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Date: 12 April 2019

Dear Sir/Madam

APPLICATION CONSULTATION RESPONSE

Application Number:	3/2018/1124
Location:	Oakhill School, Wiswell Lane, Whalley, BB7 9AF
Proposal:	Erection of eight two-storey, open-market dwellings with means of access, associated works and landscaping

Thank you for re-consulting the Lead Local Flood Authority (LLFA) on the above application. 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 (LLFA) Position:

The LLFA has **no objection** to the proposed development, subject to the inclusion of the following recommended planning condition:

Condition 1 (Final Surface Water Drainage Scheme):

No development shall commence until final 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, temporary surface water storage facilities, details of the methods employed to delay and control surface water discharged from the site, details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

- b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed the existing pre-development surface water runoff rates for corresponding rainfall events;
- c) A site layout plan showing flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Details of water quality controls, where applicable.
- f) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development.

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 the site resulting from the proposed development;
- 3. To ensure that water quality is not detrimentally impacted by the development proposal;
- 4. To ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development

Lead Local Flood Authority Advice:

Sustainable Drainage Systems:

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 practical, 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 LLFA 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 LLFA 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 (SuDS) 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, reed beds and seasonally flooded grasslands are also 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. 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.

The LLFA also strongly recommends for the developer to take into account designing drainage systems for exceedance and working with the natural topography of 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. Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option.

Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk. It should be noted that some SuDS features, for example rainwater harvesting and permeable paving used on driveways, must not be included as part of the hydrological calculations for the development proposal. This is because occupants may change or remove these features in the future - this could have the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system.

Where SuDS features such as rainwater harvesting and permeable paving are 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.

Surface water drainage scheme:

The LLFA understands that the surface water drainage scheme outlined on drawing 0015 Rev B (dated February 2019) is only a preliminary issue and may be subject to change following detailed design and investigation. The submitted plans cannot therefore be considered for approval at this time. The applicant will instead need to provide the final details once the detailed design and investigation work has been completed. The final plans will need to be submitted to and approved by the LPA prior to the commencement of any development, and must comply with the requirements of the National Planning Policy Framework and the non-statutory technical standards for sustainable drainage systems; March 2015. The LLFA is satisfied that the final drainage details can be secured through the inclusion of the above recommended planning condition.

Reason for pre-commencement condition:

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition(s).

The proposed pre-commencement condition allows for the principle of development to be granted and detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favourable to developers in terms of less delay and less financial outlay early in the process. Non acceptance of the pre-commencement condition could lead the LLFA to object to the principle of development until all residual risk issues are safely managed.

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 if they intend 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 per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the LLFA will generally refuse consent applications which seek to culvert existing ordinary watercourses. This is in line with Environment Agency guidance on protecting watercourses:

The applicant should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Further information on the application process and relevant forms can be found via the following link: <u>http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx</u>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given. Retrospective consent cannot be issued.

Highway matters:

Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they will need to separately discuss the use and suitability of those 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 they 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. 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

