Lancashire County Council

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Date: 3rd September 2015

APPLICATION CONSULTATION RESPONSE

Application Number:	**3/2015/0649**
Location:	**Land adj 97 Woone Lane Clitheroe BB7 1BJ**
Grid Ref:	**373961, 441141**
Proposal:	**Erection of ten dwellings with creation of new access to Woone Lane**

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. The Flood and Water Management Act 2010 sets out the requirement for LLFAs to manage 'local' flood risk within their area. 'Local' flood risk refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. It is ultimately the responsibility of the Local Planning Authority to approve, or otherwise, any drainage strategy for the associated development proposal. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.

Lead Local Flood Authority Position

The Lead Local Flood Authority **objects** to the development proposal on the basis of:

1. **Proposal contrary to National Planning Policy / Local Plan: Not a 'Sustainable' Drainage System**

The Lead Local Flood Authority objects to this application and recommends refusal of planning permission until an amended sustainable drainage strategy which meets *Key Statement EN3: Sustainable Development and Climate Change* and Policy *DME6: Water Management* of the Local Plan for Ribble Valley: Core Strategy 2008-2028, and *Paragraph 103* of the National Planning Policy Framework has been submitted to the local planning authority.

Reason

Paragraph 103 of the National Planning Policy Framework requires applicants for planning permission to give priority to the use of sustainable drainage systems by default.

The proposed drainage system does not include sustainable drainage elements as required under the National Planning Policy Framework and therefore is contrary to national planning policy. In addition, the drainage proposals are contrary to *Key Statement EN3: Sustainable Development and Climate Change* and Policy *DME6: Water Management* of the Local Plan for Ribble Valley: Core Strategy 2008-2028

The absence of an adequate sustainable drainage strategy is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our objection

You can overcome our objection by submitting an amended drainage strategy which prioritises the incorporation of a sustainable drainage system to fulfil the requirements of Paragraph 103 of National Planning Policy Framework. Any proposed sustainable drainage system should also be considered in line with the HCWS161 Written Statement on Sustainable Drainage Systems, Planning Practice Guidance and Non-Statutory Technical Standards for Sustainable Drainage Systems.

If sustainable drainage elements within the drainage system for the development proposal cannot be achieved, the applicant is expected to provide compelling evidence as to why this is in line with the Planning Practice Guidance. Should this evidence not be provided we will consider whether there is a need to maintain our objection to the application. Production of an adequate sustainable drainage strategy will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the amended drainage strategy. We will provide you with comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate drainage strategy has been submitted.

2. Inadequate Information to Assess Application

In the absence of adequate information to assess the principle of surface water drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the local planning authority.

Reason

The application lies within Flood Zone 1 defined by the Planning Practice Guidance as having a low probability of flooding. However the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. The lack of any information at all in relation to surface water drainage means the LLFA cannot assess whether the development proposal meets

the requirements of Paragraph 103 of the NPPF or Paragraph 80 of Section 10 of the PPG in principle.

The submission of basic information on how surface water is intended to be managed is vital if the local planning authority is to make informed planning decisions. In the absence of any information at all regarding surface water management, the flood risks resulting from the proposed development are unknown and this is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our objection

You can overcome our objection by submitting information which demonstrates how surface water will be managed on site, satisfying the principles of Paragraph 103 of the NPPF and Paragraph 80 of Section 10 of the PPG.

If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of this information will not in itself result in the removal of an objection.

Advice and information regarding surface water drainage can be found in our Pre-Application Standing Advice:

- http://www.lancashire.gov.uk/media/657248/LLFA-Standing-Pre-Application-Advice.pdf

We ask to be re-consulted following the submission of additional information addressing surface water drainage proposals. We will provide you with comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate level of information has been submitted which satisfies the principles outlined above.

3. Proposal contrary to National SuDS Standard: Peak Flow Control

Lead Local Flood Authority Position

The Lead Local Flood Authority objects to this application and recommends refusal of planning permission until evidence is provided to demonstrate that peak surface water runoff rate from the development to the surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event in line with Standard S2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems

Reason

Standards S2 and S3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems require applicants to demonstrate that post-development peak flows of any proposed development do not exceed existing pre-development surface water runoff rates up to the 1 in 100 year rainfall event.

Overcoming our objection

You can overcome our objection by submitting evidence of how peak runoff rate discharge to the surface water body will be constrained to the 1 in 1 year rainfall event and peak runoff rate during the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event for the development proposal. Production of a drainage design/drainage strategy/flood risk assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of any amended drainage design/drainage strategy/flood risk assessment. We will provide you with comments within 21 days of receiving formal re-consultation. Our objection will be maintained until adequate evidence has been submitted.

4. Proposal contrary to National SuDS Standard: Volume Control

Lead Local Flood Authority Position

The Lead Local Flood Authority objects to this application and recommends refusal of planning permission until evidence is provided to demonstrate that the runoff volume from the development to the surface water body for the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event in line with Standard S4 of the Non-Statutory Technical Standards for Sustainable Drainage Systems

Reason

Standard S4 of the Non-Statutory Technical Standards for Sustainable Drainage Systems requires applicants to demonstrate that post-development surface water runoff volume from the development in the 1 in 100 year, 6 hour rainfall event does not exceed the greenfield runoff volume for the same event.

Overcoming our objection

You can overcome our objection by submitting evidence of how peak runoff rate discharge to the surface water body will be constrained to the 1 in 1 year rainfall event **OR** peak runoff rate during the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event for the development proposal. Production of a drainage design/drainage strategy/flood risk assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of any amended drainage design/drainage strategy/flood risk assessment. We will provide you with comments within 21 days of receiving formal re-consultation. Our objection will be maintained until adequate evidence has been submitted.

LLFA Advice

District Local Plans

Support for the use of SuDS in ensuring development does not increase flood risk on-site or elsewhere is set out in Paragraph 103 of the National Planning Policy Framework (NPPF) and in the Written Statement on Sustainable Drainage Systems (HCWS161).

The adopted Ribble Valley Local Plan also includes provisions to encourage the use of SuDS on development proposals within Ribble Valley. Specific policies include:

- Key Statement EN3: Sustainable Development and Climate Change
- Policy DME6: Water Management

The applicant therefore must incorporate sustainable drainage within the drainage strategy for the proposed development.

Sustainable Drainage Systems: General Advice

Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

The Lead Local Flood Authority encourages that site surface water drainage is designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open space.

The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Sustainable Drainage Systems: Infiltration & Permeability Testing
The applicant is reminded that Paragraph 103 of the NPPF requires priority use to be given to SuDS and in accordance with Paragraph 80, Section 10 of the Planning Practice Guidance the preferred means of surface water drainage for any new development is via infiltration. The applicant must submit evidence as to why each 'level' of this hierarchy cannot be achieved.

Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The Lead Local Flood Authority also strongly encourages that the developer should take into account designing drainage systems for exceedence working with the natural topography for the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS.

Sustainable Drainage Systems: Drainage Strategy does not include SuDS
The drainage scheme proposed does not include SuDS elements. The applicant should provide the local planning authority with a revised sustainable drainage strategy which includes SuDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697), Planning Practice Guidance and Non-Statutory Technical Standards for Sustainable Drainage Systems.

Where this cannot be achieved the applicant must provide appropriate evidence and justification for each level of discharge as to why a sustainable drainage system which meets the hierarchy set out in Paragraph 80 of Section 10 of the Planning Practice Guidance cannot be achieved.

Sustainable Drainage Systems: Flow Balancing
Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

Sustainable Drainage Systems: Advice & Further Information
Further information and advice on SuDS can be found in:

- CIRIA C687 – Planning for SuDS – Making it Happen
- CIRIA C697 – The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 – Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance

Multi-Functional SuDS

The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their cost effectiveness, regardless of the size of development site. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas.

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bioretention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bioretention tree pits.

Water Quality: Water Framework Directive

Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained. Current WFD ecological status of all assessed water bodies is available on the EA website.

Local government has a major role in delivering and achieving the objectives set out in the WFD and to help the natural and modified environment adapt to the impacts of climate change. One mechanism of doing so is through the planning and development process to ensure that new developments do not pose a threat to water quality. It is recommended that the developer has regard for the WFD in developing a detailed drainage strategy and that the local planning authority considers appropriate conditions to secure this, where applicable.

Pollution to Ordinary Watercourse

Even if the applicant is not intending to discharge or carry out any works to an ordinary watercourse(s), due to the proximity to Mearley Brook it is advised to contact the Lead Local Flood Authority using the contact details at the top of this letter to discuss your proposals to ensure that the development will not result in a negative impact of the water quality or ecology of the watercourse.

For example, pollution control measures may be required. Information on pollution control measures can be found in Pollution Prevention Guidance (PPG) which provides advice about how to prevent pollution and comply with environmental law when planning works near, in or over ponds, lakes, ditches, streams, rivers and other watercourses.

It gives information about planning the works, managing silt, concrete and cement, oils and chemicals, maintaining structures over watercourses, waste management and responding to pollution incidents.

Pollution prevention guidance can be found on the Environment Agency's website:

https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg

Land Drainage Consent

The proposals indicate that the applicant intends to discharge surface water into an 'Existing Watercourse'.

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses: http://evidence.environment-agency.gov.uk/FCERM/en/FluvialDesignGuide/Chapter8.aspx?pagenum=6

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here: http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

Potential presence of protected species in a watercourse

The Lead Local Flood Authority recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) on the proposed development site,

the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site.

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches on to it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive.

Yours faithfully,

Terence McCormick
Lead Local Flood Authority