Contact: Please contact the Local Planning Authority

Date: 26 September 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:	3/2024/0771
Proposal:	Outline planning application for up to 9,290sqm of employment development. (Use Class B2 - General Industrial and/or Use Class B8 - Storage and Distribution with access applied for off A59 Longsight Road (all other matters reserved).
Location:	Land at Causeway Farm Longsight Road Osbaldeston BB2 7HZ

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 – 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 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.

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

    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 deliver 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 infiltration rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

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 Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 2 – 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 173 of the National Planning Policy Framework.

Condition 3 – Sustainable Drainage System Operation and Maintenance Manual

The commencement of use 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 175 of the National Planning Policy Framework.

Condition 4 – Verification Report of Constructed Sustainable Drainage System

The commencement of use 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 173 and 175 of the National Planning Policy Framework.

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, 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/

Lead Local Flood Authority - Site-Specific Advice

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

The applicant is expected to apply a consistent approach to the contributing area and therefore the proposed post development discharge rate and required volumes. The submitted drainage strategy sizes the SuDS based only on the impermeable area of the site (approximately 2.1ha), excluding the remaining permeable areas of the site, but

calculates the discharge rate (approximately 34l/s) based on the full approximately 4.1ha site area.

The applicant has stated that infiltration is not possible on the proposed development and, therefore, 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 during extreme events.

The applicant must design their SuDS with an appropriate estimation of the area contributing to the drainage system, both permeable and impermeable, 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 and without increasing flood risk on or off-site.

The current failure to do so means the SuDS is likely undersized and, therefore, may contribute to increased flood risk on or off-site, contrary to the National Planning Policy Framework.

The applicant is expected to apply the climate change allowances as outlined in the wording of the condition for the 2070's epoch.

The applicant is expected to include evidence of an urban creep allowance to account for any changes of permeable areas to impermeable areas overtime unless the Local Planning Authority are minded to remove permitted development rights.

The Lead Local Flood Authority expects a volumetric runoff coefficient of 1 to be applied when modelling impermeable areas. An appropriate coefficient for permeable areas should be selected and justified by applicants based on factors including the site geology and soil type, site gradient, event size and antecedent conditions. For impermeable sites, for example, with clay geology, a coefficient of 1 could be applied to the permeable areas owing to the potential for these areas to contribute to the SuDS during extreme events. If using different parameters from those detailed, all applicants will be expected to provide robust evidence to justify their choices.

Sustainable drainage systems are defined by paragraph 055 of the Planning Practice Guidance as systems that "are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change. They provide benefits for water quantity, water quality, biodiversity and amenity."

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