

York FAS: Planning Approach



Date: June 2018

1.0 Introduction

Following the floods of December 2015, the Government allocated an additional £45.2 million to the Environment Agency to better protect 2,000 properties in York by March 2021. Since then the Environment Agency has been developing up to 19 individual projects across York to achieve this goal. This briefing note outlines our proposed approach to the formal planning process.

2.0 Planning Approach

A number of options for obtaining planning consent to undertake the flood defence improvement work across York were considered by the project team. These include the following:

1. A single planning application for all of the proposed flood defence works across the city (19 flood projects);
2. A planning application for each individual flood cell¹ covering all proposed interventions;
3. A planning application for those elements within an individual flood cell that require planning permission, with all other elements being progressed under the Town and Country Planning (General Permitted Development) (England) Order 2015.

The Environment Agency has previously engaged with City of York Council's Development Management team to discuss the above options and to understand their thoughts on each approach. Following these discussions and further internal advice from our legal team and Consultant Planning Adviser, it was considered that option 3 would be our preferred approach.

This approach will also support our target to deliver the work by March 2021.

3.0 Implementing our Preferred Planning Approach

In order to implement our preferred planning approach (approach 3), pre-application consultation would take place with the relevant City of York Council Planning Officer to agree the elements of each flood cell which need to be included within the planning application as well as the list of supporting documents that would be required.

Whilst certain elements of a flood cell may not require planning permission and would therefore not be consulted on through the planning process, the Environment Agency will work closely with the relevant stakeholders (Historic England, City of York Councils Conservation Architect etc.) to agree the detailed design. It should be noted that whilst planning permission may not be required for certain elements within a flood cell, there may be the need for other consents and permissions such as Listed Building consent and Scheduled Monument consent.

Engagement with the public will take place for all interventions within a flood cell regardless of whether planning permission is required and publications such as our York FAS newsletter will be used to keep interested members of the public informed regarding all planning and permitted development works.

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Whilst the documents that are submitted to accompany the planning application will cover only those elements of the flood cell that the planning application relates to, we will have assessed all interventions within the flood cell in our appraisal and further reports/assessments that consider the flood cell as a whole will be available from the Environment Agency upon request. This will be made clear to consultees and members of the public within the planning submission (through the provision of a list of further reports that can be requested by interested parties) and, where relevant, through advertisements under the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations.

It should be noted that the above planning approach has been discussed and agreed in the context of flood cells which do not require Environmental Impact Assessment (EIA). Should a flood cell require an EIA to be carried out, the planning approach for that flood cell will be reviewed and discussed with City of York Council Development Management team to establish the most appropriate planning approach.

ⁱ A flood cell in an area which floods independently of other locations. Our projects, business cases and approvals are based on flood cells.

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