

Planning Advice

Development with a Main River within or adjacent to the site

November 2021

Position

There is a designated main river located within or adjacent to the proposed development site. The presence of a main river means consideration must be given to requirements under the Environmental Permitting Regulation as well as for ecological surveys.

Our advice specifically in respect of flood risk is provided within our Preliminary Opinion guidance for proposals within areas at risk of flooding.

Environmental Permitting Regulations (Flood Risk Activity Permit)

Under the Environmental Permitting (England and Wales) Regulations 2016 a Flood Risk Activity Permit is required for many activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

There are, however, some activities which are excluded or exempt from permitting requirements. To check whether your proposal will require a Flood Risk Activity Permit under the Environmental Permitting Regulations please refer to <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If there are any activities proposed that would require a Flood Risk Activity Permit please provide details to our local Flood and Coastal Risk Management Partnership and Strategic Overview teams for Cornwall (psocornwall@environment-agency.gov.uk) or Devon ([SW Exeter-PSO@environment-agency.gov.uk](mailto:SW_Exeter-PSO@environment-agency.gov.uk)).

It is important to note that a Flood Risk Activity Permit is separate to and in addition to any requirements for planning permission. It should not be assumed that a permit will automatically be forthcoming once planning permission has been granted.

Ecology

The presence of a main river on or within 8 metres of your proposed development site means an ecological survey should accompany a planning application to establish whether development is likely to have a detrimental impact on the biodiversity of the watercourse. We would not support development proposals if there was shown to be a likely detrimental impact on the water environment. In accordance with the National Planning Policy Framework, any development proposal should avoid significant harm to biodiversity and instead seek to provide a net gain in biodiversity.

Wherever possible in these locations proposals should be designed with a naturalised buffer zone of at least 8 metres from the main river. Such a buffer zone will help provide more space for flood waters, provide improved habitat for local biodiversity and allows access for any maintenance requirements.

Provision of further bespoke pre-planning application advice

This pre-planning application guidance note sets out the flood risk related issues we will consider when providing our planning application consultation advice to the LPA. However, we are able to provide detailed and bespoke advice and answer technical questions for a charged fee which equates to £100 per hour plus VAT.

If you are interested in finding out more about this service, please email: SPDC@environment-agency.gov.uk. We can explain this service and provide you with a bespoke quote for further pre-application advice that you may require.

