

Contact: Please contact the Local Planning Authority

Date: 28th January 2022

Dear Local Planning Authority,

Thank you for re-consulting the Lead Local Flood Authority (LLFA) to comment on the below application.

PLANNING APPLICATION CONSULTATION RESPONSE

Application Number:	3/2020/0911
Location:	Shackleton Garden Centre, Clitheroe Road, Chatburn
Proposal:	Proposed extension and remodelling of home and garden centre, including additional indoor and outdoor retail space and increased café area and play area.

Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.

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. 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 conditions, in consultation with the Lead Local Flood Authority:

Conditions

Condition 1 – 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 principles set out within the submitted flood risk assessment (24th November 2021 / 10301 – Revision 3 / Reid Jones Partnership)

The measures shall be fully implemented prior to the first use of any building and in accordance with the timing 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.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 2 – Final Sustainable Drainage Strategy to be submitted

No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change) for the whole site, including all existing and proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels, to include all existing and proposed surface water drainage systems up to and including the final outfall.
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Where existing on-site surface water drainage systems are to be used, then evidence is required to confirm these systems are in a sufficient condition to accept additional surface water runoff generated from the development.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 3 – Construction and Demolition Phase Surface Water Management Plan

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

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during demolition and construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each demolition and construction phase(s) so it 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 demolition and construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

Condition 4 – Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework.

Informatives

1) Response does not grant permission to connect to the highway drainage network

This response does not grant the applicant permission to discharge to the highway drainage network, directly or indirectly.

Neither does this response cover the suitability of any highway drainage proposal.

The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Highway Authority to comment on.

Lancashire County Council Highway Authority does not allow private / non-highway water to be discharged into the adopted highway drainage system. This is set out in

paragraph 2.3.1.1 of the Code of Practice on Highway Status and Adoption.

2) Appropriate Legal Agreement

The proposed outfall may require a legal agreement with third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities.

3) Surcharged outfall

When modelling your surface water sustainable drainage network, please ensure you apply a surcharged outfall unless you can demonstrate that a free-flowing outfall can be achieved.

Reason for pre-commencement planning 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 full detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favorable 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.

LLFA Advice

The LLFA is satisfied with the principle of the development and make the following comments for the attention of the applicant and planners, in the preparation for the final drainage strategy.

The LLFA notes that the southern part of the site is to drain to a 25x25x0.8m deep attenuation crate, which will then connect to manhole 'EX MH' at the south west corner of the existing building (Project 10301 / Drawing 101 / Issue P3). It is not clear where this manhole then connects to and if it currently drains surface water from the southern part of the site. This will need to be addressed in the final drainage strategy, with evidence that confirms the receiving drain is sufficiently sized and is in sufficient condition to accept additional surface water runoff generated by the development.

The applicant must consider how surface water will be managed within any non-drained areas of the site, for example, grassed verges and areas of public open space. Infiltration has been discounted as a viable option for the disposal of surface water from the site, the applicant should therefore consider whether any runoff from the non-drained areas may contribute indirectly to the drainage system when saturated in heavy rainfall events. The drainage system must be designed to accommodate these indirect flows, to prevent the system from being overloaded and having the potential of causing flooding on or off site.

It is evident from the indicative drainage strategy that surface water is intended to be managed in underground pipes and attenuation crates. The LLFA strongly encourages the developer to reconsider their approach to surface water management by maximising the use of other SuDS components in the surface water sustainable drainage design.

Other SuDS components offer significant advantages over conventional piped drainage systems in reducing flood risk, absorbing diffuse pollutants and promoting groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available SuDS components 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.

What this response DOES NOT cover

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 or Additional Information to this Planning Application

If there are any material changes to the submitted information or additional information provided after this LLFA response to the local planning authority which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. Please be aware this will be classed as a re-consultation with a full 21 day response time.

Please send a copy of the decision notice to our mailbox.

Yours faithfully,

Harry McGaghey
Lead Local Flood Authority