Land Availability Assessment.
Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of local plans	SEA/SA of local plan documents, including screening, scoping, draft and final report and post adoption statement.
Other strategic planning allocations	Including, but should not be limited to, City Regions, Local Enterprise Zones, strategic growth areas, urban expansions and urban eco settlements

Endnotes -

¹ – FRSA is available at - <http://www.environment-agency.gov.uk/research/planning/82584.aspx>.

² - The Environment Agency is a statutory consultee on scoping opinions and EIA consultations as defined in the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011.

³ – Definition of minor development: Minor non-residential extensions: Industrial/Commercial/Leisure etc. extensions with a footprint less than 250 m². Alterations: development that does not increase the size of buildings e.g. alterations to external appearance. ‘Householder’ development: e.g. 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.

⁴ - Flood Zone 2 definition - This zone comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% – 0.1%) in any year.

⁵ - Flood Zone 3 definition - This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

⁶ - Flood Zone 1 definition - This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).

⁷ – See <http://www.environment-agency.gov.uk/research/planning/33708.aspx>.

⁸ - An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry.

⁹ – Controlled waters are rivers, streams, estuaries, canals, lakes, ponds, ditches, groundwater and coastal waters.

¹⁰ - Main river definition - Main river means all watercourses shown as such on the statutory main river maps held by the Environment Agency and the Department of Environment, Food and Rural Affairs, and can include any structure or appliance for controlling or regulating the flow of water into, in or out of the channel.

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