

LAND OWNERS

Driveways / Paving

With all building work, the owner of the property (or land) in question is ultimately responsible for complying with the relevant planning rules and building regulations (regardless of the need to apply for planning permission and/or building regulations approval or not).

You will **not** need planning permission if a new or replacement driveway of any size uses **permeable (or porous)** surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

If the surface to be covered is more than five square metres (5m²) planning permission **will be needed** for laying traditional, **impermeable** driveways that do not provide for the water to run to a permeable area.

Planning permission **is required** if you are creating a driveway and access onto a highway.

If you are also making a new access into the garden across the footpath you will need to obtain permission from Streetcare to drop the kerbs and the pavement may need strengthening (This is to protect any services/utilities buried in the ground).

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.

When considering the potential impacts of **permitted development** on local flood risk, a local planning authority may consider making an Article 4 direction to remove national permitted development rights to protect local amenity or the well-being of an area.

Homes

Is the house in Flood Zone before you buy?

The National Planning Policy Framework (**NPPF**) sets strict tests to protect people and property from flooding which all Local Planning Authorities (**LPA's**) are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. The main steps in summary, are designed to ensure that if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted.

Assess

Avoid

Manage and Mitigate

It is therefore recommended that anyone considering purchasing a new home, constructing a new building, extending an existing dwelling or changing the use of a building should consider flood risk to and from the development site.

As a potential planning applicant, you may need to carry out a **flood risk assessment (FRA)** for your proposed development site.

Telephone: 01454 868 000

Email: LeadLocalFloodAuthority@southglos.co.uk

You'll usually need to pay a flood risk specialist to carry out the flood risk assessment for you, but you may be able to do it yourself if it's for a simple, low risk development, e.g. a house extension. If you're unsure, contact the **Environment Agency (EA)** for advice.

Find out what flood zone you are in by contacting the **Environment Agency (EA)** and accessing their Flood Maps for Planners (Rivers and Sea) or the Lead Local Flood Authority (**LLFA**) leadlocalfloodauthority@southglos.gov.uk / tele:- 01454 868000 to check if your development site is in an area identified as having critical drainage problems

Insurance

It is intended that the new roles for local authorities under the Flood and Water Management Act 2010 (**FWMA**) together with their planning responsibilities will enable more effective management of flood risk for both new and established development.

Flooding is being experienced both with greater frequency and more impact, Flood risk is dependent on there being a source of flooding, such as a river, a route for the flood water to take (pathway), and something that is affected by the flood (receptor), such as properties and/or land.

For these purposes:

Properties and/or Land may be defined as Residential, Commercial or Agricultural and ownership could be either Private or publicly owned/ maintained.

The ABI proposed a new scheme to safeguard the availability and affordability of flood insurance for those at high risk, called **FloodRe**. On 27 June 2013, The Association of British Insurers (**ABI**) and the Government agreed a **Memorandum of Understanding (MoU)** on how to develop the model of **FloodRe**. The not-for-profit scheme has been built to ensure flood insurance remains widely affordable and available.

This scheme launched in **April 2016** and will be in place until **2039**

Key elements of the framework are:

- **FloodRe** will be run and financed by insurers as a not-for-profit fund which will cover the cost of flood claims from high risk homes.
- Insurers will pass the flood risk element from those households deemed at high risk of flooding to the fund. Premiums for the flood risk will be calculated based on council tax banding up to a maximum limit depending on the Band.
- **FloodRe** would charge member firms an annual charge of £180million. This equates to a levy of £10.50 on annual household premiums and represents the estimated level of cross-subsidy that already exists between lower and higher flood risk premiums.
- **FloodRe** is designed to fully deal with at least 99.5% of years. Even in the worst half a per cent of years, Flood Re will cover losses up to those expected in a 1 in 200 year – a year six times worse than 2007 – with Government taking primary responsibility – working with the industry and **FloodRe** – for distributing any available resources to **FloodRe** policyholders should claims exceed that level.

For further information and advice individuals are recommended to contact their insurers or alternatively go to the main FloodRe website linked [HERE](#). Further advice can be found at **The National Flood Forum (NFF)** website linked [HERE](#)

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Farmers/Landowners

Land Management

Farmers should use techniques to prevent rainwater from carrying off topsoil into the watercourse and leading to a potential pollution incident. This runoff damages the land and the ecology, quality and capacity of the river channel.

The maintenance and clearance of watercourses plays a key role in managing water levels and reducing the risk of flooding.

If you own land or property next to a river, stream or ditch or have a watercourse running through it, you are a '**riparian landowner**' and have a legal obligation to maintain the conveyance of water flowing through watercourses across your land.

Riparian responsibilities:

- **Maintain the flow:** - You must let water flow through your land without any obstruction, pollution or diversion which affects the rights of others.
- **Accept flood flows:** You must accept flood flows through your land, even if these are caused by inadequate capacity downstream. A landowner has no duty in common law to improve the drainage capacity of a watercourse he/she owns.
- **Keep banks clear:** You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks. You should also clear any litter and animal carcasses from the channel and banks, even if they did not come from your land. You should always leave a development-free edge on the banks next to a watercourse. This allows for easy access to the watercourse in case any maintenance or inspection is required.
- **Structures:** You must keep any structures, such as culverts, trash screens, weirs and mill gates clear of debris. Discuss the maintenance of flood defences, such as walls and embankments, on your property with your risk management authority. They may be vital for flood protection.
- **Obstructions:** You should not cause obstructions, temporary or permanent, that would stop fish passing through. You have a legal obligation to notify the Environment Agency and the relevant risk management authority if you would like to build or alter a structure that acts as an obstruction to a watercourse.

For further information on preventative measures please see "Preventing Flooding" in the Flood Risk section of the South Gloucestershire Council website.

Consents

South Gloucestershire Council is responsible for consenting works that affect the flow of an ordinary watercourse. If you intend to undertake works which may affect the flow or storage of water, even temporarily, you need to apply to our Drainage & Flood Risk Management team for consent.

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Email: LeadLocalFloodAuthority@southglos.co.uk

Please contact our Drainage & Flood Risk Management team (**LLFA**) before you start your application as consent may not be required and we may be able to help you avoid unnecessary delays. Please email LeadLocalFloodAuthority@southglos.gov.uk or phone 01454-868000.

If your watercourse is part of a main river, you will need to apply for consent from the Environment Agency (EA) instead.

For a full list of works which may or may not require consent, please see “Consents” in the Land Drainage section of the South Gloucestershire Council website.

Water Framework Directive (WFD)

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The Water Framework Directive (WFD) is a European Law, which provides a framework for the protection of the water environment including rivers, lakes, estuaries and groundwater and is being applied in England and Wales using River Basin Management Plans.

The main aims of the **WFD** are to:

- Improve and protect inland and coastal waters
- Promote the sustainable use of water as a natural resource
- Create better habitats for wildlife that live in and around water
- Create a better quality of life for everyone

A significant problem is diffuse pollution. **SuDS** can reduce this and therefore help meet **WFD** requirements.

Drainage systems must be designed and constructed so surface water discharged does not adversely impact the water quality of receiving water bodies, both during construction and when operational.

If development interacts with a sensitive water body or is in a source protection zone a water quality risk assessment will be required to quantify the potential risk. The water quality risk assessment could form part of a wider WFD compliance assessment if required at the planning stage.

More information on the Water Framework Directive can be found here on the Environment Agency website <https://www.gov.uk/government/organisations/environment-agency>

Fish & Fisheries

If your development proposals include the building of a new structure or the alteration or refurbishment of an existing one on a river, then you may need to install a fish pass or screen in accordance with the **Salmon and Fresh Water Fisheries Act 1975**, or an eel pass or screen in accordance with the **Eels (England and Wales) Regulations 2009 Statutory Instrument No.3344**.

The free passage of migratory fish is a key requirement of the Water Framework Directive, and is being used as an indicator for assessing whether water bodies are meeting Good Ecological Potential or Status.

Well-designed fish passes can help deliver objectives of the **Water Framework Directive** by;

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- Ensuring that fish can move freely between the river and coastal waters in order to access breeding, nursery or feeding grounds.
- Allowing passage of other mobile aquatic species, such as invertebrates and plankton

More information on this requirement can be found on the Environment Agency website <https://www.gov.uk/government/organisations/environment-agency> or by contacting the Fisheries and Biodiversity team at your local Environment Agency office.