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Date: 15 May 2017

APPLICATION CONSULTATION RESPONSE

Application Number:	3/2017/0317
Location:	Land south of Blackburn Road, Hothersall PR3 2YY
Grid Ref:	E 361763, N 437185
Proposal:	Outline planning application for employment floorspace (use classes B1, B2 and B8) and associated access, car parking, landscaping and services infrastructure with all matters reserved except for access

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.

Discharge to Existing Drainage System

It is evident from the FRA & Drainage Strategy T2267-FRA-01 Nov 2016 that the applicant intends to discharge surface water to a watercourse possibly via the existing pond on site.

Confirmation that an agreement is place to allow the surface water to be discharged to the watercourse near the southern boundary is required as the watercourse is outside the red line boundary.

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.

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.

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 Lead Local Flood Authority wishes to highlight that the FRA & Drainage Strategy states no geotechnical survey has been undertaken at this stage. It is therefore unknown whether infiltration techniques will prove feasible.

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 revised 2016.

The Lead Local Flood Authority 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.

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 Prevention to Ordinary Watercourse

Even if the applicant is not intending to discharge or carry out any works to the unnamed ordinary watercourse, they should contact the Lead Local Flood Authority on 0300-123-6780 or highways@lancashire.gov.uk to discuss the 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 the unnamed 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.

Unidentified Culverts

The FRA & Drainage Strategy considers utilising the existing pond as a surface water discharge point based on an assumption that the pond may outfall to the

unnamed watercourse near the southern boundary. This unidentified culvert which connects the pond to the watercourse has the potential to cause a flood risk as it is unidentified and unaccounted for in the drainage design and layout of development proposal.

It is therefore asked that the applicant identifies the current location of the unidentified culvert to ensure that it is appropriately accounted for and considered in the sustainable drainage design for the development proposal.

Permeable Paving Advice

Any permeable paving used on this development **must not** be included as part of the hydrological calculations. Occupants may change parking areas 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.

Should the local planning authority not remove the permitted development rights for permeable paving on privately owned land, the LLFA will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate.

It should be noted that permeable paving on the highway must be agreed with the Highway Authority (LCC Highways Developer Support Team) if the applicant intends to have the highway adopted following construction. Please contact the Highway Authority on: developeras@lancashire.gov.uk

Lead Local Flood Authority 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 Lead Local Flood Authority

Condition 1: Formal Detailed Surface Water Management Plan

No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances](#)'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;

- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. 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 refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme 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 drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

- 1. To ensure that the proposed development can be adequately drained.
- 2. To ensure that there is no flood risk on or off site resulting from the proposed development.
- 3. To ensure that the water quality is not detrimentally impacted by the development proposal.

Condition 2 : No Occupation of Development until Completion of SuDS

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

- 1. To ensure that the drainage for the proposed development can be adequately maintained.
- 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

Condition 3 : 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.

Condition 4 Construction [and Operation] of Pond/Attenuation Basin prior to main construction phase/occupation

All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason

1. To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate.
2. To prevent a flood risk during the construction of the development

Informative

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>

Yours faithfully,

Steven Warren

Lead Local Flood Authority