

LLFA Planning Advice Service for Surface Water and Sustainable Drainage

Guidance and Terms of Service

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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 Pre-planning Application Highways Advice Service is provided below:

Pre-planning Application Highways Advice Service:

<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 planning 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 county 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 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.

We encourage 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?

- An understanding of 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.
- The potential for reducing the time the applicant's professional advisors spend in formulating proposals.
- Advice on any supporting documents that are 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.
- Single-user access to our Surface Water Planning Advice document for a period of 12 weeks only from the date written confirmation of the advice is given. This document sets out our requirements for all major development proposals, including our expectations for site-specific Flood Risk Assessments and high-quality multifunctional surface water sustainable drainage systems.



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. This includes a 'Fast Track' optional extra which can be added to either package option, as explained in sections [4.1](#) and [4.2](#) below.

The county 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 county council aims to provide its advice in the following manner:

Written confirmation within 7 days of receiving a completed LLFA Planning Advice Service Application Form and Checklist from the applicant:

- as to whether the service is suitable in the particular case;
- as to 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 county council has confirmed that the service is suitable and has received cleared funds for the application fee, then the county 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 the [Premium Package](#) 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 normally take place from a Lancashire County Council building, 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 the 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, subject to an [Additional Fee](#) as set out in Section 4.3 below.

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.

Extra meetings will only be attended by the county council 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.

4.1. The Essentials Package

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

| Essentials Package Base Fee (+ VAT) | Development Type | | | |
|-------------------------------------|---------------------|--|----------------------------------|-------------------------------|
| | Residential (units) | Retail & Leisure (GFA m ²) | Employment (GFA m ²) | Storage (GFA m ²) |
| £352.00 | 10 – 50 | Up to 200 | Up to 2,000 | Up to 4,000 |
| £587.00 | 51 – 200 | 201 – 700 | 2,001 – 7,000 | 4,001 – 14,000 |
| £939.00 | 201 – 400 | 701 – 1,500 | 7,001 – 15,000 | 14,001 – 30,000 |
| £1,527.00 | 401 – 800 | 1,501 – 3,700 | 15,001 – 30,000 | 30,001 – 75,000 |
| £2,231.00 | 801 – 1,500 | 3,701 – 5,500 | 30,001 – 44,000 | 75,001 – 110,000 |
| By agreement | 1,501+ | 5,501+ | 44,001+ | 110,001+ |

| Optional Extra | Additional Fee | What you will receive |
|-----------------------|------------------|--|
| Essentials Fast Track | +20% of Base Fee | Written advice will be returned within 21 days (3 weeks) of the date the correct payment is received in full |

4.2. The Premium Package

As standard, you will receive a 1-hour technical meeting with the Lead Local Flood Authority within 28 days (4 weeks) of payment received. A written response will then be returned within 5 working days of the date of the technical meeting. Base fees are set out in the table below:

| Premium Package Base Fee (+ VAT) | Development Type | | | |
|----------------------------------|---------------------|--|----------------------------------|-------------------------------|
| | Residential (units) | Retail & Leisure (GFA m ²) | Employment (GFA m ²) | Storage (GFA m ²) |
| £587.00 | 10 – 50 | Up to 200 | Up to 2,000 | Up to 4,000 |
| £822.00 | 51 – 200 | 201 – 700 | 2,001 – 7,000 | 4,001 – 14,000 |
| £1,175.00 | 201 – 400 | 701 – 1,500 | 7,001 – 15,000 | 14,001 – 30,000 |
| £1,762.00 | 401 – 800 | 1,501 – 3,700 | 15,001 – 30,000 | 30,001 – 75,000 |
| £2,467.00 | 801 – 1,500 | 3,701 – 5,500 | 30,001 – 44,000 | 75,001 – 110,000 |
| By agreement | 1,501+ | 5,501+ | 44,001+ | 110,001+ |

| Optional Extra | Additional Fee | What you will receive |
|--------------------|------------------|--|
| Premium Fast Track | +20% of Base Fee | A 1-hour technical meeting will be scheduled to be held within 14 days (2 weeks) of the date the correct payment is received in full. A written response will then be returned within 5 working days of the date of the technical meeting. |

4.3. Additional Fees

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

| Category | Description | Additional Fee |
|--------------------|--|----------------------------|
| Extra hourly rates | Flood Risk Officer hourly rate | £29.00 per hour |
| | Senior Flood Risk Officer hourly rate | £33.00 per hour |
| | Principal Flood Risk Officer hourly rate | £42.00 per hour |
| Extra meeting | An additional 1-hour technical meeting | £175.00 per 1 hour meeting |

If Additional Fees are applicable, then the county 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.

Please note: The above charges are 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 select the 'Other' category and the Lead Local Flood Authority will contact you for a fee for the proposed development.

The above fees will be reviewed and amended annually.

4.4. 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.

4.5. 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 county 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 county 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

5.1. Terms of Service

- 5.1.1. By making an application the applicant agrees that the county 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.

- 5.1.2. Details, including personal information, contained within the application and/or written response may be shared with the relevant Local Planning Authority, other Lancashire County Council teams and flood risk management authorities.

- 5.1.3. The advice provided by the county 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. No advice given by the county council will be valid and effective unless it is confirmed by written letter by the county council.

- 5.1.4. 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.

- 5.1.5. Any clarifications regarding the content of the written letter must be made within 12-weeks of the date of the letter. The Planning Advice Service request will be considered 'closed' 12-weeks after the date of the written letter. Any further clarifications or advice beyond the 12-week period will require a new Planning Advice Service application to be submitted and will be subject to additional charges.

- 5.1.6. Advice is given in good faith, based on the information available at the time of the Planning Advice Service 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.

- 5.1.7. The county 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 county 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.



- 5.1.8. All timescales for the delivery of the service by the county council are approximate and cannot be guaranteed.
- 5.1.9. The county 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.

5.2. Freedom of Information Act 2000 and Environmental Information Regulations 2004

- 5.2.1. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 place legal obligations upon Lancashire County Council to provide public access to information that it holds, whereby public authorities are obliged to publish certain information about their activities and members of the public are entitled to request information from public authorities. This may include information provided to us by third parties who have a contractual relationship with the county council, subject to exemptions being appropriately engaged.
- 5.2.2. Planning Advice Service enquiries, together with any response made by the county council, will not automatically be made available for public inspection and applicants may confirm in writing to us that information provided is commercially sensitive.
- 5.2.3. However, if the Local Planning Authority receives a request, under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, to disclose information relating to Planning Advice Service enquiries they are obliged to do so unless the information is deemed exempt under the Act.
- 5.2.4. Information can only be withheld under Freedom of Information Act 2000 or Environmental Information Regulations 2004 if the information falls under one of the exceptions (Environmental Information Regulations) or exemptions (Freedom of Information) set out in legislation.
- 5.2.5. For certain Planning Advice Service issues the applicant is required to complete the commercially sensitive checklist that should set out the reasons why, and for how long, they feel any information relating to the application needs to remain confidential. Failure to declare commercial sensitivity may result in information being made available under Freedom of Information Act or Environmental Information Regulations requests.
- 5.2.6. We will consult with the applicants should we receive a request under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 before reaching a final decision on the request. However, whilst we will take account of these views, the final decision on whether the information should be provided or withheld rests with the county council.

5.3. Commercially sensitive applications

- 5.3.1. If any information within your application is commercially sensitive, you must complete '*Part 3 - Commercially Sensitive Material Checklist*' of the application form. Please consider the guidance set out in Section 5.1 of this document.
- 5.3.2. The advice we provide is based on the information provided by the applicant, the current extent of the knowledge of the Lead Local Flood Authority and an officer's professional judgement which is overseen by a senior officer.
- 5.3.3. Giving our advice doesn't mean we agree to or have decided our view on the proposal ahead of a planning application being made. All planning applications go through the full process of assessment in our role as a statutory consultee for major development with surface water drainage.

Contact Details

Telephone: 0300 123 6780

E-mail: suds@lancashire.gov.uk

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

