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Date: 12 February 2019

Dear Sir/Madam

APPLICATION CONSULTATION RESPONSE

Application Number:	3/2019/0071
Location:	Land off Henthorn Road Clitheroe BB7 2QF
Proposal:	Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road. All matters reserved except for means of access. Resubmission of outline application 3/2018/0688.

Thank you for consulting the Lead Local Flood Authority (LLFA) 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 (LLFA) Position:

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

Condition 1:

Reserved Matters to include surface water drainage scheme to be agreed - As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the 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 scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
- d) A timetable for implementation, including phasing where applicable;
- e) Details of water quality controls, where applicable.
- f) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details and agreed timetable. 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 reduce the flood risk to the development as a result of inadequate maintenance.

Condition 2:

Development is in accordance with the submitted Flood Risk Assessment -

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels are set no lower than 150mm above external ground levels;*
- 2. Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;*
- 3. No below surface building (i.e. basements);*
- 4. Providing a 4m easement free from development along either side of the watercourse;*

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Reasons:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

Advice to the Local Planning Authority and applicant:

Sustainable Drainage Systems:

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk. Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. 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.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

Designation of Flood Risk Features

The LLFA notes from section 5.2 of the FRA that the applicant is considering constructing a bund feature along the right bank of the watercourse located in the north eastern corner of the site (referred to as drain 1). The purpose of the bund would be to prevent floodwater backing up and flooding into the site. As a LLFA, Lancashire County Council has the power to formally designate a structure or feature which it believes may have an effect on flood or coastal erosion risk. A designation acts as a form of legal protection for structures and features which have been identified as presenting a flood or coastal erosion risk. Schedule 1 of the FWMA, Paragraph 5(1) prohibits any person to: *'alter, remove or replace a designated structure or feature without the consent of the responsible authority.'* The LLFA will give further consideration to the proposed structure at Reserved Matters to determine whether formal designation would be required.

Land Drainage Consent:

The LLFA are the consenting body for works on Ordinary Watercourses. Under Section 23 of the Land Drainage Act 1991 (the "LDA") (as amended by paragraph 32 of Schedule 2 of the FWMA 2010) anyone who intends to carry out works which may obstruct or affect the flow of an ordinary watercourse needs written consent from Lancashire County Council.

It is important to note that Land Drainage Consent is a separate application process that lies outside the planning legislation. It should not be assumed therefore the grant of planning permission means that Land Drainage Consent will automatically be given. Parallel processing of Land Drainage Consent applications is advised, as any land drainage consenting issues could directly impact the suitability of the proposed site layout.

Land Drainage Consent applications can take up to eight weeks to process following receipt of all required information and payment (£50 per structure). Retrospective consent cannot be issued.

Surface water drainage:

Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will still need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant will therefore be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with the requirements of the Planning Practice Guidance, National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015. Suitable allowances should also be made for climate change and urban creep, and surface water should be managed as close to the surface as possible.

For the avoidance of any doubt, the LLFA is not able to assess or comment on the suitability of the proposed surface water runoff rates and volumes at this time. This is because the final rates and volumes are directly influenced by the amount of impermeable area within the proposed development site. Any agreement can therefore only be made once the final site layout has been agreed.

Highway Drainage / Highway Adoption:

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). 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 would need to separately discuss the use and suitability of those systems with the local highway authority.

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.

Yours faithfully,

Chris Dunderdale
Lead Local Flood Authority

