

Contact: Please contact the Local Planning Authority

Date: 10 July 2024

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:	3/2024/0196
Proposal:	Approval of details reserved by Conditions 9 (surface water sustainable drainage scheme) and 17 (boundary treatment) of planning permission 3/2019/1104.
Location:	Land off Hawthorne Farm Hawthorne Place Clitheroe BB7 2HU

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, 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 is able to **recommend the discharge of condition 9** on planning decision 3/2019/1104.

Lead Local Flood Authority - Site-Specific Advice

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

The Lead Local Flood Authority recommends the Local Planning Authority to secure updated information within any management and maintenance arrangements that reflects

Lancashire County Council

PO Box 100, County Hall, Preston, PR1 0LD



the two proposed new filter drains, in order to outline how these will be managed and maintained in perpetuity, especially given the location of the drain along the eastern boundary being in rear gardens of properties.

Informative 01 – Ordinary Watercourse Consent

Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from Lancashire County Council, as Lead Local Flood Authority, prior to undertaking certain works on ordinary watercourses. This includes permanent and/or temporary works and may also include repairs to certain existing structures and maintenance works. Consent is required irrespective of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission.

- **In line with Lancashire County Council's Ordinary Watercourse Regulation Policy OWC2, applicants should avoid crossing, diverting and/or culverting an ordinary watercourse.**
- **Written consent must be obtained before starting works on site. There is no legal means for Lancashire County Council to issue retrospective consent.**
- **Consent applications take up to 2 months to process from the date on which the application is valid and payment of the correct fee has been received in full.**
- **Consent applications may be refused if there is insufficient evidence to demonstrate compliance with Lancashire County Council's Ordinary Watercourse Policies OWC1, OWC2, OWC3, OWC4 and OWC5.**
- **It is an offence to carry out works under Section 23 of the Land Drainage Act 1991 (as amended) without the appropriate consent. Unconsented works may be subject to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended).**
- **If the works include adoption of a new asset, such as a road or sewer, then applications for adoption may be refused by the adopting body without the appropriate consent for works to the ordinary watercourse.**
- **Sites may be inspected before, during and after the issuing of consent.**

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.

Lancashire County Council's ordinary watercourse regulation policies, guidance, application validation checklist and pro-forma can be found at:

<https://www.lancashire.gov.uk/flooding/ordinary-watercourse-regulation/>

For the avoidance of doubt a new Ordinary Watercourse Regulation policy was implemented on the 1st March 2024, which can be accessed by the above link.

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

