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**Date:** 7 February 2020

Dear Sir/Madam

### APPLICATION CONSULTATION RESPONSE

<b>Application Number:</b>	3/2019/0877
<b>Location:</b>	Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, BB7 2EQ
<b>Proposal:</b>	Erection of 39 dwellings with landscaping, associated works and access from adjacent development site.

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 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 inclusion of the following recommended planning conditions:

#### **Condition 1 (final surface water drainage scheme for each phase):**

No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period; plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the development does not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity.
- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space.
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Final details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The drainage 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; and
- 4) To ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

**Condition 2 (construction phase surface water management plan):**

No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

**Reasons:**

- 1) To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere;
- 2) 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.

**Lead Local Flood Authority advice:****Surface water drainage scheme:**

It is noted that the surface water drainage scheme outlined in the applicant's drainage strategy report (by: REFORD Consulting Engineers Limited, dated: September 2019) is only preliminary issue and may be subject to change following further detailed design and investigation. For that reason, the applicant will be expected to provide the final surface water drainage details once all of the detailed design and investigation work has been completed. The final details will need to be submitted to and approved in writing by the LPA prior to the commencement of the 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 scheme must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

Within the final surface water drainage scheme, the applicant will be expected to demonstrate that surface water from the non-drained areas of the site, i.e. gardens and open space, can be responsibly managed over the lifetime of the development. Surface water from those areas cannot be allowed to runoff onto areas that are to be positively drained, nor can it be allowed to runoff freely beyond the red edge boundary of the site. Doing so could overwhelm the surface water drainage network and it could also increase the risk of flooding on or off site.

### **Surface water runoff rates and volumes:**

In accordance with standards S2 and S4 of the non-statutory technical standards for sustainable drainage systems, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event. Where reasonably practicable, the runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should also never exceed the existing greenfield runoff volume for the same event. The applicant will be expected to fully comply with these requirements when finalising the surface water drainage scheme for the above development proposal.

The LLFAs preferred approach would be for surface water runoff to be restricted to  $Q_{bar}$  as that would remove the need for complex flow / volume controls within the surface water drainage network. If that cannot be achieved, then a staggered discharge rate would be acceptable in principle, subject to the total runoff volume for the 1 in 100 year, 6 hour rainfall event not exceeding the existing greenfield runoff volume for the same event. The applicant will be expected to provide evidence of this within their final surface water drainage proposals.

### **Sustainable Drainage Systems:**

The applicant is encouraged 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.

An appropriate allowance should be added to the design of the sustainable drainage system to allow for climate change and urban creep.

### **Land drainage consent:**

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.

### **Construction Phase including enabling works:**

It is critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

**Reason for pre-commencement conditions:**

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(s) 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.

**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 or culverts under or within close proximity to a public road network (existing or proposed), then they are advised to separately discuss the use and suitability of those systems with the local highway authority. The applicant is also advised 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 (either 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.

Yours faithfully,

**Chris Dunderdale**  
Lead Local Flood Authority

