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Date: 12 February 2019

APPLICATION CONSULTATION RESPONSE

Application Number:	3/2018/0181
Location:	Land off Waddington Road, Clitheroe, BB7 2JD
Proposal:	Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 3/2014/0597 for up to 275 new dwellings and 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.

Lead Local Flood Authority Position:

The Lead Local Flood Authority has **no objection** to the proposed development, subject to the requirements of condition 9 of planning permission 3/2014/0597 being satisfied in full. The LLFA also recommends the inclusion of the following planning condition:

Condition 1 - Surface Water Lifetime Management and Maintenance Plan:

No development hereby permitted shall be occupied 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 – Ordinary Watercourse Land Drainage Consent:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant will need consent from the LLFA for any works that may have the potential to alter or impede the flow of an existing ordinary watercourse. 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. Retrospective consent cannot be issued.

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 any 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.

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

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.

Lead Local Flood Authority Advice:

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.

Highway matters:

Should the applicant intend to install any sustainable drainage systems or ordinary watercourses under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of these systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should it have the potential to impact the public highway network and/or public highway drainage infrastructure (existing or proposed).

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. Please send a copy of the decision notice to: suds@lancashire.gov.uk

Yours faithfully,

Chris Dunderdale
Lead Local Flood Authority