

# When to consult the Environment Agency

## Advice for Local Planning Authorities

August 2017

This guidance informs Local Planning Authorities (LPAs) of the types of planning consultations where the Environment Agency would like to be consulted. It describes the categories of development that could potentially impact on the environment and includes those for which we are listed as a statutory consultee in the [Development Management Procedure Order 2015](#) (DMPO) and current Government planning policy.

The guidance does not override the requirement to use the Environment Agency's [Flood Risk Standing Advice](#) (FRSA) or other locally agreed standing advice.

## Pre-application, planning application and permission in principle consultations

| Category  | Description  |
|---|--|
| <b>Cemeteries</b>   | Development relating to using land as a cemetery, including extensions.  |
| <b>Coastal erosion</b>  | Development (excluding <a href="#">minor development</a> ) located within Coastal Change Management Areas, as defined by the LPA.  |
| <b>Environmental Impact Assessment (EIA)</b>                                      | Development requiring an EIA, including scoping opinions and the environmental statement.  |
| <b>Flood risk</b>   | Development, other than <a href="#">minor development</a> or as defined in our <a href="#">FRSA</a> , which is carried out on land: <ul style="list-style-type: none"> <li>• within <a href="#">Flood Zone</a> 2 or 3, or</li> <li>• in an area within <a href="#">Flood Zone</a> 1 which has critical drainage problems as notified by the Environment Agency.</li> </ul> |
| <b>Groundwater protection</b>   | Potentially contaminating development <sup>1 2</sup> located in Source Protection Zones.   |
| <b>Hazardous waste/Control of Major Accident Hazard Regulations (COMAH) Sites</b> | Development: <ul style="list-style-type: none"> <li>• of new establishments, or</li> <li>• modifications to existing establishments which could have significant repercussions on major accident hazards, or</li> <li>• within 250 metres, where the siting or development would increase the risk or consequences of a major accident.</li> </ul>                         |
| <b>Intensive farming</b>  | Development of intensive animal farming (such as pig or poultry) that may require an Environmental Permit <sup>3</sup> .   |
| <b>Pollution from land contamination</b>  | Development on land where a previous use <sup>1</sup> of the site may have caused contamination.   |
| <b>Mineral Extraction</b>   | Development involving or including mineral and mining operations and restoration schemes relating to such development.   |
| <b>Oil and fuels</b>  | Development for the purpose of refining or storing non-domestic oils and their by-products.  |
| <b>Refuse or waste</b>  | Development that includes: <ul style="list-style-type: none"> <li>• the storage or spreading of sludge or slurry, or</li> </ul>  |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>the storage, transfer, process, treatment and / or use of refuse or waste.</li> </ul>   |
| <b>Non-mains drainage</b>                   | <a href="#">Major development</a> proposing to use non-mains foul drainage.  |
| <b>Works affecting a watercourse</b>        | Development involving carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River as notified by the Environment Agency. |
| <b>Discharge / variations of Conditions</b> | Only consultations where the Environment Agency has requested the condition be attached to the planning permission.  |
| <b>Planning appeals –</b>                   | Only appeals related to an Environment Agency objection or recommended condition.  |

## Strategic Consultations

| Category  | Description   |
|---|---|
| <b>Local Plans</b>  | Development Plan Documents, including documents prepared individually or in co-operation with other LPAs.   |
| <b>Environmental evidence documents</b>   | Including, but should not be limited to: <ul style="list-style-type: none"> <li>Water Cycle Strategy.</li> <li>Strategic Flood Risk Assessment.</li> <li>Surface Water Management Plan.</li> <li>Strategic Infrastructure Plan.</li> <li>Environmental or Green Infrastructure Study.</li> <li>Strategic Housing Land Availability Assessment.</li> </ul> |
| <b>Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of local plans</b> | SEA/SA of local plan documents, including screening, scoping, draft and final report and post adoption statement.   |
| <b>Other strategic planning allocations</b>   | Including, but should not be limited to enterprise zones, garden cities and other strategic growth proposals such as urban expansions.  |

## Endnotes -

<sup>1</sup> - As defined on gov.uk, [Land contamination DoE industry Profiles](#)

<sup>2</sup> - This type of development also includes the storage of potentially contaminating substances as defined in DoE industry profiles

<sup>3</sup> - 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