

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

**Our ref:** NO/2017/109982/01-L01  
**Your ref:** 3/2017/0433  
**Date:** 05 July 2017

Dear Sir/Madam

**APPLICATION FOR OUTLINE PLANNING PERMISSION FOR UP TO 25 NEW DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND BEHIND 115 KEMPLE VIEW, CLITHEROE INCLUDING ACCESS VIA HENTHORN ROAD LAND OFF HENTHORN ROAD CLITHEROE BB7 2QF**

Thank you for consulting us on the above application.

**Environment Agency position**

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

**Reasons**

The re-edge boundary of the application site lies partly within Flood Zone 3 which is defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

There is no reference to the proximity of the site to Pendleton Brook, which is a designated Main River watercourse. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of Pendleton Brook. The permanent retention of a continuous unobstructed area is an essential requirement for future flood risk maintenance and / or improvement works.

Environment Agency  
PO Box 519, Bamber Bridge, Preston, PR5 8GD.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
Cont/d..

The development of permanent structures, private gardens and garden fencing within our 8 metre easement will not be permitted. The illustrative scheme (drawing number 17/018/P01 'Indicative proposed site plan' dated 22/03/17) would not be acceptable and our consent would not be forthcoming for this layout.

### **Overcoming our objection**

Our objection may be overcome by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

The FRA should also consider how access to Pendleton Brook will be retained for future flood risk maintenance and / or improvement works. The extent of the Environment Agency easement through the site in relation to the top of the bank of Pendleton Brook should be defined.

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

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

Yours faithfully

**Ms Catherine Neild**  
**Planning Advisor - Sustainable Places**

Direct e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)

cc Hourigan Connolly