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**Date:** 25 June 2018

### APPLICATION CONSULTATION RESPONSE

<b>Application Number:</b>	3/2017/0653
<b>Location:</b>	Land at Chatburn Road Clitheroe BB7 2EQ
<b>Proposal:</b>	Erection of 28 dwellings with associated access, landscaping and open space.

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on additional information that has been provided by the applicant in support of the above development proposal. This includes a final surface water drainage scheme for the site; further evidence regarding the preferred method of surface water disposal; a surface water lifetime management and maintenance plan; and a construction phase surface water management plan for the development proposal.

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 at the time of this response.

#### **Lead Local Flood Authority Position:**

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the following recommended planning condition:

#### **Condition 1 – Development is in accordance with the submitted surface water drainage scheme and construction phase management plan:**

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (dated: February 2018, by: CTC Infrastructure Limited) and construction phase management plan (drawing no. 016/CMS/01 Rev B, dated: May 2017). The scheme shall be fully implemented prior to occupation and 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 in consultation with the lead local flood authority. The scheme shall thereafter be managed and maintained in accordance with the approved surface water management and maintenance plan (dated: June 2018, by: Redford Consulting Engineers Limited).

**Reasons:**

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To ensure that the construction phase of development does not pose an undue flood risk on site or elsewhere;
4. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.
5. To reduce the flood risk to the development as a result of inadequate maintenance

**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 via the following website: [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

**Site specific advice:**

**Land Drainage Consent:**

The proposals indicate that the applicant intends to carry out works on or near to an existing ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant would need consent from the LLFA for works of this nature as it has the potential to alter or impede the flow of water. Consent is required regardless of whether the watercourse is open or

culverted. Failure to obtain consent before starting works may result in enforcement action being taken.

The applicant should note that the LLFA will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Lancashire County Council's Consenting and Enforcement Policy and also the Environment Agency's guidance on protecting watercourses.

The applicant is advised to contact the Flood Risk Management Team at Lancashire County Council to discuss their proposals prior to applying for Land Drainage Consent. The applicant can contact the Flood Risk Management Team by the following email: [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk).

Further information regarding Land Drainage Consent can be found via the following webpage: [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

For the avoidance of doubt, it should not be assumed that land drainage consent will be granted once planning permission has been obtained.

### **Pollution Prevention and the Environment:**

The LLFA 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 LLFA 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>

**Material changes:**

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**  
Lead Local Flood Authority

