

## Graeme Thorpe

**From:** Dan Matthewman [dan.matthewman@environment-agency.gov.uk]  
**Sent:** 01 February 2013 11:49  
**To:** 'gary.hoerty@ghaonline.co.uk'; Graeme Thorpe  
**Cc:** Worswick, Colin; Jackson, James; Lord-Knowles, Amanda  
**Subject:** 3/2012/1044 - LAND ADJACENT TO THE SPINNEY, GRINDLETON, LANCASHIRE, BB7 4QE  
**Attachments:** EA revised response, 1st Feb 2013. App 3-2012-1044 - LAND ADJACENT TO THE SPINNEY, GRINDLETON, LANCASHIRE, BB7 4QE -.pdf

Dear Graeme/Gary,

Please find our revised response attached.

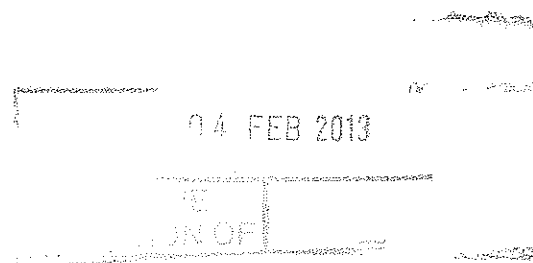
I hope this resolves matters until the discharge of conditions stages, at which time we would be pleased to hear from you again at the pre-app.

Any queries please let me know.

Regards

Dan

**Dan Matthewman**  
Planning Officer  
Sustainable Places Team  
North West Area - Preston Office



Please note that I work a half day on Mondays and Thursdays.

☎ 01772 714065

✉ [dan.matthewman@environment-agency.gov.uk](mailto:dan.matthewman@environment-agency.gov.uk)

✉ Lutra House, Dodd Way, Walton Summit, Bamber Bridge, Preston, Lancashire, PR5 8BX

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

Our ref: NO/2012/104627/02-L01  
Your ref: 3/2012/1044

Date: 1 February 2013

Dear Graeme

**LAND ADJACENT TO THE SPINNEY, GRINDLETON, LANCASHIRE, BB7 4QE -  
CONSTRUCTION OF A NEW TWO-STOREY OFFICE DEVELOPMENT ON  
REDUNDANT LAND ADJACENT TO THE SPINNEY, CAR PARK WITH HARD AND  
SOFT LANDSCAPING AREAS AND SERVICE INSTALLATIONS TO SUIT.**

Thank you for your flexibility in allowing extra time for the applicant and ourselves agree a solution to the problems at the site. As you know, the initial application was submitted more than a decade ago in 2002 and the recent full submission for a larger building, when combined with changes in National Planning Policy and our new internal policies made it important for us to take a fresh look at the issues.

#### **ENVIRONMENT AGENCY POSITION**

It is our view that the site and its occupants are at risk of flooding, the location of the site is within flood zone 3 immediately adjacent to the River Ribble which makes it vulnerable. Since the original submission, our experience of managing and responding to flooding has grown because floods occur more often; they are more serious and can be better predicted using new technology by comparison to ten years ago.

Nonetheless, we accept that the applicant has an extant consent which he states to have lawfully implemented on site and as such he is entitled to build an office block on the land. We therefore must consider the current proposal in that context and are now positively encouraging the applicant to mitigate against flood risks through this proposal.

Additionally, the area was surveyed by our Fisheries and Biodiversity Officer in 2011. Otters (which are a protected species) and their habitats were identified within the riverbanks nearby to the site. Due to this new information we believe it is appropriate to ask for conditions to be attached to any subsequent approvals to protect their welfare and their habitat. We have agreed a buffer strip which is not less than 4 metres in width (and wider where possible) is to be provided along the edge of the application site.

After considerable discussions with the applicant and having visited the site, we are able to remove our objection to the proposed development subject to agreed amendments and conditions.

Environment Agency  
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
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Cont/d..

## **ENVIRONMENT AGENCY POSITION**

We have reviewed the plan given reference no. Hoe/347/1390/10 (received 31/01/2013). Subject to the plan being accepted as an amendment by the LPA, we ask for the following conditions to be attached to any subsequent approval:-

### **CONDITIONS**

- 1) Prior to the development commencing, the precise details for the construction of the car park (including finished levels, surfacing, kerbstones, drainage for surface waters, oil interceptors and vehicle resistant bollards) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out as approved prior to being taken into use.
- 2) Prior to the development being taken into use, a planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall specify a schedule for completing the planting, the precise numbers and positions of the trees and/or shrubs to be planted. The planting scheme shall be carried out within the first available planting season (a planting season being between 1st October and 31st March each year) following first occupation of the development. Any trees, shrubs or hedges or which are removed, die or become damaged or diseased within the first five years after planting, shall be replaced with another of the same species, size and number within the first available planting season thereafter. No existing trees or shrubs on the site shall be felled, coppiced, uprooted, damaged or destroyed other than in strict accordance with an agreed planting scheme.
- 3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no ancillary buildings, gates, fences, walls or other means of enclosure shall be erected on the site and no hard surfacing shall be laid without the Local Planning Authority's prior written consent.
- 4) The details of any external lighting shall be submitted to and agreed in writing with the Local Planning Authority. No external lighting other than approved by the Local Planning Authority shall be installed on the site.
- 5) Prior to the development being taken into use, an emergency flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a provision for signage, marking out and notification of emergency escape routes and muster points, describe the roles and responsibilities of occupants during a flood emergency. Thereafter, the plan shall be implemented as approved and carried out for the lifetime of the development (subject to any revisions agreed in writing with the Local Planning Authority).
- 6) The mitigation measures described in the Flood Risk Assessment completed by Hamilton Associates given reference no. 1000299/R/01(dated July 2002) shall be fully carried out prior the building being taken into use.

## **REASONS**

- 1) To protect the adjacent river Ribble from pollution; protect wildlife habitats within the adjacent buffer zone and to ensure that the finished car park adequately deals with issues arising from flood risks to the site.
- 2) To ensure the planting of appropriate native species within the buffer zone and protect wildlife habitats and biodiversity.
- 3) To maintain control over the development site as to ensure the retention of an appropriate buffer zone for wildlife habitats (including protected species); and ensure that access to the adjacent watercourse by the Environment Agency for the purposes of maintenance and improvement is not impeded by future development.
- 4) To protect wildlife habitats including feeding and nesting grounds for protected species such as Otters and Bats.
- 5) To improve the safety of occupants of the building during a flood emergency.
- 6) To improve the safety of occupants of the building during a flood emergency.

## **Footnote**

We also recommend adding the following footnote which outlines legal obligations

- Prior to carrying out any works on, over or under land within 8 metres of the top of the bank of the adjacent watercourse; the applicant is required to submit an application for Land Drainage Consent under the North West Regional Byelaws enacted by the Water Resources Act 1991. Failure to obtain approval before carrying out the proposed works could be a criminal offence against which the Environment Agency may prosecute.
- Environment Agency consent will also be required for the surface water outfall into the adjacent river Ribble. The applications will usually take up to 8 weeks to determine and may be fee chargeable.

We acknowledge that the applicants have already begun work on site and anticipate they will be eager to press on with those works, but we would welcome the opportunity to agree reserved matters with them informally prior to their formal submission.

If you have any questions about our reply, please contact me using the details below.

Yours sincerely

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

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cc Gary Hoerty Associates (by email)

End

