

Ribble Valley Borough Council
Development Control
Church Walk
Clitheroe
BB7 2RA

Our Reference: PA-0004779/02
Customer reference: 3/2026/0238
Date: 22 July 2026

Approval of details reserved by conditions 3 (construction management plan/method statement) 4 (surface water) 5 (bat boxes) 7 (street maintenance) 8 (flood mitigation) 9 (flood management plan) 10 (surface water/foul drainage) 19 (cycle storage) 20 (travel plan) and 21 (operation/maintenance manual) on planning permission 3/2022/1158 granted on appeal APP/T2350/W/25/3368139.

Land South of Accrington Road, Whalley

Dear Lucy Walker,

Thank you for re-consulting us on the additional information submitted in support of the discharge of Conditions 8 and 9.

In our letter referenced PA-0004779/01 and dated 5 June 2026, we advised that we could not recommend discharge of Conditions 8 and 9. The reasons for our position were set out in detail within that response.

Environment Agency position

We have reviewed the additional information, and our position remains that we are unable to recommend discharge of Conditions 8 and 9 for the reasons set out below.

Condition 8 – Flood Mitigation

In our previous response dated 5 June 2026, we advised that the submitted information did not satisfy the requirements of Condition 8.

We have now reviewed the additional documents submitted, including the hydraulic modelling note, drainage layout drawing and drainage strategy information. This

information largely comprises material previously reviewed by the Environment Agency as part of the original flood risk assessment and hydraulic modelling work and does not represent a materially updated or substantially more detailed engineering design for the compensatory flood storage proposals.

The applicant's consultant suggests that the Environment Agency's concerns relate primarily to the age or status of the submitted drawings. This is not the case.

Our concern remains that the submitted information does not satisfy the explicit requirements of the condition, which states:

"The plans submitted shall show the final engineering solution for the compensatory storage measures, including (but not limited to) the detailed design and hydraulic modelling to demonstrate how the scheme will function to ensure flood waters can enter the storage and be discharged freely after a flood."

As set out in our previous response, the condition requires the submission of the final engineering solution, supported by detailed engineering design and hydraulic modelling demonstrating how the compensatory flood storage area will operate during a flood event and subsequently drain following flood recession.

The information submitted to date does not provide sufficient detail to demonstrate this. In particular, detailed design drawings, engineering sections, construction-level details and supporting hydraulic evidence have not been provided.

Accordingly, we do not consider that the requirements of Condition 8 have been met.

We are not applying an unreasonable interpretation of the condition. Rather, we are seeking compliance with the specific wording agreed and imposed through the planning permission. The provision of a final engineering solution, detailed design information and supporting hydraulic modelling is a requirement of the condition.

Until such information is submitted, our position remains that we are unable to recommend discharge of Condition 8.

Additional Information

Noting the lack of design update for the proposed compensatory flood storage area we would reference the current proposals for 225mm diameter drain down pipes against CIRIA C786 – Culvert, Screen and Outfall Manual (2019) guidance. C786 includes minimum recommended culvert dimensions and identifies 450 mm diameter (or equivalent height) as the minimum recommended size for small culverts, principally to reduce blockage risk and facilitate inspection and maintenance.

C786 also promotes a risk-based approach to the assessment of blockage, debris loading, maintenance requirements and consequences of failure. The guidance recognises that reductions in flow area and the introduction of screens or control structures can increase blockage susceptibility and therefore require careful consideration.

We would recommend further consideration of these concerns for the required detailed design work.

Flood Risk Activity Permits

We would also take this opportunity to remind the applicant that the planning process is separate from the requirement to obtain any necessary Flood Risk Activity Permits (FRAPs).

Environmental permits may be required for works:

- on or near a main river
- on or near a flood defence structure
- within a floodplain
- on or near a sea defence

The applicant should be aware that planning permission and the discharge of planning conditions do not remove the need to obtain any permits required under separate legislation. To date, no permit applications have been submitted.

Based on the information currently available, we consider that the submitted material does not provide the level of engineering detail that would ordinarily be expected to support a Flood Risk Activity Permit application.

Applicants should not assume that any permit will automatically be forthcoming following the grant of planning permission or discharge of planning conditions.

Condition 9 – Flood Management Plan

We acknowledge the comments made regarding the requirement for "as-built" drawings.

Upon further consideration, we accept that it would not be reasonable to require as-built drawings prior to commencement of development, given that construction has not yet taken place.

However, this does not alter our overall conclusion that the requirements of Condition 9 have not been satisfied. Drawings submitted in support of the condition should be sufficiently advanced to demonstrate the final design intent. As a

minimum, we would expect drawings to be at an advanced Pre-Construction / Tender Stage, and preferably at For Construction (FC / IFC) stage, to enable the Local Planning Authority to properly assess the details submitted and determine whether the condition can be discharged.

We would also advise the applicant that it would be beneficial to seek to twin-track the discharge of planning conditions alongside the Flood Risk Activity Permit (FRAP) process, as both require a greater level of engineering detail than has currently been provided.

For the avoidance of doubt, we do not require as-built drawings for the purposes of discharging Condition 9. However, as-built information is likely to be required at a later stage to support any updated hydraulic modelling submitted through a challenge to the published flood mapping, known as an Evidence Review Request (ERR), as referenced in our previous correspondence.

On this basis, whilst we no longer insist upon the submission of as-built drawings at this stage, the information currently provided remains insufficiently detailed to satisfy the requirements of Condition 9. In particular, insufficient information has been provided in relation to the flood management arrangements, maintenance responsibilities, access provisions and the level of engineering detail necessary to demonstrate how the proposed measures will be implemented and maintained for the lifetime of the development.

Environmental permit – Flood risk activities - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](#) or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

If you have any questions regarding our response, please contact clplanning@environment-agency.gov.uk.

Yours sincerely,

Dana Binns – Sustainable Places Planning Advisor

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