

Contact: Please contact the Local Planning Authority

Date: 21 July 2022

Dear Local Planning Authority,

Thank you for inviting the Lead Local Flood Authority to comment on the below application.

PLANNING APPLICATION CONSULTATION RESPONSE

Application Number:	3/2022/0096
Proposal:	Demolition of former calf building, offices and retail units and construction of new building split into two units
Location:	Gisburn Auction Market, Gisburn, Lancashire

The Lead Local Flood Authority 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 whether any such recommendations are acted upon. The comments given have been composed based on the extent of the knowledge of the Lead Local Flood Authority and information provided with the application at the time of this response.

Lead Local Flood Authority Position

The Lead Local Flood Authority **maintains its objection** to the above application on the basis of:

Objection 1 – Inadequate Surface Water Sustainable Drainage Strategy

In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning

permission until further information has been submitted to the Local Planning Authority.

Reason

Paragraphs 167 and 169 of the National Planning Policy Framework require major developments to incorporate sustainable drainage systems that:

- take account of advice from the Lead Local Flood Authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

The submission of basic information on how surface water is intended to be managed is vital if the Local Planning Authority is to make informed planning decisions. In the absence of acceptable information regarding surface water sustainable drainage, the Lead Local Flood Authority cannot assess whether the development proposed meets the requirements of Paragraph 169 of the National Planning Policy Framework or the Planning Practice Guidance in principle. This is sufficient reason in itself for a refusal of planning permission.

In particular, the submitted surface water sustainable drainage strategy fails to:

1. **Provide appropriate minimum operation standards for peak flow control**, in line with the Defra Technical Standards for Sustainable Drainage Systems, therefore, is contrary to paragraph 169 of the National Planning Policy Framework.

Standards S2 and S3 of the Defra Technical Standards for Sustainable Drainage Systems require applicants to demonstrate that post-development peak flows of any proposed development do not exceed existing pre-development surface water runoff rates for the 100% (1 in 1-year) and 1% (1 in 100-year) annual exceedance probability rainfall event.

The submitted surface water sustainable drainage strategy fails to contain peak flows within these parameters as evidence has not been provided to demonstrate how the peak runoff rate from the development to the surface water sewer for the 100% (1 in 1-year) annual exceedance probability rainfall event and the 1% (1 in 100-year) annual exceedance probability rainfall event will not exceed the peak greenfield runoff rate for the same event.

Historically, minimum discharge rates have been limited to 5l/s due to the risk of blockage of outlets with an orifice size of smaller than 50mm. However, using appropriate drainage and sufficient upstream treatment orifice sizes can be made larger with discharge rates being limited far below 5l/s without causing an unacceptable risk of blockage. Features such as permeable paving, trash screens, catchpit manholes and vortex flow control devices are example of SuDS components that are proficient in reducing the risk of blockages. As the DCG allows adoption down to a 50mm orifice, it is now generally felt that 2 l/s (which can be achieved with a vortex control regulator), is now an appropriate target for

the minimum flow rate. This should lead to appropriate selection of SuDS design which minimises the amount of solids (debris and sediment) in the flow. If all surface water first goes through features like permeable/porous paving then the majority of pollution and debris will be prevented from reaching the outfall, therefore discharge rates will be able to be lower than 5l/s.

Therefore, the proposals are contrary to Standard S2 of the Defra Technical Standards for Sustainable Drainage Systems. This is sufficient reason in itself for a refusal of planning permission.

2. **Provide evidence to demonstrate why pumping is required** to drain the development site in line with Standard S12 of the Defra Technical Standards for Sustainable Drainage Systems.

Standard S12 of the Defra Technical Standards for Sustainable Drainage Systems requires that pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. The applicant has not provided robust evidence as to why pumping is required to drain the development site, nor provided evidence as to why the proposed drainage system cannot be drained by gravity. This is sufficient reason in itself for a refusal of planning permission.

Overcoming our Objection

You can overcome our objection by submitting information that covers the deficiencies highlighted above and demonstrates how surface water will be managed on-site, to satisfy Paragraphs 167 and 169 of the National Planning Policy Framework, the Planning Practice Guidance, and the Defra Technical Standards for Sustainable Drainage Systems. If this cannot be achieved we are likely to maintain our objection to the application. Production of this information will not in itself result in the removal of an objection.

The Lead Local Flood Authority asks to be re-consulted with the results of the amended site-specific flood risk assessment and/or amended sustainable drainage strategy and/or SuDS Pro-forma. We will provide you with further comments within 21 days of receiving formal re-consultation. Re-consultations should be sent to our identified mailbox.

Our objection will be maintained until the amended documents, as outlined above, have been received. Production of the amended documents will not in itself result in the removal of an objection.

If the applicant wishes to discuss our objection with the Lead Local Flood Authority, they can do so through our surface water planning advice service. This service is offered to prevent any issues that could potentially affect your application and provide relevant up to date advice regarding surface water flood risk and sustainable drainage.

More information on our surface water planning advice service is available at: <https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/>

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 Lead Local Flood Authority via our identified mailbox.

If you decide to approve contrary to our advice

If the Local Planning Authority grants planning permission for this development contrary to our advice, then we will be unable to assist with the discharge of any planning conditions, including surface water or flood risk conditions that we have not recommended.

The Local Planning Authority should be aware that any development built after 1 January 2012 is not eligible for Grant-in-Aid funding from central government to study or alleviate flood issues. This is set out in section 9.3 of the [Memorandum relating to capital grants for local authorities and internal drainage boards in England](#).

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

Yours faithfully,

Harry McGaghey

Lead Local Flood Authority