

Contact: Please contact the Local
Planning Authority

Date: 02 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:	3/2024/0418
Proposal:	Proposed erection of three polytunnels and two water storage tanks for horticultural use.
Location:	Newlands Nursery Sawley Road Chatburn BB7 4LD

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 Surface Water Sustainable Drainage Strategy

The development permitted by this planning permission shall be carried out in accordance with the principles set out within surface water sustainable drainage strategy (June 2024 / 24337-SWDS-001 Rev A / DART Engineers Ltd).

Lancashire County Council

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



The measures shall be fully implemented prior to the first use 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.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Informatives

Informative 01 – Ordinary Watercourse Consent

Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, you need consent from the Lead Local Flood Authority if you want to carry out certain works within the banks of any ordinary watercourse. This includes any permanent and/or temporary works, regardless of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission.

- ***Consent must be obtained before starting any works on site. It cannot be issued retrospectively.***
- ***Sites may be inspected before, during and after the issuing of consent.***
- ***Unconsented works within the highway or sustainable drainage system may prevent the adoption of highway and sewer assets.***
- ***Applicants should avoid crossing, diverting and/or culverting an ordinary watercourse.***
- ***It is an offence to carry out works under Section 23 of the Land Drainage Act 1991 (as amended) without the appropriate 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.*

The county councils ordinary watercourse regulation policies, guidance, application validation checklist and pro-forma can be found at:

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

Informative 02 – Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.



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

