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Date: 1 March 2017

Dear Sir/Madam

APPLICATION CONSULTATION RESPONSE

Application Number:	3/2016/1185
Location:	Former Clitheroe Hospital Chatburn Road Clitheroe BB7 4JX
Proposal:	Outline planning application with all matters reserved except access, for demolition of existing structures and construction of up to 50 dwellings (Class C3) with associated parking and landscaping.

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 (LLFA) Position

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the following conditions, in consultation with the LLFA:

Condition 1:

Reserved Matters to include an appropriate surface water drainage scheme:

As part of any reserved matters application and prior to the commencement of any

development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + an appropriate allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

1. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
2. To ensure that water quality is not detrimentally impacted by the development proposal.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure

that the proposed development can go ahead without posing an unacceptable flood risk on or off site.

Condition 2:

Surface Water Lifetime Management and Maintenance Plan: No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons:

- 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
- 2. To reduce the flood risk to the development as a result of inadequate maintenance
- 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

Informative 1 - Response does not grant permission to connect to the ordinary watercourse:

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council **before** starting any works on site. 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>

Site specific comments:

Flood vulnerability:

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

Sustainable Drainage Systems:

[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 practical, 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.

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 LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance 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.

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.

Land Drainage Consent:

The proposals indicate that the applicant intends to carry out works on or near to an ordinary 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.

Pollution Prevention and the Environment:

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 that 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.

As the applicant is intending to carry out works to an ordinary watercourse(s), it is advised that they contact the Lead Local Flood Authority early on in the process to discuss their proposals. This is to ensure that the development will not result in a

negative impact on 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 which provides advice on how to prevent pollution and comply with environmental law when planning works near, in or over ponds, lakes, ditches, streams, rivers and other watercourses.

Pollution Prevent Guidance also 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 via the following link:

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

Surface water discharge:

The [Planning Practice Guidance \(PPG\)](#) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- *into the ground (infiltration);*
- *to a surface water body;*
- *to a surface water sewer, highway drain, or another drainage system;*
- *to a combined sewer*

It is evident that the applicant intends to discharge surface water to an ordinary watercourse. Whilst other preferable runoff destinations should be considered first, namely into the ground (infiltration), it is noted from Section 4.7.1.1 of the Flood Risk Assessment (Ref: A094939, Dated: December 2016, By: WYG Engineering) that infiltration is unlikely to be feasible due to ground conditions. The Lead Local Flood Authority considers this to be acceptable in principle, subject to sufficient evidence of permeability testing for the site and subject to an appropriate point of discharge being identified. **Failure to provide evidence of this at Reserved Matters would likely result in an objection from the LLFA.**

Flood Risk Assessment:

An important part of the planning application process is consideration of flood risk as detailed under Footnote 20 of Paragraph 103 of the National Planning Policy

Framework (NPPF). This is facilitated through a site-specific flood risk assessment (FRA) which is required for this development proposal as the site area is larger than 1 hectare. The LLFA has reviewed the details provided within the FRA (Ref: A094939, Dated: December 2016, By: WYG Engineering)) and has the following comments to make:

- **Comment 1:** It should also be noted that any permeable paving used on driveways **must not** be included as part of the hydrological calculations. Occupants may change driveways to non-permeable materials in future which has the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where permeable paving is included in the hydrological calculations of a development proposal the local planning authority is advised to consider the removal of permitted development rights for permeable paving. **It is advised that the Local Planning Authority take note of this and if minded to approve, an appropriate informative is attached to the formal Decision Notice.**
- **Comment 2:** As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. A formal detailed surface water drainage strategy would therefore need to be submitted to and approved in writing by the local planning authority, prior to the commencement of any development. This is to ensure that the proposed development can be adequately drained without resulting in an increased flood risk on or off site. **Failure to adequately provide this information at Reserved Matters, would likely result in an objection from the LLFA.**
- **Comment 3:** Section 5.1.7 of the FRA indicates that exceedance flows due to the 1 in 100 year + 30% climate change are proposed to be stored in parking areas and above ground depressions. The LLFA would advise against the use of parking areas for exceedance flows as this could have the potential to impact on users during flood conditions. Instead, the LLFA would recommend for the attenuation storage volume to be sized to contain all events up to and including the 1 in 100 year return period + an appropriate allowance for climate change. The applicant is reminded that the surface water drainage strategy for the site must comply with Standards 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015. **Failure to sufficiently demonstrate this at Reserved Matters, would likely result in an objection from the LLFA.**

If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.

Should you wish for further information or clarification to the contents of this letter please contact the case officer on the number provided on this letter.

Yours faithfully,

Chris Dunderdale
Flood Risk Management

