

Application address Land At Crabtree Farm, Hinckley Road, Barwell	Planning ref. 23/00431/DISCON
	Our ref. 2023/0431/04/FDis4,5
Description Applicaition to discharge planning Conditions 4 (Surface Water Drainage), Condition 5 (Construction Surface Water Management), Condition 10 (Landscape and Ecological Management Plan) and Condition 13 (Levels) of planning application 21/00695/FUL (Appeal reference APP/K2420/W/22/3308175)	Consultation date 05/05/2023
	Response date 26/05/2023
Planning officer Lesley Keal	Reviewing officer Rob Matthews
Application type Discharge of Conditions	Extension requested ☐
No concerns ☐	Further consultation required ☒

Lead Local Flood Authority Key Observations

This application seeks to discharge conditions 4 and 5 set as part of the approval of application reference 21/00695/FUL. These conditions read:

4. *Prior to the commencement of the development hereby permitted, a surface water drainage scheme based on sustainable drainage principles shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved surface water drainage scheme.*
5. *Prior to the commencement of the development hereby permitted, a scheme of surface water management to manage surface water on site during the construction of the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme.*

All other conditions sought for discharge under this application do not relate to surface water and as such are not considered as part of this response.

This application seeks to discharge the surface water network and construction phase drainage conditions set out as part of the approval of the full application 21/00695/FUL, permitting a residential development of 51 dwellings. The permitted site layout discharges surface water to an ordinary watercourse via an attenuation pond at a rate not exceeding the pre-development (greenfield) runoff rate of 9.3 l/s; however the modelling show a Hydrobrake specified to discharge at a rate greatly exceeding this.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 5.

However:

Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to Condition 4. In order to provide a substantive response, the following information is required:

- The submitted surface water model demonstrates a higher flow rate from the site than the rate agreed. The proposals should be amended to comply with the rate agreed at full application stage.
- A plan showing above ground flood pathways for a blockage scenario, to ensure exceedance routes can be safely managed.
- Detailed design drawings of key drainage runs, attenuation structures and flow control device.
- Confirmation on the appropriate drawing what specific SuDS flow control products will be used to ensure the correct flow control is incorporated into the modelled scenario. NB: The HydroBrake model reference should be clearly shown on the construction drawing to ensure that the contractor uses the correct product.
- Details of the surface water Maintenance Plan for the site, detailing the inspection and maintenance schedules for the site and identifying the party responsible for completing the identified works.

Note: The LLFA is not a statutory consultee in relation to foul drainage and as such, this response does not consider any foul drainage details submitted.

Standing Advice to the Local Planning Authority

1. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

2. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website:
<http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.