

Dear colleague,

We would like to take the opportunity to clarify how we expect to be consulted for prior notification applications received under Class J of the amended GDPO rights, involving changes of use from office to residential.

We are to be consulted on these applications where the property is known or strongly suspected to be on contaminated land, or is in Flood Zone 2 or 3. Please be aware that we have not notified you of any critical drainage areas, so we do not need to see any applications in Flood Zone 1, unless contaminated land is suspected.

Where a proposed property falls in Flood Zone 2 or 3, we will assess the potential flood risks posed to occupants from the information available. We expect that in most circumstances, the applicant will need to provide a Flood Risk Assessment (FRA) to assess the flood risks and include mitigation measures, including an emergency evacuation plan where necessary, in order for us to make an informed decision on the risks posed to occupants. Any FRA may need to be sent to your Emergency Planning Team for evaluation as well. Only in exceptional circumstances, where we feel the risks posed to occupants would be too great, will we recommend that you refuse the application.

We do not expect a Preliminary Risk Assessment (to assess contamination) to be required very often. As these applications involve change of use only, we would not expect there to be any intrusive works that could mobilise ground contaminants any more than exists with the present situation. However, applicants for such proposals in existing/current industrial areas or on/directly adjacent to historic landfill sites should contact us to determine whether an assessment will need to be submitted with any application.

We strongly advise that you make applicants aware through any pre-planning discussions, and ideally by adding to the relevant pages of your website, that they should contact us if the property is on contaminated land or in Flood Zone 2 or 3. As discussed above, we may request a Flood Risk Assessment or Preliminary Risk Assessment to be submitted with any application. We are aware of the tight timescales involved, so we would prefer this documentation to be submitted with the application, rather than needing to request it once we have been consulted.

Yours faithfully,

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