



# LLFA Planning Advice Service for Surface Water and Sustainable Drainage

**Guidance and Terms of Service**



# Contents

<b>1.</b>	<b>Introduction.....</b>	<b>2</b>
<b>2.</b>	<b>Expectations of Applicants.....</b>	<b>3</b>
	2.1. What do we expect of Applicants? .....	3
	2.2. What benefits will the Applicant get? .....	3
<b>3.</b>	<b>The Service We Provide.....</b>	<b>4</b>
	3.1. What can an applicant expect? .....	4
	3.2. Technical Meeting.....	4
	3.3. Written Advice.....	5
<b>4.</b>	<b>Our Fees and Charges .....</b>	<b>6</b>
	4.1. Fee Exemptions.....	7
	4.2. Additional Charges .....	7
	4.3. Payment.....	7
<b>5.</b>	<b>Terms of Service.....</b>	<b>8</b>
	<b>Contact Details .....</b>	<b>9</b>



# 1. Introduction

Lancashire County Council operates a service of providing planning advice for surface water and sustainable drainage.

This document provides guidance on the main elements of the procedure and charging arrangements for accessing advice for surface water and sustainable drainage related matters where Lancashire County Council is a statutory consultee as the Lead Local Flood Authority (LLFA) for major developments with surface water drainage.

A separate pre-application service is available for highway matters from the County Council. Advice on these matters is not included or covered as part of this service. A link to the highway pre-application advice service is provided below:

## **Highway Pre-Application Advice:**

<https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service>

As the Lead Local Flood Authority, Lancashire County Council welcomes and encourages discussions with developers before submitting a planning application. These discussions result in better quality applications which stand a stronger chance of a successful outcome and help speed up the decision-making process after submission.

Where pre-application advice has not been sought or followed, or where no explanation has been provided to support a proposal which does not follow published policy, guidance and standards, the Lead Local Flood Authority will respond to the Local Planning Authority based upon the information submitted with the planning application.

The County Council only recovers those costs associated with the delivery of the service. This is to ensure best value and to protect the council taxpayer. It should be noted that the current statutory planning fees applied by Local Planning Authorities do not cover the cost of advice given by the Lead Local Flood Authority and the County Council's charges for surface water and sustainable drainage advice are separate from those of Local Planning Authorities.



## 2. Expectations of Applicants

### 2.1. What do we expect of Applicants?

Policies, guidance and standards for managing surface water flood risk and for sustainable drainage systems have been introduced into the planning framework. Applicants are expected to be aware of these, other Council policies and the policies of the relevant Local Planning Authority.

Applicants are advised to design a surface water sustainable drainage system to comply with all relevant policies, guidance and standards to avoid delays and to minimise the need to amend proposals. Should applications diverge from current policies, then applicants will be expected to highlight and explain where and why this has occurred.

While we appreciate that some information may not be available upfront, we do require a minimum level of information to be provided to enable us to deliver quality advice and guidance and ensure that time is used effectively. This is set out clearly in the 'LLFA Planning Advice Service Application Form and Checklist'. **Without this minimum required information, we will be unable to process your request for advice.**

The information requested is deemed to be reasonable in advance of any formal application. Other issues may be developed through discussion, and the level of detail will depend on site specifics such as development type, size and complexities.

The Lead Local Flood Authority encourages applicants to provide as much information about the development proposal as possible. This helps us to provide the best advice we can.

### 2.2. What benefits will the Applicant get?

Understanding how national, regional and local requirements can be applied to the development.

Identification of any proposals which are unacceptable, with the potential for saving on cost associated with pursuing a formal planning application.

Potential for reducing the time the applicant's professional advisors spend in formulating proposals.

Identifying the supporting documents that will be required to be submitted with a formal planning application in order to be considered favourably by the Lead Local Flood Authority, including whether a Site-Specific Flood Risk Assessment is required

Written confirmation of the advice given; such advice being current, up to date and tailored to the applicant's needs.



## 3. The Service We Provide

The service is comprised of two package options as set out in section 4 below.

Optional extras can be added to either package to create a bespoke service that best meets the applicant's needs.

The Council is providing the service on the basis of the information given by the applicant and the applicant takes full responsibility for the accuracy of this information.

### 3.1. What can an applicant expect?

The Council aims to provide its advice in the following manner:

- Written confirmation within 7 days of receiving the completed application form from the applicant:
  - as to whether the service is suitable in the particular case
  - whether the application has all the required information and therefore has been found valid
  - if the application has not been found valid, details of what information the applicant must supply to make it a valid application.
  - an invoice for the Base Fee (unless the service is not deemed suitable)
- Once the Council has confirmed that the service is suitable and has received cleared funds for the application fee, then the Council will provide its written advice in accordance with the timescales set out in Section 4 below.

### 3.2. Technical Meeting

Technical meetings are applicable to Premium applications only.

Online meetings will be held online via Microsoft Teams. You can access Microsoft Teams online here: <https://www.microsoft.com/en-gb/microsoft-teams/log-in>

Meetings held in-person will take place at Lancashire County Council, with the venue to be confirmed once the application has been found valid and cleared funds for the application fee have been received.

Subject to the availability of all required information, the date and venue for the technical meeting will be confirmed by Lancashire County Council, subject to agreement with all parties.

We are willing to consider holding meetings back-to-back with any parallel pre-application discussions an applicant may be having with our colleagues in highways to minimise travel time and costs.



### **3.3. Written Advice**

The applicant will receive a written response confirming the advice from the Lead Local Flood Authority in accordance with the timescales set out in Section 4 below. Where this is not possible due to the issues being more complex, a specific timescale reflecting this will be agreed with the applicant.

If the applicant requests further discussions following the receipt of this written advice, this can be accommodated and an Additional Fee will be required.

For large or major schemes with highly complex issues, a series of meetings or application submissions may be required. In these circumstances this will be discussed and an approach agreed with all parties. An Additional Fee may be required at each stage.

Additional meetings will only be attended where all previously agreed action points have been addressed to the satisfaction of the Lead Local Flood Authority.



## 4. Our Fees and Charges

The Total Fees comprise a Base Fee together with any appropriate Additional Fees, including Optional Extras.

The Base Fee is directly related to the complexity of the proposed development reflecting the amount of time required and the need for possible ongoing update meetings where larger developments are proposed. Base Fees are as follows:

### The Essentials Package:

As standard, you will receive written advice from the Lead Local Flood Authority within 42 days (6 weeks) of payment received. Application fees for the Essentials Package are set out in the table below:

Application Fee + VAT	Development Type			
	Residential (units)	Retail (GFA m <sup>2</sup> )	Employment (GFA m <sup>2</sup> )	Storage (GFA m <sup>2</sup> )
£300.00	10 - 50	up to 200	up to 2,000	up to 4,000
£500.00	51 - 200	201 - 700	2,001 - 7,000	4,001 - 14,000
£800.00	201 - 400	701 - 1,500	7,001 - 15,000	14,001 - 30,000
£1,300.00	401 - 800	1,501 - 3,700	15,001 - 30,000	30,001 - 75,000
£1,900.00	801 - 1,500	3,701 - 5,500	30,001 - 44,000	75,000 - 110,000
To be agreed	1,501 +	5,501 +	44,001 +	110,001 +

### The Premium Package:

As standard, you will receive a 1 hour technical meeting and written advice from the Lead Local Flood Authority within 28 days (4 weeks) of payment received. Application fees for the Premium Package are set out in the table below:

Application Fee (£) + VAT	Development Type			
	Residential (units)	Retail (GFA m <sup>2</sup> )	Employment (GFA m <sup>2</sup> )	Storage (GFA m <sup>2</sup> )
£500.00	10 - 50	up to 200	up to 2,000	up to 4,000
£700.00	51 - 200	201 - 700	2,001 - 7,000	4,001 - 14,000
£1,000.00	201 - 400	701 - 1,500	7,001 - 15,000	14,001 - 30,000
£1,500.00	401 - 800	1,501 - 3,700	15,001 - 30,000	30,001 - 75,000
£2,100.00	801 - 1,500	3,701 - 5,500	30,001 - 44,000	75,000 - 110,000
To be agreed	1,501 +	5,501 +	44,001 +	110,001 +

### Optional Extras:

For an additional charge, you can add one or more of the following products to your package. These will be charged at the following rates + VAT:

Optional Extras	Description	Additional charge
Fast Track Service	Written advice returned within 14 days (2 weeks) of payment received	+ 20% of application fee
SuDS Pro-forma Advice	LLFA advice on how to complete the SuDS Pro-Forma	+ £50.00 flat fee
OWC Consent Advice	LLFA advice on matters relating to Ordinary Watercourse consent	+ £50.00 per structure



**Additional Fees:**

If extra hours are required on your application, then these will be charged at the following rates + VAT:

Type	Description	Additional charge
Extra hourly rates	Flood Risk Officer hourly rate	+ £23 per hour
	Senior Flood Risk Officer hourly rate	+ £26 per hour
	Principal Flood Risk Officer hourly rate	+ £32 per hour

**Please note:** The above is also to be applied to mixed use developments. If the development does not clearly fall within an above category the Applicant is requested to please contact the Lead Local Flood Authority for further advice.

The above fees will be reviewed and amended annually.

**4.1. Fee Exemptions**

Advice to District and Borough Councils on the following policy work will continue to be provided free of charge

- Advice on preparation of Local Plans, and related documents.
- Advice on policy preparation of Strategic Sites.

**4.2. Additional Charges**

If Additional Fees are applicable then the Council will notify the Applicant as soon as practicable after becoming aware of the same.

If the applicant does not confirm within 14 days that it agrees to pay the Additional Fees then it will be deemed to have withdrawn its pre-application and no work will be done on it. In these circumstances there will be no refund of the Base Fee.

**4.3. Payment**

The Base Fee will be invoiced following receipt of all required information set out in the application form. The application will only proceed once cleared funds for the Base Fee have been received.

The Council will be entitled to charge for Additional Fees monthly in arrears and invoices shall be paid by the Applicant within 30 days of their issue. If the applicant fails to pay invoices on time then the Council will be entitled to suspend work on the application.

Once an application has been found valid, payment will be requested via an invoice where details of payment methods are provided. We do not accept any payment before an invoice has been issued.



## 5. Terms of Service

By making an application the applicant agrees that the Council will have no liability in relation to the advice it gives which is given in good faith and based on the information available at the time of the application.

Requesting advice from the Lead Local Flood Authority is not mandatory and we will not enter into discussions over the scope or content of any specialist surface water sustainable drainage proposals outside of this service prior to the examination of a formal planning consultation.

With the applicants' consent, a copy of our comments may be sent to the relevant Local Planning Authority, Highway Authority, Environment Agency, Water and Sewerage Company and to the local County Councillor.

The advice provided by the Council may say that it has no comment to make, are satisfied with the proposed development, refer to current standing advice, provide a general advice, and include justification for its views.

Any advice given does not constitute a formal response or decision. However, it is likely that the advice will form the basis of a formal response to the Local Planning Authority, when the Lead Local Flood Authority is consulted as a statutory consultee.

No advice given by the Council will be valid and effective unless it is confirmed by written letter by the Council.

Advice is given in good faith, based on the information available at the time of the pre-application and without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately decided by the Local Planning Authority. No advice given can prejudice or guarantee quite how the Local Planning Authority may decide any particular case.

The Council's advice will be given as current on the date it is given. Whilst every attempt will be made to identify reasonably foreseeable future influences the Council cannot guarantee that its advice will take these into account. This may extend to matters such as changes in planning policy or planning precedent. The advice in any event will expire 12 months after the date on which it is given. Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges Act 1975.

All timescales for the delivery of the service by the Council are approximate and cannot be guaranteed.

The Council reserves the right to review the Fees chargeable at its discretion for any reason whatsoever. In any event the Fees will be subject to yearly Retail Price Index uplifts.



## Contact Details

**Telephone:** 0300 123 6780

**E-mail:** [suds@lancashire.gov.uk](mailto:suds@lancashire.gov.uk)

Please include 'LLFA Planning Advice Service' in the title of your email.

