

Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2021/113750/02-L01
Your ref: 3/2021/0731
Date: 05 October 2021

Dear Sir/Madam

**REDEVELOPMENT OF THE EXISTING EDUCATIONAL FACILITY INCLUDING PART DEMOLITION OF THE EXISTING INFANT SCHOOL TO PROVIDE A STANDALONE NURSERY FACILITY, TOGETHER WITH THE REMODELLING OF, AND EXTENSION TO, THE EXISTING JUNIOR SCHOOL, AND ERECTION OF A NEW INFANT BLOCK TO THE REAR OF THE BUILDING, ALONGSIDE ADDITIONAL CAR PARKING. SOFT AND HARD LANDSCAPING TREATMENT AND VEHICULAR ACCESS WORKS OFF GREENACRE STREET.
ST JAMES C OF E PRIMARY SCHOOL, GREENACRE STREET, CLITHEROE, BB7 1ED.**

Thank you for consulting us on the above application which we received 17 September 2021

Environment Agency position

We object to this application as it involves works within close proximity to Pendle Water and a flood defence. As submitted, it is unlikely that we would grant a flood risk activity permit for this application. In addition the submitted flood risk assessment (FRA) is inadequate.

Reason(s)

- The proposed development would restrict essential maintenance and emergency access to the watercourse and defences. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.
- The proposed development would obstruct flood flows, thereby increasing the risk of flooding nearby
- The proposed development may adversely affect the construction and stability of the flood defences which will compromise its function.
- The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA and plan which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Flood Risk - Detailed comments

The EA seeks to maintain an 8m development free area adjacent to the top of bank of main rivers and flood defences. This is to enable the EA to access watercourses and defences for maintenance and improvement works. Development includes fencing, benches, lamp posts etc. The information submitted does not clearly show the distance between the proposed development and the top of the bank of the watercourse and from the flood defences on both sides of the channel. Please submit a proposed site plan clearly showing 8m from top of bank and 8m from the flood defences on both sides of the watercourse. Dimensions must also be shown at pinch points.

The proposed new building and extensions on the east bank will be built in undefended Flood Zone 3. The FRA must assess the impact of the development on flood risk which, in accordance with Paragraph 159 of the NPPF, must not result in increasing flood risk beyond the boundary of the site.

The impact of the proposed development on the defences should be considered on the west bank of the main river.

Sequential test - advice to LPA

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

We wish to raise that looking at a site-scale the western side (right bank) of the site is at a lower risk of flooding due to the presence of defences. In line with Table 2: Flood risk vulnerability classification, the proposed school building is more vulnerable than outdoor sports and recreation facilities but is currently located in an area at greater risk of flooding. As a result, the proposed building could be steered to an area at lower risk of flooding on the site than the current arrangement.

Advice to applicant

The planning application was registered on 27th July, as such the new climate change allowances had come into effect when registered. More information can be found on <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. The climate change allowance used for this site should be 36% for the 2080s scenario or 29% for the 2050s scenario (the design life of the development has not been confirmed). We would however accept the assessment of 35% or 30% allowances, dependent on the lifetime of the development.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The [planning practice guidance](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Flood resistance and resilience - advice to LPA/applicant

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_f

[or property flood resilience .aspx](#)

Yours faithfully

Carole Woosey
Planning Advisor

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