

# Development on Flood Plains (Environment Agency Powers) Bill

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## CONTENTS

- 1 Designation of flood plains
- 2 Environment Agency to have power to prevent development on flood plains
- 3 Planning authorities to comply with Environment Agency advice when considering development on flood plains
- 4 Exemptions from requirements of sections 2 and 3
- 5 Interpretation
- 6 Short title, commencement and extent

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Empower the Environment Agency to prevent development on flood plains to which the Agency objects; to require planning authorities to comply with Environment Agency advice when considering development on flood plains; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Designation of flood plains**

- (1) The Secretary of State (in respect of England) or the Welsh Ministers (in respect of Wales) may designate as a flood plain any land which—
  - (a) is flat or nearly flat, is adjacent to the sea, an estuary, river or watercourse, and is liable to flooding when the water-level is high, and 5
  - (b) has been recommended for designation by the Agency.
- (2) After making a designation under this section the Secretary of State or the Welsh Ministers (as the case may be) must inform—
  - (a) the local planning authority;
  - (b) the owner of the land; 10
  - (c) any occupier of the land.

**2 Environment Agency to have power to prevent development on flood plains**

- (1) The Agency may issue an order to the owner or occupier of any land in a flood plain forbidding any development on that land to which it reasonably objects.
- (2) Before issuing an order under this section the Agency must give such notice as is reasonably practicable. 15
- (3) A person who carries out any development forbidden by an order under this section is guilty of an offence and is liable, on conviction on indictment, to a fine.
- (4) This section is subject to section 4. 20

- (5) In this section “development” includes development for which planning permission has been granted or is not required.

### **3 Planning authorities to comply with Environment Agency advice when considering development on flood plains**

- (1) This section applies when an application for planning permission in respect of development on a flood plain is made to a local planning authority. 5
- (2) The authority must—
- (a) inform the Agency of the application;
  - (b) allow the Agency a reasonable period of time to consider the application before the authority determines the application. 10
- (3) The authority must comply, so far as is reasonably practicable, with any advice it receives from the Agency in respect of the application.
- (4) This section is subject to section 4.

### **4 Exemptions from requirements of sections 2 and 3**

- Sections 2 and 3 do not apply if the proposed development— 15
- (a) is (or is the equivalent of) fewer than 3 dwelling houses, or
  - (b) would improve the protection from flooding enjoyed by any person without exposing any other person to a greater danger of flooding.

### **5 Interpretation**

- In this Act— 20
- “the Agency” means the Environment Agency;
  - “development” has the meaning given in section 55 of the Town and Country Planning Act 1990;
  - “flood plain” means any land which has been designated under section 1 of this Act; 25
  - “local planning authority” shall be construed in accordance with Part 1 of the Town and Country Planning Act 1990.

### **6 Short title, commencement and extent**

- (1) This Act may be cited as the Development on Flood Plains (Environment Agency Powers) Act 2010. 30
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

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To empower the Environment Agency to prevent development on flood plains to which the Agency objects; to require planning authorities to comply with Environment Agency advice when considering development on flood plains; and for connected purposes.

*Presented by Bob Spink.*

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*Ordered, by The House of Commons,  
to be Printed, 16 December 2009.*

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