



Land Drainage Consent

Land Drainage Act 1991

Persimmon Homes, Persimmon House, Lancaster Business Park, Caton Road, Lancaster,
LA1 4RQ

**WORKS TO DIVERT AN EXISTING CULVERTED WATERCOURSE IN LAND TO THE NORTH OF
HAWTHORNE PLACE, CLITHEROE, BB7 2HU**

Consent Number: CR217853

Date Issued: 18 January 2021

Introduction

This Note does not form part of the Certificate of Authorisation.

Lancashire County Council Land Drainage Consents are required by virtue of the Land Drainage Act 1991. The following activities on an Ordinary (non-main) Watercourse require consent:

Under Section 23 of the Land Drainage Act 1991:

- The erection or alteration of any mill dam, weir or other like obstruction to the flow of any watercourse.
- The erection or alteration of any culvert that would be likely to affect the flow of any watercourse.

Note: Consent under the above legislation is required irrespective of whether the works are permanent or temporary.

Contraventions

In relation to Ordinary Watercourses, Lancashire County Council can under Section 24 of the Land Drainage Act 1991, serve a legal notice requiring the person to abate the nuisance within a specified time. Failure to abide by such a notice can result in Lancashire County Council carrying out the necessary remedial work and seeking to recover costs.

Land Drainage Act 1991

Land Drainage Consent

Control of works affecting watercourses and/or flood defences

Consent number: CR217853

To: Persimmon Homes, Persimmon House, Lancaster Business Park, Caton Road, Lancaster, LA1 4RQ

Lancashire County Council, in exercise of its powers under Section 23 of the Land Drainage Act 1991 and subject to the conditions attached, hereby grants its consent in relation to the works or operations described in this Consent.

Watercourse: Unnamed watercourse

Location: Land to the north of Hawthorne Place, Clitheroe, BB7 2HU

Map reference: E374432:N442550

Permanent works: Works to divert an existing 600x600mm stone box culvert in the land to north of Hawthorne Place, Clitheroe, BB7 2HU. The existing culvert will be replaced with a new 750mm diameter concrete pipe, with new manhole chambers installed at each change in direction and construction. The diversion will include a surface water connection at structure SW11 to facilitate the discharge of surface water from a new residential development site. Surface water flows will be controlled by a hydrobrake flow control, restricting pass through flows from the development to a maximum rate of 11.7l/s. The total length of the diversion will measure 112.770m in length.

Temporary works: Creation of a temporary dry working area between structures SW17 and SW14 to avoid any unwanted effects on the watercourse. The temporary dry working area will be created using a sandbag dam within the culvert immediately upstream of structure SW17. Existing flows within the culvert will then be over-pumped around the dry working area throughout the duration of the construction works.

As detailed on plans, sections and documents:

- Location plan (drawing 19310-EDGE-XX-XX-DR-C-C2006 Rev P05);
- Existing culvert catchment plan (drawing 19310-EDGE-XX-XX-DR-C-C3314 Rev P01);
- Existing culvert details (drawing 19310-EDGE-XX-XX-DR-C-C2016 Rev P01);
- Existing culvert sections (drawing 19310-EDGE-XX-XX-DR-C-C3106 Rev P01);
- Proposed drainage layout plan (drawing 19310-EDGE-XX-XX-DR-C-C2001 Rev P08);
- Proposed culvert details (drawing 19310-EDGE-XX-XX-DR-C-C2017 Rev P03);

- Proposed culvert sections (drawing 19310-EDGE-XX-XX-DR-C-C3107 Rev P03);
- Proposed culvert manhole details (drawing 19310-EDGE-XX-XX-DR-C-C2114 Rev P01);
- Proposed long sections (drawing 19310-EDGE-XX-XX-DR-C-C3101 Rev P07);
- Method statement (by Persimmon, dated 18 September 2020);
- Temporary flow management plan (drawing 19310-EDGE-XX-XX-DR-C-C3315 Rev P01);
- Hydraulic calculations (Microdrainage report dated 10 Nov 2020);
- Hydraulic calculations (HR Wallingford UKSuDS report dated 10 Nov 2020).

Lancashire County Council does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

This Consent shall come into effect on 18 January 2021

Prepared by

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Approved by

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Signed on behalf of Lancashire County Council

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Rachel Crompton, Flood Risk Manager, Lancashire County Council

Date of signing

18 January 2021

Conditions – General

1. The applicant is required to notify Lancashire County Council no less than seven days before commencement of the works.
2. It is the responsibility of the applicant to ensure he obtains the consent/permission of any owners and occupiers affected by the works.
3. The Consent does not confer any rights of entry or rights over property.
4. The Consent does not remove from the applicant the necessity to obtain other licences, consents, approvals or permissions (including planning permission) which may be required in law in order to comply with any duties or responsibilities for conservation or protection of the environment.
5. Works should be arranged to ensure there is no increase in flood risk to third parties. All reasonable precautions should be taken during the undertaking of the works so as not to obstruct, impede or interfere with the flow of water in, into or out of the watercourse and not to damage the banks or bed or any drainage works.
6. All reasonable care should be taken to ensure that the watercourse is kept free of foreign matter and floating debris during the construction period and on completion. Netting and other arrangements must be used to ensure that debris does not fall into the watercourse.
7. Works must be undertaken fully in accordance with PPG5, the pollution prevention guidelines on works or maintenance in or near water. These guidelines are important and comprehensive and should be studied carefully by those contemplating works. A copy of PPG 5 can be downloaded from the Environment Agency web site at <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
8. Should any pollution problems occur on site the Environment Agency must be informed immediately on 0800 807060 and Lancashire County Council informed.
9. If over pumping is used a suitable screen/strainer should be used to prevent fish and other material being drawn in. Over pumping should be undertaken only in a manner that minimises bed disturbance, avoids movement of silt and minimises scour.
10. Wet concrete must not be released into the watercourse.
11. Material used for backfilling must be inert and not contain any material that could potentially leach out into the watercourse.
12. Any landscaping of banks must be restricted to native species only.
13. Invasive species such as Japanese Knotweed, if encountered, must be managed and controlled on site.
14. On completion of the works all debris and surplus material shall be removed from the banks of the watercourse. The bed and banks of the watercourse which have been disturbed by the works shall be reinstated to the satisfaction of Lancashire County Council.

15. On completion of the works the applicant shall inform Lancashire County Council in writing.

16. As built drawings of the work must be provided to Lancashire County Council within 3 months of completion.

Conditions – Timing

The works referred to in this Consent shall be commenced within one year of the date of issue; otherwise a further application for Consent must be made.

Conditions Temporary Works

Upon completion of the works, all materials relating to the temporary works must be removed so that the watercourse is able to convey the proper flow of water.

Informative – Ecological assessment

You are advised to undertake an ecological assessment to identify if any mitigation is required to ensure the protection of protected flora or fauna or habitat. Please see details below:

Data search / desk study:

It is advisable to undertake an ecological data search/desk study to consider the need for an ecological assessment and the need for mitigation/compensation measures. However, a data search would not replace the need for a field based assessment. It should not be concluded that an absence of data indicates that there are no ecological issues on a proposed development site.

It is recommended that records be sought from the Lancashire Environmental Records Network among other data sources, for example:

- Lancashire Environmental Records Network
<http://www.lancspartners.org/lern/>
- NBN Gateway
<http://data.nbn.org.uk/>
- Magic/Nature on the Map
<http://www.natureonthemap.naturalengland.org.uk/>
- Natural England
http://www.gis.naturalengland.org.uk/pubs/gis/GIS_register.asp
- RSPB
<http://www.rspb.org.uk/ourwork/gis/datarequests.aspx>

- CEH
<http://192.171.153.213/data/index.html#UKBMS>
- JNCC marine
<http://jncc.defra.gov.uk/page-3936>
- British Geological Survey
<http://www.bgs.ac.uk/OpenGeoscience/>
- Geolancashire
<http://www.lancashirerigs.org.uk/>
- Local bat groups, badger groups, amphibian and reptile groups, bird clubs etc.
For example:
http://www.bats.org.uk/pages/find_your_local_bat_group.html#NorthWest
<http://www.argsl.org.uk/> (amphibians and reptiles, south Lancs.)
<http://groups.arguk.org/ARGNL/> (amphibians and reptiles north Lancs.)
<http://www.lancashirebadgergroup.org.uk/>
<http://www.lancsandmancsmammals.org.uk/>
<http://www.lancashire-butterflies.org.uk/>

Ecological survey:

The need for an ecological survey may be highlighted in a number of ways, for example:

- From the results of a data search.
- From the results of a site appraisal undertaken by or on behalf of an applicant.

In order to ensure compliance with relevant legislation, policy and guidance, it is likely that any necessary ecological assessment will need to be undertaken by the applicant. The ALGE validation checklist (Association of Local Government Ecologists (ALGE) Publications: <http://www.alge.org.uk/publications/index.php>) and Natural England standing advice (Natural England Standing Advice for Protected Species. <http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/default.aspx>) gives an indication of some of the circumstances under which an ecological assessment is likely to be required.

Selecting a consultant:

An ecological assessment should be undertaken by an appropriately qualified and experienced person who holds any necessary survey licences for protected species.

Lists of appropriate ecological consultants may be available from appropriate professional institutes, for example, The Chartered Institute of Ecology and Environmental Management:
<http://www.cieem.net/members-directory>

Undertaking an ecological assessment:

Guidelines for Ecological Impact Assessment may be available from appropriate organisations and professional institutes. For example:

- The Chartered Institute of Ecology and Environmental Management:
<http://www.cieem.net/technical-guidance-series-tgs->
- The Institute of Environmental Management and assessment
<http://www.iema.net/>
- BSI Biodiversity – Code of practice for planning and development (impending)
<http://shop.bsigroup.com/>
- Association of Local Government Ecologists (ALGE) Biodiversity planning toolkit:
<http://www.biodiversityplanningtoolkit.com/default.asp>
- Natural England's Technical Information Notes and advisory leaflets:
<http://publications.naturalengland.org.uk/category/9001>

An ecological assessment may typically begin with a phase 1 habitat survey:
http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf