Contact: Please contact the Local Planning Authority

Date: 15 March 2023

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:	3/2022/1158
Proposal:	Erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre
Location:	Land South of Accrington Road Whalley

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 has **no objection** to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

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 site-specific flood risk assessment (December 2022 / OAKMERE-JBAU-XX-XX-RP-0002-S3-P06-AccringtonRdFRA / JBA Consulting).

The measures shall be fully implemented prior to occupation of the development 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.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policy EN3 and Policy DME6 of the adopted Core Strategy 2008 - 2028, Ribble Valley Local Plan.

Condition 2 – Final Surface Water 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted (6th December 2022 / CN21315 / M & P Gadsden Consulting Engineers Ltd) 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 15.3l/s

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

    i. 100% (1 in 1-year) annual exceedance probability event;
    ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
    iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep and a 35% allowance for the remaining greenfield areas.

    Calculations must be provided 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. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and 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. Drainage plan showing 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 and connecting cover levels to confirm minimum 150 mm+ 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, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence to demonstrate how post development ground levels do not contribute to new surface water flood flow routes from higher ground to adjacent lower ground, both on and off site.

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 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policy EN3 and Policy DME6 of the adopted Core Strategy 2008 - 2028, Ribble Valley Local Plan.

Condition 3 – Construction Surface Water Management Plan

No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons

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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

Condition 4 – Sustainable Drainage System Operation and Maintenance Manual

The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;
b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason

To ensure that surface water 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 sustainable drainage system is

subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

Condition 5 – Verification Report of Constructed Sustainable Drainage System

The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason

To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

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 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 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.

Informative

Informative 01 – Connection to Main River

The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at: https://www.gov.uk/topic/environmental-management/environmental-permits

Informative 02 – Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- **Consent must be obtained before starting any works on site. It cannot be issued retrospectively.**
- **Sites may be inspected prior to the issuing of consent.**
- **Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.**
- **Applications to culvert an existing open ordinary watercourse will generally be refused.**
- **Enforcement action may be taken against unconsented work.**

For the avoidance of doubt, once planning permission has been obtained it **does not** mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/

Lead Local Flood Authority - Site-Specific Advice

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:

The Lead Local Flood Authority makes note to the Local Planning Authority that the appropriateness of the site and the findings of the Flood Risk Assessment in terms of proposed fluvial flood risk is fundamentally linked to the Environment Agency Flood Scheme in this area being implemented.

At the final detailed drainage design the applicant is expected to demonstrate how the contributing area has been calculated as well as the methodology used for including an additional allowance of 35% for greenfield areas.

As reference in Section (e) of Condition 2, the applicant is expected to demonstrate how as a result of the raising of ground levels, the conveyance of surface water flow paths will be taken into consideration post development, so to as not cause a flood risk both on and off site. Specifically, the Lead Local Flood Authority refers to the area of surface water flood risk in the western boundary of the development, around properties 67 to 72, the raising of the ground levels will mitigate this area as a surface water flood risk area due to a localised point, this has the potential to alter the flow of surface water in this area in a southernly direction away from these properties or towards the existing properties along the western boundary. In addition to this the area in the northern east behind the proposed apartment building, should also be taken into consideration due to the steep gradient and topography of this area and Accrington Road, to ensure a surface water flow path is not created and pose a risk to people and property in this area of the site. The Lead Local Flood Authority expects the applicant to provide appropriate mitigation through the use of a SuDS component, for example a filter drain for these areas of risk.

The applicant should take into consideration the flood water exceedance routes of the community carpark within the final detailed drainage design.

The Lead Local Flood Authority require a volumetric runoff coefficient of 1 to be applied when modelling impermeable areas. An appropriate contribution from permeable areas must also be considered and justified by the applicant. The current contributing areas suggest the applicant expects only impermeable areas will contribute to the drainage system, excluding the remaining permeable areas of the site. While these areas, such as gardens, roadside verges and areas of public open space, may not be positively drained, they may contribute indirectly to the drainage system. The applicant is reminded that, as per The SuDS Manual (C753) and the North West SuDS Pro-Forma, all areas of the site that contribute to the drainage system should be considered as contributing areas, hence included within the SuDS modelling. Areas may be removed if they discharge directly to a receiving waterbody or another catchment, and do not contribute to the drainage system. As such, the applicant will be expected to design their SuDS with an appropriate estimation of the drained site area (including areas that contribute indirectly), with evidence of this area provided through an appropriate contributing areas plan, or otherwise demonstrate how surface water runoff from non-drained areas will be managed without contributing to the drainage system. This is to ensure the surface water drainage system is sufficiently sized to accommodate all surface water runoff generated on the site, including runoff from any non-drained areas that have the potential to contribute either directly or indirectly to the proposed surface water drainage system.

The applicant has included attenuation basins within their sustainable drainage layout. Detailed designs of these must be submitted as part of the final detailed drainage strategy. Historic records of groundwater levels, or ground investigations, should be checked to ensure that during periods of high groundwater, the storage capacity of the basins is retained and that hydraulic connectivity between the surface water runoff and groundwater is acceptable from a water quality perspective. If a liner is used, there is a risk that the liner may 'float' during periods of high groundwater levels. A seasonally high groundwater table may not always impede the proper functioning of the facility, but it can result in a muddy base that may be considered unattractive if not developed into a permeant water feature.

The applicant and the Local Planning Authority should make note of any SuDS components, manholes, drains etc which are present within the private ownership of properties as these systems are integral to the drainage of the development, therefore require management and maintenance access or a responsibility on behalf of the property owner to manage and maintain a filter drain for example, and therefore should be included within the deeds of the property.

If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.

Lead Local Flood Authority – General Advice

The Lead Local Flood Authority's general advice is provided through the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro-forma.

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 relevant highway authority.

The applicant is encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the relevant 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 Lead Local Flood Authority response to the Local Planning Authority which impact surface water, the Local Planning Authority is advised to re-consult the Lead Local Flood Authority. Please be aware this will be classed as a re-consultation with a full 21-day response time. Re-consultations should be sent to our identified mailbox.

Please note that should the Local Planning Authority make a decision on this application contrary to our advice, then we will be unable to support this application in an appeal or at any future discharge of conditions stage relating to conditions that the Lead Local Flood Authority have not recommended.

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

Yours faithfully,

Harry McGaghey

Lead Local Flood Authority