



Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2012/104434/01-L01
Your ref: 3/2012/0669

Date: 02 November 2012

Dear Sir/Madam

ERECTION OF INDUSTRIAL UNIT AND ALTERATIONS TO PARKING PROVISIONS LINCOLN WAY, CLITHEROE

Thank you for consulting us on this application. Mearley Brook which adjoins the site is a designated Main River and the Environment Agency wishes ensure that no adverse impacts on the aquatic environment of that watercourse are created by the development. Additionally, the Land Drainage Byelaws apply to the main river. The cumulative impact of these concerns has created an objection to the proposal.

Environment Agency position

Mearley Brook is a designated Main River, Land Drainage Byelaws No.7 imposes restrictions to the effect that no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse without the prior written Consent from the Environment Agency.

The Agency would be unlikely to give consent for the developments because it would unduly restrict essential maintenance and emergency access to the Main River watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and improvement works to this river.

The Environment Agency also has a statutory right of entry to Mearley Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. Proceeding with the development as proposed by the applicant would unlawfully impede that right of access. The developer should contact James Jackson on 01772 714134 to discuss our access requirements.

Additionally, our Biodiversity and Fisheries team have advised that building this close to the watercourse has the potential to negatively impact on the wildlife using the watercourse and embankments. A sufficient buffer zone must be maintained to ensure that wildlife habitats and water quality are not negatively impacted.

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Overcoming our objection

The scheme should be revised in order to maintain appropriate access arrangements and a suitable wildlife corridor next to the watercourse. The revised scheme should not significantly encroach within 8 meters of the top of the river bank.

We recommend that the applicant contact us to discuss our access requirements and provide revised cross-sectional plans and drawings showing the top of the riverbank and detail how the revised scheme will incorporate these requirements.

If you have any questions about the content of this letter, please contact me.

Yours faithfully

Dan Matthewman
Planning Officer - Sustainable Places

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