

Mr Stephen Kilmartin  
Ribble Valley Borough Council  
Development Control  
Council Offices Church Walk  
Clitheroe  
Lancashire  
BB7 2RA

**Our ref:** NO/2025/116706/01-L01  
**Your ref:** 3/2025/0147

**Date:** 17 April 2025

Dear Mr Kilmartin

**PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SIX 2-BED AND ONE THREE-BED APARTMENT BUILDING TOGETHER WITH A TWO STOREY BUSINESS CENTRE AND ASSOCIATED PARKING AND BIN STORE. PEEL STREET BUSINESS ESTATE, PEEL STREET, CLITHEROE, BB7 1RA**

Thank you for consulting us on the above application which we received 01 April 2025.

**Environment Agency Position**

The application is accompanied by a Flood Risk Assessment (FRA) entitled 'Flood Risk Assessment and Drainage Strategy' (Document Ref: 24.1528, Date: August 2024) prepared by REFORD Consulting Engineers Limited.

We have reviewed the FRA in so far as it relates to our remit and have found that it does not comply with the requirements for a site-specific flood risk assessment.

In addition, to the above issues with the FRA, there are no plans submitted with the application that accurately indicate the proximity of the buildings and proposed car parking to the top of the bank of Mearley Brook, which is a designated Main River. As submitted, it is unclear whether we would grant a Flood Risk Activity Permit for the development. Therefore, in the absence of dimensioned plans and an acceptable Flood Risk Assessment (FRA), we object to the development as proposed and recommend that planning permission is refused.

**Reason(s):**

- The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:
  - Demonstrate that finished floor levels will be set a minimum of 600mm above whichever is highest:
    - estimated river or sea flood level (plus appropriate climate change allowance)
    - average ground level of the site
    - adjacent road level to the building

You may be able to reduce this to 300mm if there is a high level of certainty about your

Environment Agency  
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

estimated flood level. If there is a particularly high level of uncertainty it may need to be increased.

- Different climate change allowances have been used to assess future flood risk than those advised in '[Flood risk assessments: climate change allowances](#)', without adequate justification.

Finished Floor Levels (FFL's) have currently been proposed in relation to the 1% Annual Exceedance Probability fluvial event, plus a 35% climate change allowance, from the Mearley Brook 2018 Environment Agency hydraulic model. The correct peak river flow climate change allowance to use for this development is the 2080s central Ribble management catchment allowance of 36%. Using a lower climate change allowance than advised in the guidance referred to above increases uncertainty to some extent – this increases the need to raise FFL's towards 600mm above design flood level/average ground level/adjacent road level.

The FRA states:

“Only the office building that is to lie within the south of the site lies within the area of the site where the ground levels are below 74.64m AOD. The residential building planned for the northern part of the site lies above 74.64m AOD and will not be affected by the 1% plus 35% event.”

The Environment Agency's Mearley Brook 2018 hydraulic model shows that the flood outline for the defended 1% Annual Exceedance Probability event (plus 35% climate change) does affect the northern residential “Building 1” – at least at its western/southern reaches. This implies that current ground levels at the land surrounding the northern building may be lower than 74.64m AOD - given that the incorrect peak river flow climate change allowance has been relied upon, design flood levels may be higher than this level.

**Reason(s):**

- Under the Environmental Permitting Regulations 2016, an Environmental Permit may be required for any flood risk activities within 8 metres of Mearley Brook, which is designated as Main River. The proposals include the construction of built development, and potentially tree planting, in close proximity to the main river.

It is unclear whether we would grant a flood risk activity permit due to the limiting of Environment Agency access for annual maintenance which is currently undertaken on this watercourse. We usually require that an 8-metre-wide area of land is left unobstructed between the top of bank and the development to ensure that Environment Agency access is not interfered with, flood flows are not obstructed, and the stability of the bank is not compromised. Consequently, based on the information available it is unclear whether the development can proceed in its present format.

**Overcoming our objection:**

To overcome our objection, the applicant should submit:

- Plan and sectional drawings which clearly states the distance from the top of the riverbank to the development at its closest point, based on topographical survey data, including any boundary fencing or walls. They should demonstrate that a minimum of 8 meters is left unobstructed and that Environment Agency access to and along that watercourse is not impeded.
- A revised FRA which addresses the points highlighted in our objection above. If this cannot be achieved, we are likely to maintain our objection. Please consult

us on any revised FRA submitted and we will respond within 21 days of receiving it.

### **Environmental Permit - advice to applicant**

Mearley Brook is a designated 'Main River'.

The developer may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the bank of the river, which is designated a Main River. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the top of the bank of the Main River, or landward toe of any flood defences, without an environmental permit. Some activities are also now excluded or exempt. For further information, the developer should refer to the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

The Environmental Permitting (England and Wales) Regulations 2016 may require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit the website above or, contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Yours sincerely

**Carole Reynolds**  
**Planning Advisor**

e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)