

South Derbyshire District Council
Development Control
Civic Offices Civic Way
Swadlincote
Derbyshire
DE11 0AH

Our ref: LT/2021/126488/02-L01
Your ref: DMPA/2021/1362
Date: 29 November 2021

Dear Sir/Madam

CREATION OF A 4-ARM ROUNDABOUT

CHELLASTON LANE, DERBY

Thank you for consulting us on the above application and please find our response detailed below.

Environment Agency position

We have reviewed the submitted flood risk assessment (FRA) and whilst it effectively assesses the existing flood risk posed to the application site, it does not provide the necessary supporting evidence to assess the flood risk impacts and justify the further culverting of a statutory main river (Wilne Drain (referenced as the Thulston Brook throughout the FRA)).

We **object** to the extension of the Wilne Drain culvert, without any justification or assessment of other options within the report.

We **therefore maintain our objection** set out in our response dated 1st November 2021 and recommend that planning permission is refused.

Reasons

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 flood risks posed by the development. In particular, the FRA fails to:

- Justify proposals to further extend the Wilne Drain culvert. We are opposed to the further culverting of any watercourse because of the adverse ecological, flood risk, geomorphological, human safety and aesthetic impacts. Watercourses are important linear features of the landscape and should be maintained as

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continuous corridors to maximise their benefits to society.

We will normally object to proposals to build over existing culverts because of health and safety considerations, increased maintenance costs and complexities and because future options to restore the watercourse may be precluded. We will, where we deem appropriate, take possible cumulative impacts into account when making decisions.

Applicants will be expected to demonstrate why culverting is both necessary and the only reasonable and practicable alternative. Alternatives could include open span bridges, revisions to site layout or diversion of the watercourse. Where it has been robustly demonstrated that the culverting is both necessary and the only reasonable practicable alternative, the length of any culvert should be restricted to the minimum necessary to meet the applicant's objective.

Applicants should provide appropriate assessments to demonstrate that culverting will not increase flood risk elsewhere and will not result in an unacceptable impact on channel stability and the habitat(s) and species present. They should demonstrate that mitigation and compensation measures will be put in place to reduce or nullify any impacts to our satisfaction.

When designing the culvert, the applicant should take into account the predicted impacts of climate change (using an allowance for climate change), natural channel geomorphology and any future development planned in the catchment. All mitigation measures should be incorporated within the design and the work should be carried out using best working practice to minimise environmental impacts.

- The proposed further culverting of the Wilne Drain will require a permit under The Environment Permitting (England and Wales) Regulations 2016. As submitted, it is unlikely that a permit will be granted.

Overcoming our objection

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 re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Yours faithfully

Mr Paul Goldsmith
Planning Advisor

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