Lancashire County Council

Contact: Please contact the Local Planning Authority

Date: 10 June 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:	LCC/2024/0008
Proposal:	Realignment, reprofiling and improvements to the 4th hole area through the importation of inert material, drainage infrastructure, levels changes, highways works and landscaping.
Location:	Lytham Green Drive Golf Club, Ballam Road, Lytham St Annes

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 **maintains its objection** to the above application on the basis of:

Objection(s)

Objection 1 – Inadequate Site-Specific Flood Risk Assessment

In the absence of an acceptable site-specific flood risk assessment, we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The site-specific flood risk assessment submitted with this application does not comply with the requirements set out in paragraph 020 of the Planning Practice Guidance, and therefore paragraph 173 of the National Planning Policy Framework cannot be satisfied. The submitted site-specific flood risk assessment does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Paragraph 173 of the National Planning Policy Framework requires applicants to demonstrate, through a site-specific flood risk assessment, that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In particular, the submitted site-specific flood risk assessment fails to:

a) **Demonstrate that the development proposal will not result in a flood risk within or outside the development** in line with Paragraph 173 of the National Planning Policy Framework.

The proposed development will result in a significant alteration to the existing ground levels and topography. This may result in surface water being displaced and/or redirected to areas where it did not previously flow and may result in increased flood risk on or off-site.

While the inclusion of surface water modelling within the updated flood risk assessment (106513-PEF-XX-XX-RP-D-00006, P05, 20/05/24) is welcomed, this is not labelled, hence it is unclear what this shows (e.g., flood extents, depths, durations?). The methodology of this modelling is also not provided, and it is unclear if this includes appropriate allowances for climate change.

Irrespective of this, comparing the existing and proposed model outputs for the 1 in 100-year event shows darker blue shading to the north of the site, and along the eastern boundary adjacent to Saltcoates Road in the 'proposed' scenario. This would suggest an increase in surface water flood risk to these off-site areas as a result of the proposed development, contrary to paragraph 173 of the National Planning Policy Framework. This is sufficient reason in itself for a refusal of planning permission.

The applicant must provide information regarding any changes to surface water flow paths, surface water storage and off-site surface water flood risk as a result of the changes to the site levels, including details of any mitigation measures to ensure any changes can be safely managed within the site, in line with paragraph 049 of the Planning Practice Guidance. This may include, for example, the inclusion of ponds and

swales along the site boundaries to ensure surface water is not displaced off-site as a result of the proposed alterations to site levels.

Overcoming Our Objection

You can overcome our objection by submitting a site-specific flood risk assessment that covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a site-specific flood risk assessment will not in itself result in the removal of an objection.

Advice and information regarding site-specific flood risk assessments can be found in Paragraph 020 of Section 10 'Flood Risk and Coastal Change' of the Planning Practice Guidance, and on the Environment Agency's webpage:

- https://www.gov.uk/guidance/flood-risk-and-coastal-change
- https://www.gov.uk/flood-risk-assessment-for-planning-applications

The Lead Local Flood Authority asks to be re-consulted with the results of the amended site-specific flood risk assessment and/or amended sustainable drainage strategy and/or SuDS Pro-forma. We will provide you with further comments within 21 days of receiving formal re-consultation. Re-consultations should be sent to our identified mailbox.

Our objection will be maintained until the amended documents, as outlined above, have been received. Production of the amended documents will not in itself result in the removal of an objection.

If the applicant wishes to discuss our objection with the Lead Local Flood Authority, they can do so through our planning advice service.

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/

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).

For the avoidance of doubt, as the Lead Local Flood Authority, we do not comment on the application of the sequential and/or exception tests.

Material Changes to this Planning Application

If there are any material changes to the submitted information which impact on surface water, the Local Planning Authority is advised to consider re-consulting the Lead Local Flood Authority via our identified mailbox.

If you decide to approve contrary to our advice

If the Local Planning Authority grants planning permission for this development contrary to our advice, then we will be unable to support this application in an appeal or to assist with the discharge of any planning conditions, including surface water or flood risk conditions that we have not recommended.

For the avoidance of doubt, as the Lead Local Flood Authority, we do not comment on the application of the sequential and/or exception tests.

The Local Planning Authority should be aware that any development built after 1 January 2012 is not eligible for Grant-in-Aid funding from central government to study or alleviate flood issues. This is set out in section 9.3 of the Memorandum relating to capital grants for local authorities and internal drainage boards in England.

Please send a copy of the decision notice to our identified mailbox.

Yours faithfully,

Phil Wadley

Lead Local Flood Authority