

**Contact:** Please contact the Local Planning Authority

**Date:** 28<sup>th</sup> March 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

<b>Application Number:</b>	3/2020/0911
<b>Location:</b>	Shackleton Garden Centre, Clitheroe Road, Chatburn
<b>Proposal:</b>	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 further comments** to the proposed development subject to the inclusion of the conditions detailed in its response dated 28<sup>th</sup> January 2022.

The Lead Local Flood Authority is satisfied in principle that the proposed development can be drained and believes any residual concerns can be ratified through applying the recommended conditions specified in our response dated 28<sup>th</sup> January 2022.

If the Local Planning Authority, as the decision maker, has concerns outstanding which cannot be addressed through the recommended conditions then the Local Planning Authority should consider whether to request additional information, such as a feasibility study, upfront similar to the recommendation of the Lead Local Flood Authority in Condition 2, Section C.

For the avoidance of doubt 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).

### **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 National Planning Policy Framework 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 Lead Local Flood Authority 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 Lead Local Flood Authority requires an amount of certainty either by upfront detail or secured by way of appropriate planning conditions.

The proposed pre-commencement conditions 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 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 Lead Local Flood Authority to object to the principle of development until all residual risk issues are safely managed.

The Lead Local Flood Authority asks to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

### **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