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**Date:** 5 November 2020

Dear Sir/Madam

### APPLICATION CONSULTATION RESPONSE

<b>Application Number:</b>	3/2020/0544
<b>Location:</b>	Eaves Hall, Moor Lane, West Bradford, BB7 3JG
<b>Proposal:</b>	Construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall.

Thank you for re-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 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 (final detailed surface water drainage scheme):**

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 demonstrate that surface water runoff from the application site will not exceed 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 runoff will be managed within any non-drained areas of the site, i.e. verges, 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) Details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation 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 water quality is not detrimentally impacted by the development proposal; and
- 4) To ensure 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 details:**

The surface water drainage principles set out within the applicant's flood risk assessment and outline drainage strategy report (ref: FRA 20 1222, dated: April 2019) are only preliminary and subject to change following further detailed design and investigation. The applicant will therefore be expected to provide a final surface water drainage scheme once all detailed design and investigation work has been completed. The final strategy 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 strategy 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 conditions.

**Surface water runoff rates and volumes:**

The total runoff volume for the 1 in 100 year, 6 hour rainfall event should not exceed the existing greenfield runoff volume for the same event. If that is not achievable, then any additional runoff volume must be released at a rate no higher than 2l/s/ha. An alternative approach to this would be to release all surface water runoff from the development at a maximum rate of 2l/s/ha or  $Q_{bar}$ ; whichever is the higher value.

The applicant is reminded that the final allowable surface water runoff rates should be based on the positively drained area, rather than the total site area. This is to ensure that cumulative runoff from the development, i.e. pipe flow + direct runoff, does not exceed existing pre-development greenfield runoff rates for the corresponding event.

**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.

**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.

### **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: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx>

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.

**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.

**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.

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 (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

