The Catchment Based Approach

Development near rivers
Guidance for planners

This note outlines a general approach to considering development proposals near rivers. It indicates the basic considerations, information and processes that should be sought through the planning application process.

As with all planning, planning for rivers is a balancing act – between human access and enjoyment, improving and protecting the environment, maintaining or reducing flood risk, and achieving high quality and viable developments.

The goal is to make sure development enhances the use, enjoyment and setting of a river by integrating land and water uses. Ultimately this means opening up access to, from and along the river, exploring the added value and use of water space, taking opportunities to manage and reduce flood risk; and viewing the waterway, walking and cycle paths and environs as part of the public realm to unlock the economic, environmental and social benefits of the river.

A separate advice note entitled Planning Advice for Integrated Water Management (http://tinyurl.com/ciwemreport) pulls together all the information on the water sector, including water supply, wastewater disposal, water quality and flood risk management. It highlights the issues that planners need to be aware of and sets out the policy context for water issues showing how the different areas of policy fit together and who does what. It provides over thirty case studies of best practice, showing examples of what is possible.

All photographs: Bill Green Photography
Stage One

Establish principles

Very early discussions regarding sites and proposals should include establishing the principles of the proposed development, to ensure that all parties agree with the priorities and:

1. Set out the expectations from the outset
   Ensure that costs and benefits are identified early on and are fed into viability. Applicants will not add costs at a later stage.

2. Emphasise the importance of development that addresses the river
   Development should not turn its back on the river. The design should reflect this.

3. Can works be done to improve the area around the river?
   - The applicant should consider whether works could be done to improve the environment around the river.
   - For people to use – access; design; open space; set back of flood defences; improved visibility
   - For plants, wildlife, fish – species; habitat; overshadowing; structures

What can realistically be achieved?

River restoration can be considered on a sliding scale, from large scale improvements (full restoration) through to partial restoration and finally in-channel enhancements.

The appropriate level of restoration will depend on the site and constraints but the starting point for all river works should be full restoration, where land uses and water uses are considered together (see Figure 1 below).

**Full restoration** can involve works such as:
- Opening up river channels (de-culverting; re-grading of river banks; re-meandering)
- Public access, riverside walkways and cycleways

**Figure 1 Full restoration**

- Reed beds / marginal planting
- Re-profiled ground level
- Native shrub planting
- Large trees retained
- Existing channel narrowing and bank re-profiled
- Improved riverside access
- New pools
- New meandering channels and ditches
Partial restoration or in-channel enhancements are sometimes the only improvements that are possible. This may be due to lack of space or flood risk assessments (see Figures 2 and 3 below).

These smaller scale improvements could include works such as:
- Changing or removing structures such as weirs
- In-channel improvements (riffles, pools, baffles, fish passes)
- Improving planting
- Installing bird nesting boxes

4. Consider the on-going maintenance arrangements

Who will be responsible for the management and maintenance in perpetuity?

If the river works are related to a new development site, this should be built into the management and maintenance arrangements of the wider site. Conditions can be attached to the Planning permission to ensure that this happens.

5. Be aware of tensions

There may be tensions between different priorities, for example between access, biodiversity and flood risk but a balance between potential conflicting priorities should be able to be achieved. If common objectives of the different priorities can be identified this will make an effective balanced solution easier to identify.

6. Beyond the site boundary

Considerations may have to extend beyond the site, even into adjoining boroughs. For example flood risk may increase/decrease upstream/downstream depending on works done on the site.

Consider whether cross-borough working would be appropriate, and whether there is a Catchment Plan in place.
Stage One Establish principles continued

Push for large scale improvements
- Land and water considered together
- Open up river channels
- Public access

Small scale works only possible
- Space or flood risk restrictions
- Works in river channel

Ongoing maintenance
- Who? How?
- Limit costs to Council
Stage Two
Initial discussion pre-application

The following considerations should be discussed during pre-application once the principle of the development has been agreed, focusing on the important aspects to consider in the application process. Consider entering into a Planning Performance Agreement to cover the cost of external advice – this may include specialists such as flood risk engineers.

7. Establish relationships with the Environment Agency (EA)
This is important from a very early stage and will ensure that a consistent message is given. Contact a Planning Advisor at the EA, they will coordinate responses from other teams such as flood risk and ecology and ensure well-rounded consistent comments are given (see 16 on page 8 for other agency involvement). Be mindful of the building line, the EA generally request an 8 metre setback for access. The EA have guidance on their website as well as a paid pre-application service.

8. Carry through development principles and designs
Ensure the principles and expectations established at Stage One are fed through into the design and viability considerations. Ensure that these initial designs emphasise the importance of the river.

9. Planning policy and guidance
Check local planning policy and guidance – is there anything to help guide the development? Check the Council’s corporate approach – is there a strategy for improving rivers, for example LFRMS; SFRA; Catchment Plan?

10. Community involvement
Applicant to discuss proposals with local interest groups such as parks user groups and amenity societies.

11. Best practice
Show the applicant, the Council’s design panel, the GLA and others examples of good schemes to show what is expected and that it is achievable.

12. Who’s involved in the application process?
Ensure all the relevant parties are on board and involved in the application process. This will include people from the applicant’s team, the Environment Agency and the Council.

Who’s involved

<table>
<thead>
<tr>
<th>Applicant team</th>
<th>Environment Agency</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planner</td>
<td>Planning advisor</td>
<td>Planner</td>
</tr>
<tr>
<td>Architect</td>
<td>Flood risk engineer</td>
<td>Design/Design panels</td>
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<tr>
<td>Flood risk engineer</td>
<td>Ecologist</td>
<td>Parks and ecology</td>
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<tr>
<td>Engineer</td>
<td>Geomorphologist</td>
<td>S106 / CIL</td>
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<tr>
<td>Ecologist</td>
<td></td>
<td>Flood risk</td>
</tr>
<tr>
<td>Many others?</td>
<td></td>
<td>Emergency planning</td>
</tr>
</tbody>
</table>
Stage Two  Initial discussion pre-application continued

What to consider

- **Relationships**
  - With EA – consistency

- **Expectations**
  - Costs fed into viability

- **Importance of the river**
  - Address the river

- **Policy context**
  - Local policy?

- **Community involvement**
  - Discussion with user groups
Stage Three
Planning application

Stage One and Two looked at establishing development principles and holding initial pre-application discussions. Through this process, the applicant, the Environment Agency, the Council and any community interest groups should have an agreed understanding of the type and form of development coming forward and what it is expected to deliver.

13. Submitted information
A range of information will be required to support the planning application and may have been agreed through the pre-application discussions.

External consultants may be required to review some studies on behalf of the Council. If a Planning Performance Agreement has been entered into, this can be paid for by the applicant through the application process.

Stage Three Planning application

Submitted information

- River impact study
- Design and access statement
- Biodiversity survey and report
- Environmental statement
- Flood risk assessment
- Landscape scheme
- Open space assessment
- Daylight/sunlight assessment
14. Conditions
Usually conditions are preferable to using planning obligations. Conditions may be particularly useful in securing and delivering maintenance and management of sites and riverside environments on an ongoing basis.

15. Contributions
On-site improvements and mitigation as part of a development are usually preferred to financial contributions. Where direct provision is not possible financial contributions may be necessary and in these cases the type of contribution must be appropriate to the development. Community Infrastructure Levy (CIL) contributions are likely to be used for strategic issues, whereas s106 contributions are likely to be smaller scale and relate directly to the site and development.

The Council’s CIL may cover improvements to river corridors, flooding or any related issues. Check the section 123 list.

Section 106 may be appropriate if the development will have an impact on the local river or flood risk issues that require mitigation, either on-site or in the environs of the development.

Any costs should be based on the cost to the Council (or third party) to undertake the necessary works. The cost should be evidenced by the developer and then submitted for agreement with the Council in advance.

16. Decision making
Be aware that there are different consenting authorities for works in different types of rivers. For works on land around rivers, the local authority is the consenting authority. If works are proposed on, over, under or near a ‘main river’ plans should be submitted to the Environment Agency. For all other ‘ordinary water courses’ permission is needed from the Lead Local Flood Authority (local authority). In England DEFRA decides which rivers are main rivers.

Guidance written by Claire Gray,
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For more about the Catchment Based Approach visit www.catchmentbasedapproach.org