

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

Our ref: NO/2013/105729/01-L01
Your ref: 3/2013/0270
Date: 25 October 2013

Dear Sir/Madam

**PROPOSED CHANGE OF USE OF GARAGE COMPOUND AND DOMESTIC
CURTILAGE TO FORM 4NO. APARTMENTS.
PRINCESS AVENUE, CLITHEROE, BB7 2AL**

Thank you for consulting us on the above application.

We OBJECT to the proposed development as submitted on the following grounds:-

Flood Risk

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river Pimlico Brook. 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 the prior written Consent of the Environment Agency.

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 and our Consent is unlikely to be granted.

The site is also located in Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Policy Framework (NPPF) Technical Guide. In accordance with the NPPF, the application is accompanied by an Flood Risk Assessment (FRA) prepared by Michael Lambert Associates (dated 24/09/12; reference B1305).

**It needs to be demonstrated that the site meets the requirements of the
Sequential Test (to the satisfaction of the local planning authority) and the**

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

Exception Test in accordance with the NPPF Technical Guide. Our comments on the proposals relate to part b) of the Exception Test, i.e. is the development safe. The local planning authority must decide whether or not the proposals satisfy part a) of the Exception Test and that there are no other sites available at lower flood risk as required by the Sequential Test.

We have reviewed the FRA as submitted in relation to part b) of the Exception Test as set out in paragraph 102 of the NPPF and it does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, we have little confidence in the modelled data provided in the FRA. For example, cross-section 1 of the HEC-RAS model shows that floodwaters spill out over the right bank but there is insufficient survey information to prove that this will occur. Also, there is a debris screen just downstream of this development and this is likely to block with debris during a flood event and river levels will rise considerably upstream. The FRA does not consider this.

Our floodmaps indicate that this site is located within the floodplain and would be at risk of flooding. The proposed development includes the construction of two ground floor flats and it has not been demonstrated that there would be a safe means of access and egress during a flood event. Emergency access has not been considered in the submitted FRA.

If the applicants or agents wish to discuss this position with us, they should contact James Jackson on 01772 714134.

The Environment Agency has a right of entry to Pimlico 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.

Biodiversity

We object to the proposed development because there is no buffer zone to Pimlico Watercourse. We recommend that planning permission should be refused on this basis.

The National Planning Policy Framework (NPPF), paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Article 10 of the Habitats Directive stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change. In this instance the proposed development would have an adverse impact on the riparian corridor.

It may be possible to overcome this objection if the development is moved back to provide an 8 metre-wide buffer zone measured from the bank top/edge of retaining wall alongside Pimlico Watercourse. The buffer zone will help to reduce shading and should be free from all built development including lighting. To reduce light spill into the river corridor outside the buffer zone, all artificial lighting should be directional and focused

with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) "Guidance Notes for the Reduction of Obtrusive Light").

Domestic gardens and formal landscaping should not be incorporated into the buffer zone. The buffer zone and river corridor should form a valuable part of green infrastructure.

Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will be protected during construction.

A copy of this letter has been sent to the applicant/agent.

Yours faithfully

Mr Alex Hazel
Planning Advisor - Sustainable Places Team

Direct dial 01772 714065

Direct fax

Direct e-mail alex.hazel@environment-agency.gov.uk

cc Avalon Planning Ltd