

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

Our ref: NO/2020/113157/04-L01
Your ref: 3/2020/0840
Date: 26 July 2021

Dear Sir/Madam

**CHANGE OF POSITION OF REST SHELTER AREA.TO APPLICATION 3/2018/1054.
ADDITION OF SMALL SHED. ADDITION OF WOODEN STRUCTURE 58FT X 30FT -
ADDITIONAL INFORMATION
LAND ON THE SOUTH SIDE OF RIDDING LANE (BROAD LANE) WHALLEY ADJ
SEWAGE WORKS.**

Thank you for consulting us on the above application which we received 02 July 2021.

Environment Agency response

We have reviewed the evacuation plan submitted by the applicant. In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The site lies adjacent to the River Calder, is located across flood zones 1, 2 and 3 and is surrounded by flood zone 3.

Currently the lack of information submitted still does not clearly show what is existing on site, the proposed works which are being applied for and in our view, flood risk has not been considered adequately.

We refer the applicant to our previous response dated 25 May 2021.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

- take the impacts of climate change into account
- consider how **a range of flooding events (including extreme events)** will affect people and property
- fully consider the requirement for flood emergency planning including flood warning and evacuation of people for a **range of flooding events up to and including the extreme event.**

Overcoming our objection

- The application form details that changes are being made to a previous

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

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application to move a shelter, however this is not an application to vary a previous planning consent. **A number of works outside of the description of the planning application have been detailed in the proposed site plan. It must be clarified which works are being applied for, including any which are being applied for retrospectively** so it is clear what needs to be considered by the Environment Agency.

- It is unclear what is on the site as existing. The application form states there is an existing use on the site, but there are no existing staff. The FRA and plans also do not clearly show what is currently present on the site. **A detailed existing site plan must be submitted showing which structures are currently on the site and also the current boundary treatments in place.**
- The proposed site plan should clearly show the proposed development **in relation to the flood extents** as outlined on the EA's flood map for planning
- An FRA written in line with the Planning Practice Guidance available on gov.uk. should be submitted
- It is noted that safe access and egress has now been considered but that consideration of the impact of climate change for the lifetime of the development has not.

Please note additional information may be required to satisfy the Environment Agency, dependent on the information submitted.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

Environmental permit - advice to applicant

It appears that some works including new fencing, may be erected within 8 metres of the River Calder which is designated as a Main River.

The Environmental Permitting (England and Wales) Regulations 2016 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 culvert (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 a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. 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.

FRA sources of information - advice to applicant

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flooding information that we have available. Please contact enquiries@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local

flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Flood proofing - advice to LPA/applicant

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The [planning practice guidance](#) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Advice to LPA/applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not

In this instance the applicant has provided a plan detailing flood evacuation procedures,

however it should be noted that the proposed evacuation route involves passing through an area of Flood Zone 3. It is our view that a more detailed FRA would ensure that the flood levels and flow rates are assessed over a range of return periods in order for the emergency planners to make a thorough assessment of the evacuation plan submitted by the applicant.

Yours faithfully

Carole Woosey
Planning Advisor

E-mail clplanning@environment-agency.gov.uk

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

Our ref: NO/2020/113157/03-L01
Your ref: 3/2020/0840
Date: 25 May 2021

Dear Sir/Madam

**CHANGE OF POSITION OF REST SHELTER AREA.TO APPLICATION 3/2018/1054.
ADDITION OF SMALL SHED. ADDITION OF WOODEN STRUCTURE 58FT X 30FT.
LAND ON THE SOUTH SIDE OF RIDDING LANE (BROAD LANE) WHALLEY ADJ.
SEWAGE WORKS.**

Thank you for consulting us on the above application which we received 05 May 2021.

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.
The site lies adjacent to the River Calder, is located across flood zones 1, 2 and 3 and is surrounded by flood zone 3.

Currently the lack of information submitted does not clearly show what is existing on site, the proposed works which are being applied for and flood risk has not been considered adequately. Whilst some consideration of evacuation has been mentioned, safe access routes have not been identified, nor has the identification that the site is located within a flood warning area, which could be utilised.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

- take the impacts of climate change into account
- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Overcoming our objection

The application form details that changes are being made to a previous application to move a shelter, however, this is not an application to vary a previous planning consent. A number of works outside of the description of the planning application have been detailed in the proposed site plan. It must be clarified which works are being applied for, including any which are being applied for retrospectively so it is clear what needs to be considered by the Environment Agency.

It is unclear what is on the site as existing. The application form states there is an existing use on the site, but there are no existing staff. The FRA and plans also do not clearly show what is currently present on the site. An existing site plan must be submitted.

The proposed site plan should clearly show the proposed development in relation to the flood extents as outlined on the EA's flood map for planning

An FRA written in line with the Planning Practice Guidance available on gov.uk, it is noted that safe access and egress has not been considered nor consideration of the impact of climate change for the lifetime of the development.

Please note additional information may be required to satisfy the Environment Agency, dependent on the information submitted.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

Environmental permit - advice to applicant

It appears that some works including new fencing, may be erected within 8 metres of the River Calder which is designated as a Main River.

The Environmental Permitting (England and Wales) Regulations 2016 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 culvert (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 a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. 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.

FRA sources of information - advice to applicant

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flooding information that we have available. Please contact enquiries@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA

can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Flood proofing - advice to LPA/applicant

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The [planning practice guidance](#) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Advice to LPA/applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements

- Details and adequacy of an emergency plan

- Provision of and adequacy of a temporary refuge

- Details and calculations relating to the structural stability of buildings during a flood

- Whether insurance can be gained or not

Yours faithfully

Carole Woosey
Planning Advisor

E-mail clplanning@environment-agency.gov.uk

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

Our ref: NO/2020/113157/02-L01
Your ref: 3/2020/0840
Date: 02 February 2021

Dear Sir/Madam

**CHANGE OF POSITION OF REST SHELTER AREA.TO APPLICATION 3/2018/1054.
ADDITION OF SMALL SHED. ADDITION OF WOODEN STRUCTURE 58FT X 30FT.
LAND ON THE SOUTH SIDE OF RIDDING LANE (BROAD LANE), WHALLEY, ADJ
SEWAGE WORKS.**

Thank you for re-consulting us on the above application which we received 19 January 2021.

Environment Agency position

We note the submission of the Environmental Survey Report which acknowledges the flood risk and prior contamination of the site:

Environmental Screening For Land at the South Side of Riddings Lane, Whalley, BB7 9SF on Behalf of The Brockhall Properties Syndicate SIPP, Project Ref:6712, by Wilbourn & co, dated 01 November 2018.

We have nothing further to add to our previous response dated 17 December 2020. In the absence of a Flood Risk Assessment, we maintain our objection and recommend that planning permission is refused.

Yours faithfully

Carole Woosey
Planning Advisor

E-mail clplanning@environment-agency.gov.uk

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

Our ref: NO/2020/113157/01-L01
Your ref: 3/2020/0840
Date: 17 December 2020

Dear Sir/Madam

**CHANGE OF POSITION OF REST SHELTER AREA TO APPLICATION 3/2018/1054.
ADDITION OF SMALL SHED. ADDITION OF WOODEN STRUCTURE 58FT X 30FT.
LAND ON THE SOUTH SIDE OF RIDDING LANE (BROAD LANE) WHALLEY ADJ
SEWAGE WORKS.**

Thank you for consulting us on the above application which we received 27 November 2020.

Environment Agency position

The current application proposes more significant structures than the previous approval for this site, 3/2018/1054. Some of the newly proposed structures are close to or within Flood Zone 3 on the Environment Agency's Flood Map for Planning. In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reason(s)

The application site lies within Flood Zones 1, 2 and 3, which is land defined by the planning practice guidance as having a low to high probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Guidance on how to prepare a flood risk assessment can be found at

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>.

Environmental permit - advice to applicant

The site is bounded to the south and east by the River Calder which is designated as a Main River.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

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

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact enquiries@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Contaminated Land – advice to applicant

If the applicant is able to overcome our objection on flood risk grounds, we wish to draw their attention to the following information regarding contaminated land. The site is an historic landfill and any re-submission of this application should indicate if there will be any intrusive groundworks associated with the new structures proposed for the site.

Yours faithfully

Carole Woosey
Planning Advisor

E-mail clplanning@environment-agency.gov.uk