

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

Our ref: NO/2018/111326/01-L01
Your ref: 3/2018/1054
Date: 18 December 2018

Dear Sir/Madam

CHANGE OF USE OF AGRICULTURAL LAND TO EXERCISE/PLAY AREA FOR DOGS. ERECTION OF SECURE FENCING AND WOODEN SHELTER/REST AREA. CONSTRUCTION OF LIMESTONE/GRAVEL AREA FOR VEHICLE DROP-OFFS AND NON-DESIGNATED PARKING USING EXISTING GATES

LAND ON THE SOUTH SIDE OF RIDDING LANE (BROAD LANE), WHALLEY, ADJ SEWAGE WORKS

Thank you for consulting us on the above application, on 28 November 2018.

Environment Agency position

We have no objection to the application, but we wish to make the following comments:-

Flood risk

The application site is located within Flood Zone 3 and Flood Zone 2 on the Environment Agency Flood Map for Planning. In the planning practice guidance (PPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding and Flood Zone 2 a medium probability of flooding, and the proposal is for a change of use to 'water compatible' development.

In accordance with paragraph 163, footnote 50 of the NPPF, development (including change of use) proposed in Flood Zone 3 or 2 should be accompanied by a Flood Risk Assessment (FRA) appropriate to the nature and scale of the proposed development.

The application is not accompanied by an FRA which complies with the guidance in the PPG, but flood risk is considered in the submitted Environmental Screening report. Given the nature and scale of the proposals and that 'water compatible' development is considered appropriate in areas with a higher risk of flooding, we have no objection to the application.

Although a large proportion of the site is in Flood Zone 1 (low probability of flooding), the applicant needs to be aware that the site is within an area that is considered to be at a high risk of flooding, which flooded recently in December 2015. The applicant must be satisfied that they can manage the risk to their site and its users.

The site is surrounded by Flood Zone 3 and the only access may be cut off in a flood. This risk has not been considered. Whether or not this is acceptable is an emergency planning risk that others will need to decide.

We recommend that the applicant considers preparing a Flood Warning and Evacuation Plan (FWEP) to ensure that the appropriate course of action is taken in the event of flooding. The Environment Agency do not comment on or approve the adequacy of FWEPs or equivalent procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with most developments during an emergency will be limited to delivering flood warnings to occupants/users.

The River Calder adjacent to the site is designated a main river. The applicant is likely to require an environmental permit for any flood risk activities within 8 metres of the top of the riverbank. The applicant's attention should therefore be drawn to the advice provided below.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the top of the bank of the River Calder without an environmental permit.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The Environment Agency has a right of entry to the River Calder by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

The applicant can contact Colin Worswick at cmblnc-psy@environment-agency.gov.uk to discuss our access requirements and apply for an Environmental Permit.

The following guidance on the rights and responsibilities of riverside ownership is available on the GOV.UK website:

<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

Flood warnings – advice to applicant

Flood warnings are available in this area. Further information is on the GOV.UK website: <https://www.gov.uk/sign-up-for-flood-warnings>.

By getting an advanced warning it will allow protection measures to be implemented as well as evacuating people off site, however registration to receive flood warnings is not sufficient on its own to act as an evacuation plan.

Contaminated land

The site is located on top of the Whalley Sewage Works historic landfill. However, as the proposals do not involve intrusive groundworks we have no concerns in relation to impacts on controlled waters.

Yours faithfully

Mr Alex Hazel
Planning Advisor – Sustainable Places

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