Lancashire County Council

Phone: 0300 123 6780

Email: Please contact the Local Planning Authority

Date: 15 May 2021

Dear Local Planning Authority,

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

Application:	3/2021/0076
Location:	Queen Mary Terrace and Bridge Terrace Mitton Road Whalley BB7 9JS
Proposal:	Proposed demolition of 34 existing dwellings and the erection of 50 new dwellings with vehicular accesses, landscaping and other associated works.

Under the Flood and Water Management Act 2010, the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flooding or 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:

Condition 1 (Development 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 and outline surface water drainage strategy (ref: 200903-EDGE-XX-XX-RP-C-0001_FLOOD RISK ASSESSMENT[P01], by: EDGE Consulting Engineers, dated: 22 March 2021).

The measures shall be fully implemented prior to first occupation of any building and 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.

Condition 2 (Final Sustainable Drainage scheme to be submitted):

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

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

a) Final sustainable drainage plans, appropriately labelled to include:
   i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;
   ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
   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;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; and

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;

b) A full set of sustainable drainage 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 additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Reason:

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 3 (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. Those details shall include, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during 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 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 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 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 an 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 165 of the National Planning Policy Framework.

Lead Local Flood Authority Comments:

Surface water drainage scheme:

The surface water drainage proposals set out in the submitted flood risk assessment are only preliminary and subject to change following further detailed design and investigation. The applicant is therefore expected to provide a final sustainable drainage strategy for the development 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, the Planning Practice Guidance and the Defra Technical Standards for Sustainable Drainage Systems. The strategy should 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.

The applicant is advised to take note of the requirement with regard to climate change and urban creep and to ensure that this is appropriately accounted for within the final detailed sustainable drainage scheme.

It's noted that the applicant's preferred point of discharge is located beyond the red edge boundary of the site. The LPA should take note of this and satisfy itself that the applicant has sufficient right of access to the proposed outfall, either through direct ownership or legal agreement.

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.

Construction Phase including enabling works:

It's 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 conditions.

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.

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 will 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 to this Planning Application:

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.

Yours faithfully,

Chris Dunderdale
Flood Risk Management