

10 DEC 2012

NOF

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

**Our ref:** NO/2012/104519/01-L01  
**Your ref:** 3/2012/0962

**Date:** 07 December 2012

Dear Sir/Madam

**REFURBISHMENT AND EXTENSION TO EXISTING HOTEL AND ASSOCIATED WORKS - TALBOT STREET, CHIPPING, PRESTON, PR3 2QE.**

Thank you for consulting us on this proposal. Regrettably, we have concerns about the proposed development which have given cause for us to object to this proposal. The main concerns are the proposals impacts on the biodiversity and wildlife of the watercourse. Furthermore, the works would impede our lawful right of access to Chipping Brook which is a nearby main watercourse further information is required to ensure pollution prevention control measures would be incorporated into the scheme.

**Environment Agency position**

We object to the application and recommend refusal of planning permission on this basis for the following reasons:

**Proximity to chipping brook (access)**

Chipping Brook adjoining the site is designated a Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank/retaining wall of the watercourse without prior written Consent from the Agency.

The proposed development involves development within 8 metres of a Main River watercourse. Without prejudice to the formal determination of that application, it is our informal opinion that we would be unlikely to grant consent for the works. The reason for this is the works would be likely to restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works.

In this particular case it is essential that this 8 metre strip is preserved for access purposes. Consequently based on the information available it is likely that the development cannot proceed in its present format.

We have a statutory right of entry to Chipping Brook under 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. If the developer would like to discuss our access requirements, please contact James Jackson on 01772 714134.

### **Proximity to chipping brook (ecology & biodiversity)**

The proposal includes development in close proximity to Chipping Brook. This will prejudice the environmental obligations of the Environment Agency and preclude the provision of an adequate vegetated buffer zone of native plant species on its bank.

Providing an 8m metre buffer, by omitting all development within this area will allow the retention of the majority of the trees and shrubs (and associated ground vegetation) along the site boundary. This will help to maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor

### **Land Drainage**

We object to the application in its current form because inadequate information has been provided to demonstrate that the risks of pollution posed to surface water quality can be safely managed. National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

In this case we consider that the proposed development could pose an unacceptable risk of causing a detrimental impact to surface water quality because the applicant has failed to adequately indicate the means of disposal of foul and surface water.

### **OVERCOMING OUR OBJECTIONS**

We would be likely to withdraw our objection

1. if all development within 8 metres of Chipping Brook is omitted from the scheme. The distance shall be measured from the top of the bank and shall be free of structures, hard standing, car parking, access roads and fences or other obstructions.
2. if the applicant is able to demonstrate that foul and surface water from the scheme can be disposed of safely without causing negative impacts to water quality or the natural environment.

We would be grateful if you could please consult us on further revisions of this scheme. Please contact us if you have any questions about the contents of this letter.

Yours faithfully

**Dan Matthewman**  
**Planning Officer - Sustainable Places**

Direct dial 01772 714065  
E-mail [nwnorthplanning@environment-agency.gov.uk](mailto:nwnorthplanning@environment-agency.gov.uk)