

Kent County Council

Pre-Application Advice

Guidance on the Flood & Water Management Team
pre-application planning advice



www.kent.gov.uk/flooding



Flood & Water Management

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1 Introduction

As Lead Local Flood Authority (LLFA), Kent County Council was made a statutory consultee for all new planning applications for major development within the County's 14 Local Planning Authority (LPA) areas on the 15th April 2015.

Any advice that we provide outside of this statutory consultee role is outside of our statutory remit. As of 15th January 2017 we have introduced new processes and have implemented charges to recover the costs we incur for our pre-application advice on surface water drainage management associated with major development.

We aim to provide a high quality service and seek to ensure that the cost of advice is met by developers rather than tax payers. This scheme is similar to ones operated by other LLFA's.

Out of goodwill we offer a range of free standing advice, but we encourage developers to pay for pre-application advice to receive advice tailored to specific sites. Early discussions between applicants, agents and the LLFA are a valuable part of the process of applying for major planning permission.

Pre application discussions can help reduce the amount of time spent liaising with the LPAs on drainage matters, can make your development more sustainable, can help overcome or prevent any drainage related objections and can potentially even save you money.

This document explains the advice that we offer as LLFA for Kent, especially the pre-application advice service that we offer for major developments and the benefits that participating in this scheme can have on your proposed development.

2 How to obtain planning advice

2.1 Free Advice

You should initially refer to our [Drainage and Planning Policy Statement](#), which sets out how we, as Lead Local Flood Authority (and statutory consultee), will review drainage strategies and surface water management provisions associated with applications for major development.

For all new major development it should be demonstrated that:

- An appropriate SUDS system will be incorporated (unless it is clearly demonstrated and agreed that they would inappropriate)
- The minimum standards of operation proposed by the applicant are appropriate
- There are clear arrangements in place for the ongoing maintenance of any SUDS scheme over the lifetime of the associated development (through the use of planning conditions or planning obligations where appropriate).

You can also read more about sustainable drainage system and best practise in the built environment on the [Susdrain website](#) or refer to the associated [NPPF guidance related to surface water management](#).

You can also read our [guidance for master planning sustainable drainage into developments](#).

We have basic standing advice that can be found on our [website](#).

2.2 Paid Pre-Application Advice

If your query is not answered by our standing advice and is a major development, you will need to participate in our paid pre-application advice scheme. To gain paid pre-application advice you will need to submit an application form, which can be found on our [website](#). We encourage electronic submission of the pre-application advice form, as this helps us to maintain a paper free office. Further guidance on the pre-application scheme can be found later in this document.

Pre-application advice is better than standard guidance as it will be adapted for the unique features of your development site. Standard advice cannot be applied across the whole of Kent due to the variation in soil, topography and groundwater levels between sites.

If you are unsure if your advice is chargeable, email us at: suds@kent.gov.uk.

2.3 What if you choose not to seek advice?

Planning applications will normally proceed to determination on the basis of information provided when the application is initially submitted. Applications with insufficient drainage information are unlikely to pass validation screening when entering planning. If they do manage to pass through screening, we will object to major proposals which do not have a flood risk assessment or drainage strategy. Objections can lead to delays in your application in planning and possibly risk the chance of planning permission refusal over drainage issues. If you are uncertain about drainage issues on your site or you perceive that drainage issues are particularly complicated, we encourage you to participate in pre-application advice to overcome potential issues.

3 What are the benefits of pre-application advice?

Developers are not required to seek pre-application advice; however we actively encourage potential planning applicants to seek pre-application advice from us. Seeking guidance before entering the planning system is beneficial for the following reasons:

1. When an application is submitted to a Local Planning Authority, the application will usually be decided based upon the information initially provided by the applicant. We will base our status upon this information submitted and do not enter into any discussions directly with the developer, unless you request paid pre-application advice.
2. Submitting information to us before putting your application into your local authority can reduce the time your application spends in planning overcoming any drainage issues.
3. Drainage is a fundamental part of producing a sustainable development, which meets the needs of both current and future generations.
4. The advice can help you to understand how we assess a planning application against the National Planning Policy Framework.
5. We can help identify any gaps in your data and point you in the correct direction of relevant drainage regulations.
6. We can confirm if your drainage assessment and flood risk assessment are complete and include the required information. This can avoid any drainage related invalidity at the planning validation stage or refusal of permission due to insufficient information.
7. The advice can help you to understand how your drainage proposals and developments could be improved to make them more acceptable to the Flood and Water Management Team.
8. It can identify any site/area specific ground conditions, consenting, drainage incidents, assets or policies that you may have not considered.
9. The advice may indicate if your proposal is completely unacceptable by the Flood and Water Management Team, saving any costs of completing the site design, application and planning fees
10. It can reduce the time and money spent in producing a drainage assessment and flood risk assessment by professional advisors

4 Types of advice offered

The type of pre-application advice that is provided will depend upon the status of the development proposals.

The scheme is aimed at pre-planning proposals as it is highly beneficial to work with us from the beginning and develop your drainage strategy early (as explained in section 3). However the scheme also includes post-determination advice including:

- We can advise you on how to go about producing your drainage strategy to discharge your SUDS related planning conditions
- We can help you overcome our objections on your development whilst your case is within planning by adapting your drainage scheme to meet national requirements (please phone and discuss this with a Flood Risk Officer before submitting an application form in this scenario).

Most of our advice service is expected to be through meetings. Advice through meetings, although more expensive has been found to be more beneficial and preferred by many applicants.

We can offer the following options of advice:

4.1 Flood Risk Enquiry/Written Advice

If the site location is defined but the development proposal is not detailed or you are producing a Flood Risk Assessment and would like information from us, we can provide written advice. This response will be provided within 14 days of the submission of the application form.

We aim to provide consistent and standard information within the following points:

- A review of the site location with respect to ground conditions and National surface water mapping
- A summary of any historic flood incidents that have occurred on the site or within the related locality as held on KCC databases or reports
- A review of drainage assets or natural drainage systems, including ordinary watercourse or known public sewers that are within the locality that require consideration
- A statement of any other flood issues or ground conditions that should be considered within the proposed development
- Advice on the type and nature of surface water drainage that could be designed into the relevant development
- Information about flood risk consenting that may be required for the proposed development
- Listing of other information sources that may be referenced but not sourced by KCC

If you would like any other information relating to a Flood Risk Enquiry, then please explain this on the application form and we will endeavour to provide this for you.

4.2 Meeting on-site or external to KCC:

If a detailed development layout has been developed then Kent County Council Flood Risk Officers can visit the application site or an alternative venue. The site visit

will last up to two hours. Following the meeting we will write up the meeting notes and email you these within 14 days.

Our site meeting pre-application advice can provide the following:

- a) Indicate whether a drainage proposal would be unacceptable, saving you the cost of applying formally
- b) Reduce the time your advisers spend on developing a drainage strategy
- c) Ensure your drainage submission is complete so it does not get rejected in the early stages
- d) Let you know how guidance and policies will be applied to your development
- e) Identify whether you need specialist input.
- f) Coordinate between professionals for example land drainage matters or biodiversity issues

We can also combine site visits with our Land Drainage Engineer, who will be able to advise about the ordinary watercourse consenting process and indicate if a land drainage proposal would be acceptable.

4.3 Meeting at County Hall/KCC Office:

If a detailed development layout has been developed then Kent County Council Flood Risk Officers can meet you at our office in County Hall, Maidstone or an alternative KCC office (must be agreed prior to submission of the application form). Whilst the outlook regarding Coronavirus is uncertain, we are offering our meetings online via Microsoft Teams.

We will book a meeting room for up to two hours. Following the meeting we will write up the meeting notes and email you these meetings notes within 14 days.

Our site meeting pre-application advice can provide the following:

- a) Indicate whether a drainage proposal would be unacceptable, saving you the cost of applying formally
- b) Reduce the time your advisers spend on developing a drainage strategy
- c) Ensure your drainage submission is complete so it does not get rejected in the early stages
- d) Let you know how guidance and policies will be applied to your development
- e) Identify whether you need specialist input.
- f) Coordinate between professionals for example land drainage matters or biodiversity issues

Our Land Drainage Engineer can also attend these meetings, and can advise about the ordinary watercourse consenting process and indicate if a land drainage proposal would be acceptable.

4.4 Written advice after meeting:

If you have already had a meeting with the Flood Risk Team and would like follow-up advice, we can provide written advice after the meeting. Please liaise with your Flood Risk Officer before submitting the application form for this advice.

4.5 Other enquiry:

We can provide other written advice for matters such as EIA screening/scoping, or with/for other authorities. If you would like this option of advice, it is recommended that you email us at: suds@kent.gov.uk prior to submission of the application form to ensure that we can provide you with the advice that you seek.

If you are unsure if your advice request can be answered by us or what category it fits into above, please contact us to discuss your enquiry.

5 Fees and Payment

The fee structure for our paid advice is based upon the fee schedule used by other LLFA's and planning authorities for their planning advice. The fee structure for our advice includes administrative costs and officer's time for research and assessment.

Charging for the advice we offer ensures that tax payers do not have to pay for advice offered to developers and ensures that we can provide consistent and high quality advice.

Option	Fee (Including VAT charged at 20%)
a) Flood Risk Enquiry/Written Advice	£240
b) Meeting at County Hall / KCC Office / Microsoft Teams	£360
c) Meeting on-site or external to KCC	£480
d) Meeting at County Hall / KCC Office / Microsoft Teams - with Land Drainage Engineer	£540
e) Meeting on site or external to KCC - with Land Drainage Engineer	£720
f) Written advice after meeting	£180
g) Other enquiry	Varies depending upon individual query

After our advice has been sent out to you, you will then receive an invoice from the KCC Finance team. The invoice details how to pay, including by BACS.

6 Completing the form

Your details

Name *

Agent name (if required)

Address *

Telephone number *

Mobile number *

Email address *

The application form is designed to be easily completed. However, we have provided the following guidance notes to help ensure that the form is completed thoroughly to avoid any delays after submission:

6.1 Section 1: Your details

- Please include the full name of the person making the enquiry/the main contact
- Provide an agents name if they are dealing with the case

- Provide the full address where any written correspondence can be sent if necessary
- Provide the main landline number and mobile number – the mobile number is essential for pre-application meetings as it offers an alternative contact for you when you are out of your office
- Please provide the best email address for you; this is where your advice will be sent to

6.2 Section 2: Interest in Property/Land

Interest in Property /Land

Please state your interest in the property/land e.g. owner, developer, prospective purchaser *

Please provide your interest in the land that you are enquiring about, are you the land owner, developer, agent, potential purchaser, etc.

6.3 Section 3: Location of Proposed Development

Location of Proposed Development

Please provide the site address of the development site including postcode *

Please provide the site address as accurately as possible. The postcode must be included to allow us to identify the correct site.

Easting/Northing *

Postcode *

Provide the easting/northing – allowing us to identify the site on our spatial database.

6.4 Section 4: Description of Proposal

Description of Proposal

Please provide a description of the proposed development (if known) *

Describe the proposed development as detailed as possible. This will ensure that the Flood Risk officers can clearly understand the development that you are proposing as different forms of development affect flood risk in various ways and require different drainage attenuation.

Please note: This section is not to describe the pre-application information request; this is requested later within the form.

6.5 Section 5: Advice

Advice

- What advice are you seeking? *
- Flood Risk Enquiry (written advice)
 - Meeting on Site or external to KCC
 - Meeting at County Hall/KCC office
 - Written advice after meeting
 - Other enquiry (written advice)

Please indicate the advice you are seeking (refer to section 2 above).

6.6 Section 6: Planning Status

Planning Status

- What is your planning status? *
- Pre-application
 - Application approved
 - Reserved matters
 - Discharge of conditions

- Do you have a planning application number? * Yes No

Please indicate what status your application is at within the planning system. If you have a planning application reference number - please provide this as it will help us to locate your proposal and refer to any documents you have within the planning system.

6.7 Section 7: Attached Documents

Attached documents

Site location plan (e.g. 1:1250 or 1:2500) with the site outlined in red *

Area of site (hectares)

Layout plan of proposal

Available ground information

Details of current use(s)

Proposed drainage discharge destination

Flood modelling or flood information

Please upload as many documents as required to support or provide detail to your enquiry. The more information you provide, the more detailed and accurate a response we can provide, especially if the meeting is at Kent Offices or for written advice.

We require a minimum of a site location plan relative to local highways, with street names displayed and the site outlined in red.

6.8 Section 8: Nature of Enquiry

Nature of enquiry

Please explain the nature of your enquiry *

Do you wish to add any additional supporting documents? *

Please explain your enquiry and what you would like us to provide for you. The response that you get will be based upon what you request here, therefore please make your information request as clear as possible.

Please also indicate if you wish to add any additional supporting documents and upload these where indicated.

6.9 Section 9: Freedom of Information Act

Freedom of Information Act

If you consider your enquiry to be confidential, please set out the reasons why, and for what period any information should remain confidential.

As a public sector organisation, we are required to release information under the Freedom of Information Act. Therefore, if you feel that you would not like your information requested to be included in a Freedom of Information request for confidentiality reasons, please explain why here.

6.10 Section 10: Payment

Payment

Advice being sought *

Please indicate which option of advice you have chosen (options a to e, refer to section 2 above).

Amount to pay *

Please indicate the amount you have to pay (refer to the fee schedule above).

6.11 Section 11: Declaration

Declaration

I/We agree to the following with respect to provision of service with this application: *

I confirm that planning advice is requested and agree to pay the fee of the amount above as payment for the planning advice service, within 14 days. *

I agree to pay any additional sums arising from the provision of the service as required, as outlined in the Drainage Advice Charging Guide. *

Please note that all the information in this application will be shared with the Local Planning Authority.

By ticking these boxes and submitting this form, you agree that:

- You will pay the advice fee to us within 14 days of sending us the form.
- You agree to pay any additional fees arising through the provision of the advice service as outlined in the Drainage Advice Charging Guide.

7 Once the application is submitted

Within 5 working days of receiving your request, our Technical Support Officer will be in touch with the following information:

- Confirming that we accept your request or if we feel that an alternative option of pre-application advice is appropriate (e.g. a site meeting rather than a meeting at County Hall or written advice or an additional resource is needed).
- The name of the Flood Risk Officer dealing with your enquiry.
- Arrangements for meetings (if appropriate).
- Whether we require any more information from you before we can provide you with advice.

Written responses will be provided within 14 days of receiving the completed application form. Meeting requests will be arranged within 21 days of receiving the application form and the final advice document sent to the applicant up to 14 days after the meeting date.

8 Important notes

Please be aware that any advice given by Flood Risk Officers for pre-application enquiries does not constitute a formal response or decision with regards to future planning consents. This decision is the responsibility of the relevant local planning authority.

In no event will the County Council be liable for any loss or damage including without limitation, indirect or consequential loss or damage, or any loss or damage whatsoever arising from or in connection with, the use of the advice.

Any views or opinions expressed are given in good faith and to the best of ability, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately decided by the relevant local planning authority. The Flood Risk and Water Management Team cannot guarantee that new issues will not be raised following submission of a planning application and consultation upon it.

You should be aware that officers cannot give guarantees about the final formal decision that will be made on your planning or related applications. However, our pre-application response will be taken into account by the Flood Risk Management Team in consideration of any future related formal planning application, subject to the provision that circumstances and information may change or come to light that could alter the response.

It should be noted that the consideration given to pre-application advice may decline over time where more up to date data, new information and any change to industry best practice and national policy may occur.

When providing a written response to an enquiry, the Flood Risk Officers will not draft reports to accompany planning applications, which is the responsibility of the applicant. In this scenario the applicant should appoint its own professional advisers as necessary especially on more complex proposals.

Should the proposal change from that when seeking initial advice, further advice should be sought from the Flood and Water Management Team prior to formal submission to the LPA.

The advice provide and any attachments are solely for the use of the individual to whom it is addressed. If you are not the intended recipient of the advice, you must neither take any action based upon its contents, nor disclose this communication to a third party.

9 Contact Details

If you need to contact our team to discuss the pre-application service further, we can be contacted using one of the below contact methods:

Email:

suds@kent.gov.uk

Phone:

Call 03000 41 41 41 and ask to speak to our Flood and Water Management Technical Support Officer – Becca Nicholas.

Address:

Flood and Water Management
Invicta House
County Hall
Maidstone
ME14 1XX