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5<sup>th</sup> November 2025

Dear Ms Trueman

## **CENTRAL LANCASHIRE LOCAL PLAN EXAMINATION - HEARING STATEMENT**

### **Land at Babylon Lane, Adlington, Chorley (site ref. HS2.5)**

Herin is submitted a Hearing Statement on behalf of Adlington Land Limited, who wish to respond to **Matter 5** in the Central Lancashire Local Plan (CLLP) Examination Matters, Issues and Questions, dated 9<sup>th</sup> October 2025, and specifically with regards to draft housing allocation **ref. HS2.5, Land at Babylon Lane, Adlington, Chorley.**

Representations were submitted with regards to this site in April 2025 as part of the Regulation 19 consultation. Since that time, there have been some developments with the regards to the site which are set out below.

### **APPEAL REF: APP/D2320/W/25/3362219**

An appeal against non-determination of application 21/00270/FULMAJ (Full application for 40no. dwellings) on the site was submitted on 12th March 2025. An appeal hearing session was held on 16<sup>th</sup> October 2025. We are currently awaiting determination of the appeal however we understand it is likely be determined in advance of the CLLP Examination commencing in December 2025.

The sole reason for refusal being considered by the appeal related to flood risk:

*"It has not been adequately demonstrated that the proposal would not result in an increased risk of flooding both within and outside of the application site. The application fails to comply with Policy 29 of the Central Lancashire Core Strategy 2012 which seeks to appraise, manage and reduce flood risk in all new developments, and is contrary to Paragraph 181 of the National Planning Policy Framework, which has similar aims."*

In advance of the hearing session, further information was submitted by the Appellants (provided as Appendix A herein). This responded in detail to the LPA's concerns, which align with the comments



made about the site within the Site Profile for draft allocation HS2.5. For reference, the site profile states:

*"...there is a risk of surface water flooding. The planning application needs to address the issues raised in the flood risk assessment and needs to be supported by a sequential test and catchment wide drainage strategy."*

The additional information (Appendix A) directly addressed these issues and provided suggested planning conditions to deal with these matters.

In light of this additional information, and following review by their own drainage consultants, JBA consulting, Chorley Council chose not to defend the appeal. This is set out in Appendix B, which provides the LPA's updated Statement of Case (dated July 2025). Within this statement, it was said:

*"Further to the updated Statement of Common Ground – Update July 2025, the submission of additional information relating to surface water drainage that was submitted by the appellant following the Planning Committee meeting on 20 May 2025, which included a commitment through the imposition of additional planning conditions that flood risk and surface water management can be adequately dealt with subject to the successful discharge of the relevant conditions.*

*The suggested conditions meet the prescribed tests as set out in paragraph 57 of the NPPF. However, should the Inspector consider otherwise the Council reserve the right to continue to defend the reason for refusal that was resolved at the 20 May 2025 meeting of the Planning Committee."*

Notwithstanding the above position, the hearing session went ahead to allow local residents the opportunity to put their views forward. As above, the appeal decision is expected imminently.

## **Responses to Matter 5**

With specific regard to **Matter 5/Issue 5**, we have the following comments to make:

5.1 - No comments

5.2a) The key constraint identified by the Council with regards to site HS2.5 relates to flood risk as detailed above. Specifically, the need to provide a sequential test due to surface water flood risk, and provide a catchment wide drainage strategy.

With reference to the aforementioned appeal, it was a matter of common ground that a sequential test was not required for the proposed development since no built development within the site boundary, including access or escape routes, land raising, or other potentially vulnerable elements are located in an area at risk of flooding from any source, now or in the future; in fact, all areas of present and future mapped surface water flood risk lie entirely outside the site boundary. It is however noted that the red line boundary for the application/appeal site differs slightly to that of the site allocation HS2.5, with the allocation including some areas of surface water flood risk on its periphery.



Notwithstanding this, as of 17<sup>th</sup> September 2025, the Planning Policy Guidance (PPG) on Flood Risk and Coastal Change has been updated to clarify that:

*"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied"* (Paragraph: 027 Reference ID: 7-027-20220825).

The result of this change in guidance, which now encourages a proportionate approach, indicates that a sequential test is not needed, regardless of whether surface water flood risk is present within the site, provided a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development.

With regards to the need for a catchment wide drainage strategy, it is not considered that this is necessary, with reference to the information provided as Appendix A. In brief, this demonstrates that the upstream areas to the north of the site primarily drain either into the highway drainage network along Babylon Lane or towards the lake / lake outfall to the northeast. Surface water flood mapping indicates that any flooding in these upstream areas predominantly follows Babylon Lane rather than flowing through the development site itself. As such, these areas are considered to be hydraulically separate from the proposed SuDS infrastructure (in the case of the proposals subject to appeal), which has been designed to manage runoff from within the development boundary only. It is therefore considered that these matters can be adequately dealt with as part of the planning application process, and that a catchment wide drainage strategy would be unnecessary.

It is noted that policy HS2 itself does not make reference to the above concerns in relation to the need for a catchment wide drainage strategy, which we agree is the correct approach given the evidence submitted herein.

5.2b) No comments.

5.2c) Our view is that the indicative yield, development mix and viability considerations have been adequately addressed. The proposed development which is subject to the current appeal demonstrates that the site can comfortably accommodate the 40 dwellings set out in the allocation, taking account of existing site constraints.

5.2d) No comments.

5.2e) No comments.

5.2f) No comments.

5.3. With regards to site specific constraints and requirements such as the physical and social infrastructure that may be required as part of the development, we disagree with the comments



made in the site profile for this site, as set out above with regards to question 5.2a, although as above it is noted that policy HS2 itself does not make reference to the above concerns in relation to the need for a catchment wide drainage strategy, which we agree is the correct approach given the evidence submitted herein.

I trust that the information provided herein is helpful to the Inspector.

Yours sincerely

Louise Leyland MRTPI  
Director, PWA Planning

**Appendix A - Response on drainage matters provided as part of appeal ref. APP/D2320/W/25/3362219**

**Appendix B - Chorley Council Updated Statement of Case, July 2025, in respect of appeal ref. APP/D2320/W/25/3362219**



**Appendix A - Response on drainage matters provided as part of appeal ref.  
APP/D2320/W/25/3362219**

FAO Deb Smith  
North 1 Appeals Team

Via email.

**Our ref:** GON.0147.0096

**Planning ref:** 21/00270/FULMAJ

Dear Ms Smith,



## **RE: RESPONSE TO JBA BAYLON LANE SITE REVIEW DECEMBER 2024**

We are writing in relation to the December 2024 review prepared by JBA Consulting (Ref: ODM-JBAU-XX-XX-RP-Z-0002-D4-C01-Babylon-Lane-Site-Review) for the proposed residential development at Babylon Lane, currently subject of appeal ref. APP/D2320/W/25/3362219.

Further to our previous correspondence to the LPA (Chorley Council) dated 23<sup>rd</sup> February 2025, which addressed the specific comments within JBA's review relating to the Sequential Test, this letter provides a full and consolidated response to all matters raised in the December 2024 review. For completeness, a summary of the Sequential Test considerations is also included.

This response has been informed by recent discussions with Stephen Donnan (Gondolin Land & Water Ltd) and Mike Williamson (JBA Consulting) concerning flood risk issues associated with the site.

The JBA review is appended to this letter, with key extracts reproduced below. Gondolin Land & Water Ltd (Gondolin) responses are provided alongside for clarity and ease of reference.

It is acknowledged that planning matters relating to the proposed development have been ongoing for some time, with numerous documents submitted throughout the planning application process, Planning Hearing, and in response to consultee comments.

The original planning submission documents with regards to flood risk and drainage were prepared by Alan Johnstson Partnership LLP and include the following:

- BLA-AJP-XX-00-DR-C-0900-P4 – Preliminary Drainage Strategy (December 2020)
- BLA-AJP-XX-00-DR-C-1400-P2 – Finished Levels And Retaining Walls Layout (December 2020)
- BLA-AJP-ZZ-XX-RP-C-3000-P02 – Flood Risk Assessment (February 2021)

In addition, Gondolin has produced a number of supplementary reports and technical notes in response to specific queries raised by consultees and other stakeholders, as listed below:

- GON.0147.0096 – Babylon Lane FRA Report (February 2023)
- Gondolin\_001\_00\_Nov23 - Proposed Drainage Layout Drawing (November 2023)
- GON.0147.0096 – Babylon Lane Drainage Clarifications (August 2024)
- Drainage Note – Babylon Lane (November 2024)

- GON.0147.0096 – Babylon Lane Gondolin Response (February 2025)

The original Alan Johnston Partnership documents remain valid and relevant to the development proposals. Gondolin's FRA report corroborates the findings of the original FRA, confirming that there are no significant flood risks associated with the development site. The additional Gondolin documentation has primarily served to clarify and respond to issues raised during the determination process. Many of these documents were available during the Planning Hearing or are summarised again within this letter for completeness.

### **Extract from JBA review – Section 2.1**

*"However, the Flood Risk and Coastal Change Planning Practice Guidance (PPG) paras 023 and 024 are clear in that the sequential approach to development should avoid "development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding". There is no evidence that Gondolin has considered the effects of climate change on surface water flood risk when redefining the site boundary. This would therefore suggest that the site should be subject to the sequential test as it has not considered future flood risk."*

### **Gondolin Response**

As per our previous letter, the updated surface water flood mapping with appropriate climate change allowance was made available to Gondolin and overlaid with the site plan (appended to this letter).

It is acknowledged that national-scale datasets such as RoFSW are accompanied by standard caveats regarding their resolution and suitability for property-level assessments. However, within the context of land-use planning, this mapping remains an appropriate and widely used tool for informing development layout and for applying the Sequential Test at a strategic scale. In this instance, the dataset has been used to guide the siting of development away from any areas of identified surface water risk — consistent with the policy objective of avoiding flood risk through site design.

On this basis, no built development, including access or escape routes, land raising, or other vulnerable elements, is located within an area of mapped flood risk from any source. As such, the proposed development is fully in accordance with Paragraph 175 of the NPPF, which states:

*"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising, or other potentially vulnerable elements, should be located in an area at risk of flooding from any source, now or in the future (having regard to potential changes in flood risk)."*

Although surface water flood risk is mapped along Whitebeam Close and Babylon Lane, potential emergency access routes, this risk is primarily associated with future climate change scenarios. The flooding is limited to extreme storm events and results in shallow flood depths. Both roads have a moderate downgrade, ensuring that any floodwaters are conveyed away in a

shallow sheet flow. Given that all built development is outside flood risk areas, designated escape routes are not required.

The proposed development therefore represents a sequentially appropriate location, consistent with national planning policy. It is noted that the LPA agree with this position, as set out in the agreed Statement of Common Ground for the appeal.

Note – Sections 2.2 and 2.4 of the JBA review are considered to be satisfied by the above comments.

### **Extract from JBA review – Section 2.3**

*"With reference to these individual areas of flood risk stated above (para 04 of the Drainage Note), the following summary is provided:*

- *Babylon Lane Flooding – confined to the existing public road extents, no development has been proposed in this flood risk area as it is an existing public road.*

*The flood risk on the Babylon Lane road, adjacent to the site, must still be considered in site design given this road will be used as a primary access route to the site. Babylon Lane will also be subject to greater volumes of traffic as a result of any new development. It is important therefore that this road is considered in terms of provisions for adequate drainage so that this road does not flood either now or in the future and can remain safe for traffic and pedestrians."*

### **Gondolin Response**

Babylon Lane is moderately sloped in a southwest direction towards the main village. Review of the topographic survey of the road and site indicates the road to have a longitudinal slope of approximately 1 in 25. As a result of this gradient, any surface water flooding along Babylon Lane would be limited to shallow sheet flow conveyed downhill, with no opportunity for significant accumulation or ponding. This mode of flooding would not pose any constraint to emergency access or egress for the proposed development.

It is also noted that the proposed development is not seeking to connect surface water drainage to the sewer system along Babylon Lane and thus there is no need for assessment of the existing drainage system to be undertaken. United Utilities have agreed the proposed wastewater discharge from the site to the Babylon Lane combined sewer and advised the preferred point of connection due to the known drainage issues along the road. Given the minimal additional flows associated with foul water discharge, this connection would not have any material impact on the hydraulic performance of the existing drainage infrastructure serving Babylon Lane.

### **Extract from JBA review – Section 2.3**

*"With reference to these individual areas of flood risk stated above (para 04 of the Drainage Note), the following summary is provided:*

- *Culvert Opening Flooding – confined to watercourse channel extents (very incised channel in this area), no development has been proposed in this flood risk area as it is the watercourse channel.*

There are other factors that should be considered in relation to the culvert:

- *Residual risk - there will always be a residual risk from culvert collapse and culvert blockage. Such scenarios do not appear to have been considered in the FRA. Para 043 of the PPG is clear in stating "It may also be appropriate for this information (residual risk information) to inform a sequential approach to the location of development within these areas (areas of residual risk flooding), where the initial application of the Sequential Test is unable to steer development to lower risk areas". Residual risk must therefore be quantified and used to inform on development layout and design.*
- *Condition assessments should be carried out on the culvert inlet, outlet, and main body of the culvert over its full length. As touched upon in the original FRA, deculverting should be considered with no development within at least 8 metres of any open watercourse or culverted watercourse. This should be agreed with the Lead Local Flood Authority.*
- *Consideration of the offsite impacts downstream of the site should be considered in site drainage design. Discharge rates from the site must be agreed with the Lead Local Flood Authority, if not already agreed. There should be no increase in volumes from greenfield rates and, where possible, betterment should aim to be achieved to reduce risk downstream of the site."*

### **Gondolin Response**

We acknowledge the points raised in relation to the culvert and associated residual flood risks. In order to address concerns regarding the condition and performance of the culvert, we propose that an appropriately worded planning condition be included to require a full CCTV condition survey of the culvert (inlet, outlet, and full length) to be undertaken post-determination – refer to suggested wording of planning condition below. Any required remediation works could then be proposed and agreed in consultation with the Lead Local Flood Authority (LLFA). These works would also help to inform the viability of partial deculverting where feasible.

With respect to residual risk, it is noted that in the event of a blockage or collapse of the culvert, exceedance flows would follow the same overland flow routes as those already identified in the published surface water flood mapping. These mapped flow routes predominantly track along the periphery of the site and do not encroach into the proposed development area. As such, this potential source of residual flood risk has already been inherently considered and addressed within the Sequential Test. In essence, the surface water flood mapping acts as a proxy for culvert exceedance scenarios, and confirms that the site remains entirely outside areas at risk from all forms of flooding, both now and in the future. Should further assessment indicate a need for mitigation, there are a number of potential measures that could be explored to reduce residual risk, such as:

- Localised repairs or improvements to the culvert to reduce the likelihood of collapse;
- Partial deculverting to enhance capacity and reduce blockage risk;
- Incorporation of preferential flow paths within the site layout to safely manage exceedance flows;
- Implementation of a maintenance plan focused on keeping the culvert entry clear of debris as part of a broader drainage maintenance strategy.

The need for and feasibility of these measures would be further assessed following the condition survey, and any appropriate interventions could then be incorporated into the detailed drainage strategy.

Finally, we confirm that the proposed surface water drainage from the site will be restricted to greenfield runoff rates (BLA-AJP-ZZ-XX-RP-C-3000-P02 - Flood Risk Assessment), ensuring no increase in flow to downstream receptors. This will be secured through the detailed design stage and agreed with the LLFA.

To support the above proposals, and particularly the culvert condition and residual flood risk considerations, we propose the following wording for inclusion as a planning condition:

*"No development shall commence until a detailed CCTV condition survey and structural assessment of the culvert (including inlet, outlet, and full length of the structure) to which the site will discharge has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).*

*Where defects, capacity constraints, or risks of blockage or collapse are identified, a scheme of remedial or improvement works shall also be submitted for approval. The approved works shall be implemented in full prior to the connection of any part of the development's drainage network to the culvert.*

*The assessment and, where applicable, the remediation scheme shall also consider:*

- The feasibility of partial deculverting where relevant and achievable;*
- Measures to maintain clear access to culvert inlets and outfalls;*
- Provision for exceedance flow paths within the development layout; and*
- Integration with the overall site drainage strategy to manage residual flood risk."*

*Reason: To ensure the condition, functionality and capacity of the downstream culvert infrastructure is suitable for the development, to reduce residual flood risk, and to prevent increased flood risk to people, property, and infrastructure in accordance with the NPPF and associated guidance."*

### **Extract from JBA review – Section 2.3**

*"With reference to these individual areas of flood risk stated above (para 04 of the Drainage Note), the following summary is provided:*

- Southeast Flooding – existing ponding area adjacent to dry stone wall and Greenhalgh Lane, no development has been proposed in this flood risk area as it is known to flood".*

*Although no development is planned in this area, the plans include for opening up the wall to create a footpath link to the site from the corner of Babylon Lane and Greenhalgh Lane. There does not appear to have been any consideration as to what impacts there could be to existing property and infrastructure downstream of the site by opening up the wall and installing a footpath. The wall may, in part, help to retain surface water onsite. A new path may act as a pathway for floodwaters to escape the site and exacerbate risk downstream.*

## **Gondolin Response**

We acknowledge the concern raised regarding the proposed pedestrian opening in the dry stone wall at the corner of Babylon Lane and Greenhalgh Lane, and its potential effect on surface water pathways.

It is recognised that the existing dry stone wall may currently provide some limited attenuation of surface water runoff from the site. However, as demonstrated during the previous Planning Appeal Hearing (ref. APP/D2320/W/23/3329702), video evidence confirmed that the wall is not fully impermeable, with runoff observed seeping through various points along its length. Given this context, the creation of a small pedestrian opening is not considered likely to materially alter the existing surface water flow regime in this area.

Furthermore, it is important to note that once the site is developed, surface water runoff will be formally intercepted, managed, and attenuated through the proposed drainage system (BLA-AJP-XX-00-DR-C-0900-P4 - Preliminary Drainage Strategy). This will result in a significant reduction in uncontrolled surface runoff across the site and, by extension, a reduction in the volume of water reaching the south-eastern boundary.

Accordingly, any minor change in flow routing resulting from the introduction of a footpath is expected to be more than offset by the overall reduction in surface water discharge to this location. Nonetheless, the detailed drainage design will ensure that no adverse impact is caused to adjacent land or downstream receptors as a result of the proposed works.

## **Extract from JBA review – Section 2.5**

*“Drainage conditions upstream and downstream of the site should be considered in the SuDS design. The wider surface water catchment should be considered in SuDS design and not the site only. The LLFA must confirm the whole catchment area has been considered and surface water modelling has been carried out appropriately to the scale of the development.”*

## **Gondolin Response**

In our view, a wider catchment-scale surface water assessment is not necessary in this instance. The upstream areas to the north of the site primarily drain either into the highway drainage network along Babylon Lane or towards the lake / lake outfall to the northeast. Surface water flood mapping indicates that any flooding in these upstream areas predominantly follows Babylon Lane rather than flowing through the development site itself. As such, these areas are considered to be hydraulically separate from the proposed SuDS infrastructure, which has been designed to manage runoff from within the development boundary only.

With regard to downstream conditions, surface water runoff from the site will be captured and attenuated via the SuDS network before discharging at greenfield runoff rates to the culvert (BLA-AJP-XX-00-DR-C-0900-P4 - Preliminary Drainage Strategy). The culvert ultimately conveys flows to an open watercourse within the village. Given that the discharge from the development

will be controlled and limited to pre-development greenfield rates, we do not anticipate any increase in flood risk either within the culvert or further downstream.

We therefore consider the proposed SuDS system to be appropriately scaled to the site and proportionate to the nature and location of the development. Any remaining detailed matters, including confirmation of discharge rates, system capacity, and any coordination with off-site infrastructure, can be addressed through an appropriately worded planning condition requiring the submission and approval of the final detailed drainage design. This is a standard and well-established mechanism for managing such matters and will ensure the scheme is fully reviewed and agreed by the Lead Local Flood Authority prior to implementation.

Accordingly, we suggest the following wording for a suitable planning condition:

*“No development (excluding site clearance and enabling works) shall take place until a detailed surface water drainage scheme for the site, based on the principles set out in the approved Preliminary Drainage Strategy (Drawing No. BLA-AJP-XX-00-DR-C-0900-P4), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The drainage scheme shall include:*

- a) confirmation of greenfield runoff rates;*
- b) full design details and calculations for all SuDS features;*
- c) evidence of sufficient on-site attenuation capacity; and*
- d) details of any off-site connections or infrastructure requirements.*

*The scheme shall be implemented in full in accordance with the approved details prior to the first occupation of the development or in accordance with a timetable to be agreed in writing as part of the submitted scheme.”*

#### **Extract from JBA review – Section 2.6**

*“JBA has no reason to disprove the contents of paragraphs 010 and 011 in relation to reserved matters on detailed drainage design and offsite impacts. Full consultation and agreement on final design with the LLFA is essential. Future maintenance processes of SuDS features and culverts and the party responsible for maintenance should be defined in the drainage strategy. All SuDS features must remain functional at the intended design levels for the lifetime of the development.”*

#### **Gondolin Response**

We acknowledge JBA's comments regarding the need for a defined maintenance strategy for the proposed SuDS features and culvert infrastructure.

It is standard practice for the long-term maintenance of drainage infrastructure to be secured via a suitably worded planning condition. We would expect such a condition to require the submission and approval of a detailed SuDS Maintenance Plan prior to commencement of development. This would outline the ongoing maintenance arrangements, responsibilities, and inspection regimes for all proposed SuDS features and associated infrastructure, including the culvert where relevant to the development.

We can confirm that such a plan will be prepared and submitted in accordance with the requirements of the LLFA and any relevant guidance, ensuring that all drainage features remain functional and effective for the lifetime of the development.

To secure this approach, we suggest the following wording for a planning condition:

*“No development (excluding site clearance and enabling works) shall commence until a SuDS Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The Maintenance Plan shall include:*

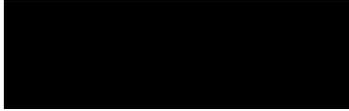
- a) details of the arrangements for the adoption, long-term maintenance, and management responsibilities of all SuDS features and associated drainage infrastructure within the development, including identification of the party or parties responsible for ongoing maintenance and inspections;*
- b) a schedule of maintenance activities and inspection regimes; and*
- c) confirmation of how maintenance responsibilities for the culvert, where relevant to the development, will be secured and managed.*

*The approved Maintenance Plan shall be implemented in full and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.”*

### **Concluding Remarks**

In summary, we trust that the above responses address all outstanding matters raised in JBA Consulting’s review dated December 2024. Where appropriate, we have identified how any residual technical details—particularly those relating to detailed drainage design, culvert condition, and maintenance arrangements—can be secured via standard planning conditions. These mechanisms are well established and will ensure that all necessary assessments and mitigation measures are developed, agreed, and implemented in consultation with the Lead Local Flood Authority at the appropriate stage of the planning process. We remain committed to ongoing engagement to ensure that drainage and flood risk matters are robustly and proportionately addressed throughout the development lifecycle.

Yours sincerely,



**Stephen Donnan**

*MEng(hons), MSc, MCIWEM*

**Technical Director**



**Documents Enclosed**

Appendix A – JBA Site Review

Appendix B – Proposed Development Plan (Future Surface Water Flood Risk Overlaid)

**Appendix A – JBA Site Review**



**Flood Risk Review  
for Planning  
Application  
21/00270/FULMAJ  
and Appeal Refusal  
APP/D2320/W/23/332  
9702: Babylon Lane  
Final Report**

December 2024

[www.jbaconsulting.com](http://www.jbaconsulting.com)

## Document Status

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# Contract

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JBA Project Code	2024s1471

This report describes work commissioned by Chorley Council, by an instruction dated 10 October 2024. The Client's representative for the contract was Mike Halsall of Chorley Council. Mike Williamson of JBA Consulting carried out this work.

## Purpose and Disclaimer

Jeremy Benn Associates Limited ("JBA") has prepared this Report for the sole use of Chorley Council and its appointed agents in accordance with the Agreement under which our services were performed.

JBA has no liability for any use that is made of this Report except to Chorley Council for the purposes for which it was originally commissioned and prepared.

No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by JBA. This Report cannot be relied upon by any other party without the prior and express written agreement of JBA.

The conclusions and recommendations contained in this Report are based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from whom it has been requested and that such information is accurate. Information obtained by JBA has not been independently verified by JBA, unless otherwise stated in the Report.

The methodology adopted and the sources of information used by JBA in providing its services are outlined in this Report. The work described in this Report was undertaken in November and December 2024 and is based on the conditions encountered and the information available during this period. The scope of this Report and the services are accordingly factually limited by these circumstances.

JBA disclaims any undertaking or obligation to advise any person of any change in any matter affecting the Report, which may come or be brought to JBA's attention after the date of the Report.

Certain statements made in the Report that are not historical facts may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the Report, such forward-looking statements by their nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. JBA specifically does not guarantee or warrant any estimates or projections contained in this Report.

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# 1 Introduction

In October 2023, JBA Consulting carried out a review (ref: 21\_00270\_FULMAJ-INDEPENDENT\_REVIEW\_OF\_HYDROLOGY-1103171) of various documents relating to the flood risk elements of an outline planning application (ref: 23/00510/OUTMAJ) for the erection of up to 40no. dwellings at Babylon Lane, Heath Charnock, Chorley on behalf of Chorley Council. The outline application relates to the live full planning application ref: 21/00270/FULMAJ. Planning permission was refused by the Planning Inspectorate (decision ref: APP/D2320/W/23/3329702) in May 2024 and is currently subject to appeal.

The Appellant is Adlington Land Limited. The Appellant's flood risk and drainage consultants with regards to this planning application are Gondolin Land & Water Ltd.

This report contains a review of additional information provided in response to the appeal refusal decision (ref: APP/D2320/W/23/3329702) and is concerned with documentation related to flood risk that has been provided since JBA's October 2023 review, including:

- Drainage letter from Gondolin Land & Water (ref: 21\_00270\_FULMAJ-DRAINAGE\_NOTE-1172629) dated 27 October 2024.
- Emails and other documentation containing local resident objections to the planning application. The objections relate to perceived issues with flood risk and drainage.

The drainage letter from Gondolin Land & Water is in response to:

- Planning Inspectorate Appeal Decision Letter (Appeal Ref: APP/D2320/W/23/3329702, Land at Babylon Lane, Heath Charnock, Adlington, Chorley, PR6 9NP dated 10 May 2024).
- Objection letter from Rutter Johnson Consulting Civil & Structural Engineers (ref: LR Objection Letter-4\_22.08) dated 22 August 2024.

## 1.1 Exclusions

This report provides an independent review of existing information on flood risk. JBA is not challenging the conclusions of the regulatory authorities' or United Utilities' reviews of the FRA and drainage strategy. This review is factual and based on the information on flood risk made available.

At the time of writing, the Environment Agency is planning to publish a new National Flood Risk Assessment (NaFRA2) in early 2025. NaFRA2 will provide a single representation of current and future flood risk from rivers, the sea and surface water, using both existing detailed local information and improved national data. Surface water flood risk will also be incorporated into the forthcoming Flood Map for Planning update.

Updates to the flood zones of the Flood Map for Planning are currently on pause until Spring 2025. During this period, where new flood zone information becomes available, a comment will appear on the current Flood Map for Planning service stating - "Our

understanding of flood risk from rivers and the sea has changed since this information was published.” Any new information must be used instead of the flood zones published on the current Flood Map for Planning service, when preparing or updating planning application flood risk assessments, and when applying the sequential and exception tests.

The National Planning Policy Framework (NPPF) is also, at the time of writing, undergoing a reform with the advent of the recently elected Labour Government. A consultation period is ongoing with draft reforms to the NPPF due early 2025.

## 1.2 Site location

The site is located on greenfield land in the village of Adlington, Chorley. The site is bounded by Babylon Lane to the west, Greenhalgh Lane and greenfield to the south and east, and residential development to the north.

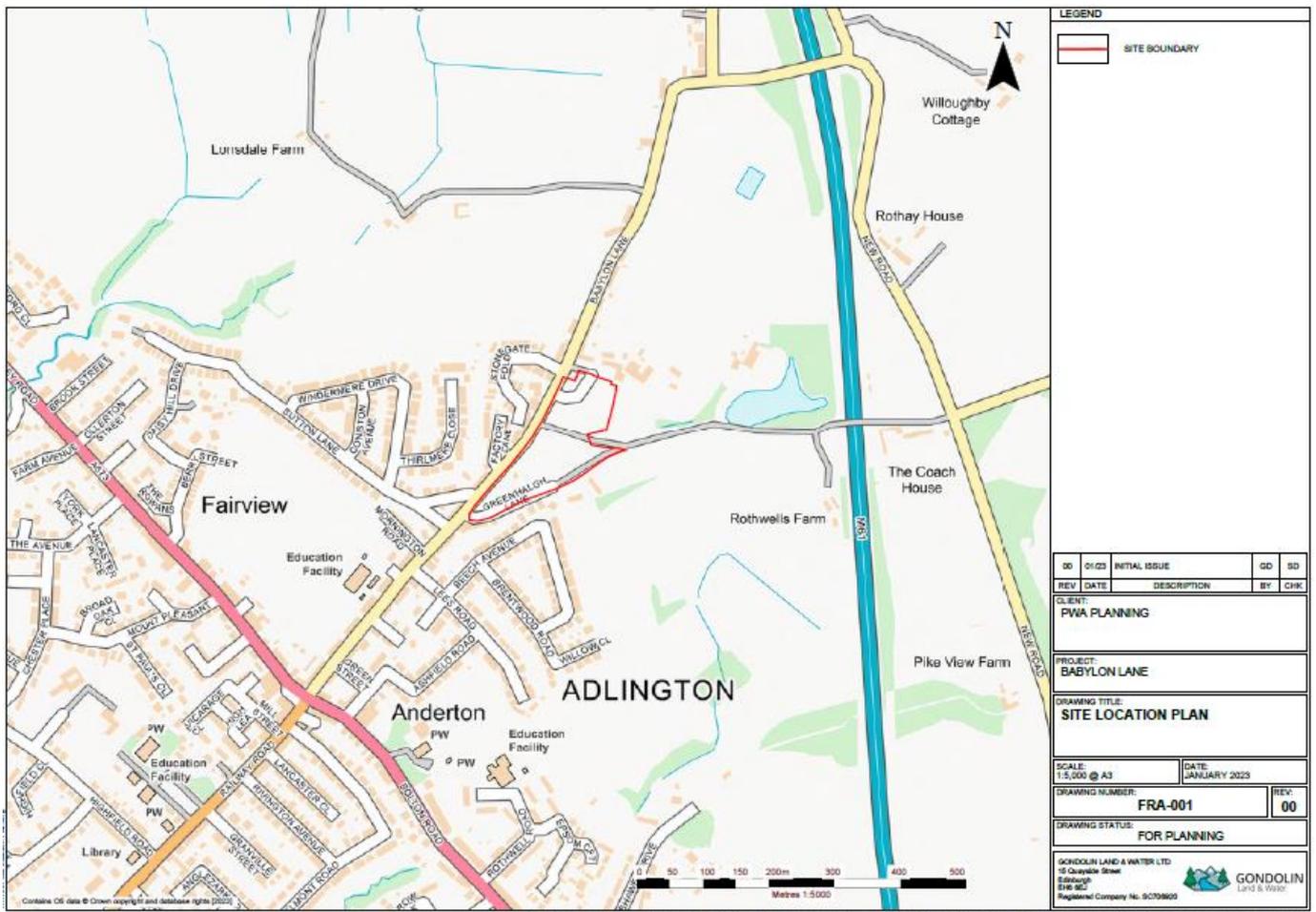


Figure 1-1 site location<sup>1</sup> (note: the site boundary on this figure has since been amended)

<sup>1</sup> Image taken from 'Babylon Lane, Residential Development Flood Risk Assessment Report. Gondolin Land & Water Civil Engineering Solutions. 23/02/2023'.

## 2 Review of Gondolin Land & Water Drainage Note

'Ref: 21\_00270\_FULMAJ-DRAINAGE\_NOTE-1172629'. 27 October 2024.

Extracts from the Drainage Note are copied in *italics*. JBA's review comments are written in plain text.

### 2.1 Extract from paragraph 01

*"As part of the reason for appeal refusal, the Planning Inspectorate cited the lack of a Sequential Test. PWA Planning have prepared an updated site boundary plan which results in the Sequential Test not being required".*

By updating the site boundary, the Appellant has removed the present day medium (1% annual exceedance probability (AEP)) and high risk (3.3% AEP) event flood extents of surface water flood risk, based on the Environment Agency's national Risk of Flooding from Surface Water dataset. The site is still at risk from the low risk surface water flood event (0.1% AEP), as shown in Figure 3-2 of the October 2023 flood risk review report and the Environment Agency's online long term flood risk map<sup>2</sup>.

However, the Flood Risk and Coastal Change Planning Practice Guidance (PPG) paras 023 and 024 are clear in that the sequential approach to development should avoid "development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding". There is no evidence that Gondolin has considered the effects of climate change on surface water flood risk when redefining the site boundary. This would therefore suggest that the site should be subject to the sequential test as it has not considered future flood risk.

Consideration of climate change on the future risk of flooding from surface water should include consideration of the Environment Agency's guidance on climate change allowances for flood risk assessments<sup>3</sup>. For the applicant site, this should include the following:

- Modelling of the Douglas Management Catchment upper end allowance for the 3.3% AEP rainfall event for the 2070s epoch. This equates to an increase of 40% on current peak rainfall for the high risk event,
- Modelling of the Douglas Management Catchment upper end allowance for the 1% AEP rainfall event for the 2070s epoch. This equates to an increase of 45% on current peak rainfall for the medium risk event.

The modelling outputs should then be mapped and compared to any reasonably available alternative sites within a search area to be defined and agreed with the local planning authority. Having modelled the 1% AEP plus 45% climate change for the current Level 1

<sup>2</sup> [Long term flood risk map | Surface Water | Environment Agency](#)

<sup>3</sup> [Flood risk assessments: climate change allowances | Environment Agency | May 2022](#)

Strategic Flood Risk Assessment (SFRA) for Central Lancashire, it is clear that the site is at future risk from surface water flooding, as shown in Figure 2-1.

Had the sequential test been performed before starting the planning application, it may be the case that this site would fail based on future risk from surface water flooding. However, this would assume there are other reasonably available alternative sites within the search area as agreed with the local planning authority.

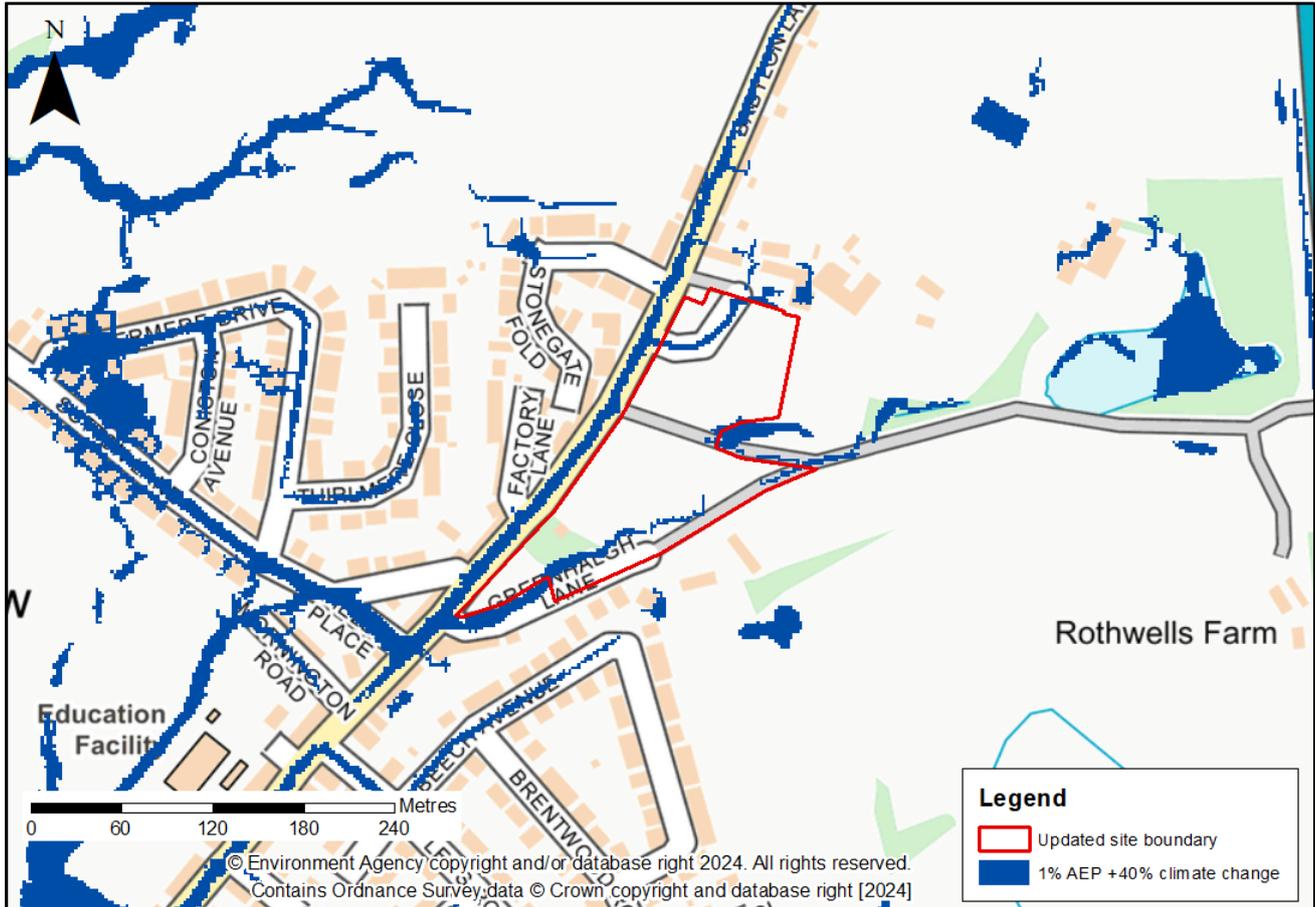


Figure 2-1 amended site boundary and 1% AEP plus 40% climate change flood extent (taken from Central Lancashire Level 1 SFRA, 2024)

**2.2 Extract from paragraph 02**

*"This letter is intended to provide supporting evidence to demonstrate that the need for the Sequential Test has been safely and appropriately circumvented without affecting the outcome of previous flood risk assessments and any flood risk both on site and off site. As such, the absence of a Sequential Test should not be considered an impediment to the full planning application being granted as it is not necessary."*

The sequential test is not in place to be circumvented. It should be applied to all planning applications where it has not been applied previously by the local planning authority. This site is highly likely to be at increased surface water flood risk in the future as a result of climate change. Had the sequential test been applied correctly then this would have been

clear. The amended site boundary does not therefore account for the impacts of climate change on surface water flood risk.

### 2.3 Extract from paragraph 05 bullet points

"With reference to these individual areas of flood risk stated above (para 04 of the Drainage Note), the following summary is provided:

- *Babylon Lane Flooding – confined to the existing public road extents, no development has been proposed in this flood risk area as it is an existing public road.*

The flood risk on the Babylon Lane road, adjacent to the site, must still be considered in site design given this road will be used as a primary access route to the site. Babylon Lane will also be subject to greater volumes of traffic as a result of any new development. It is important therefore that this road is considered in terms of provisions for adequate drainage so that this road does not flood either now or in the future and can remain safe for traffic and pedestrians.

- *Culvert Opening Flooding – confined to watercourse channel extents (very incised channel in this area), no development has been proposed in this flood risk area as it is the watercourse channel.*

There are other factors that should be considered in relation to the culvert:

- Residual risk - there will always be a residual risk from culvert collapse and culvert blockage. Such scenarios do not appear to have been considered in the FRA. Para 043 of the PPG is clear in stating "It may also be appropriate for this information (residual risk information) to inform a sequential approach to the location of development within these areas (areas of residual risk flooding), where the initial application of the Sequential Test is unable to steer development to lower risk areas". Residual risk must therefore be quantified and used to inform on development layout and design.
- Condition assessments should be carried out on the culvert inlet, outlet, and main body of the culvert over its full length. As touched upon in the original FRA, deculverting should be considered with no development within at least 8 metres of any open watercourse or culverted watercourse. This should be agreed with the Lead Local Flood Authority.
- Consideration of the offsite impacts downstream of the site should be considered in site drainage design. Discharge rates from the site must be agreed with the Lead Local Flood Authority, if not already agreed. There should be no increase in volumes from greenfield rates and, where possible, betterment should aim to be achieved to reduce risk downstream of the site.
- *Southeast Flooding – existing ponding area adjacent to dry stone wall and Greenhalgh Lane, no development has been proposed in this flood risk area as it is known to flood".*

Although no development is planned in this area, the plans include for opening up the wall to create a footpath link to the site from the corner of Babylon Land and Greenhalgh Lane. There does not appear to have been any consideration as to what impacts there could be to existing property and infrastructure downstream of the site by opening up the wall and installing a footpath. The wall may, in part, help to retain surface water onsite. A new path may act as a pathway for floodwaters to escape the site and exacerbate risk downstream.

#### 2.4 Extract from paragraph 07

*"It is accepted that the site boundary had included areas at risk of flooding and thus by strict planning definition, the Sequential Test should be applied. With that said, critically assessing the site layout and nature of flooding in the identified areas should demonstrate that a Sequential Test is not necessary as no development is proposed in areas at risk of flooding. This is evidenced by the fact that 3no. sperate Flood Risk Assessments have been carried out for the development site, none of which recommended the need for a Sequential Test or identified any flood risk sources of significance.*

The sequential test should be carried out ahead of any planning application. Even where a flood risk assessment shows a site can be safe for its lifetime, the sequential test is still required. This is evidenced by para 023 which states "Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied". The sequential test therefore should have been carried out which would inevitably show the site to be at risk from surface water in the future as a result of climate change.

*Furthermore, the Lead Local Flood Authority raised no objections to the evidence provided nor did they request that a Sequential Test be undertaken".*

It is not for the LLFA to request for the sequential test to be undertaken. It is for the applicant to establish the requirement and the scope of the sequential test in consultation with the local planning authority ahead of preparing any FRA.

#### 2.5 Extracts from paragraph 08

*"...the site boundary has been revised to remove the areas identified to be at risk of flooding".*

The boundary revision has not considered the impacts of climate change on surface water, which is a requirement of the sequential test. See Figure 2-1.

*"...the implementation of the site would reduce the severity of flooding in the southeast area at Greenhalgh Lane. This is due to the fact that the site naturally drains to this area and there is limited potential for any collected runoff to dissipate except via the public sewer system (e.g., highway gullies) which is known to flood or flow downgradient along Babylon Lane. As part of the site development, the vast majority of the undeveloped upgradient area would be formally drained to the proposed SuDS system, appropriately attenuated and discharged directly to the culvert. This strategy greatly reduces the contributing catchment to this flood risk location which would significantly lower the severity of any flooding.*

*Additionally the captured site runoff would be discharged directly to the culvert at an attenuated rate and thus bypassing the flooding area entirely".*

Drainage conditions upstream and downstream of the site should be considered in the SuDS design. The wider surface water catchment should be considered in SuDS design and not the site only. The LLFA must confirm the whole catchment area has been considered and surface water modelling has been carried out appropriately to the scale of the development.

## **2.6 Extract from paragraph 012 (in relation to paragraphs 010 and 011 which respond to the objection letter from Rutter Johnson Consulting Civil & Structural Engineers)**

*" We trust the additional information presented herein demonstrates that the proposed development would not result in any increased flood risk to the local area and the development does not require the Sequential Test to be applied".*

JBA has no reason to disprove the contents of paragraphs 010 and 011 in relation to reserved matters on detailed drainage design and offsite impacts. Full consultation and agreement on final design with the LLFA is essential. Future maintenance processes of SuDS features and culverts and the party responsible for maintenance should be defined in the drainage strategy. All SuDS features must remain functional at the intended design levels for the lifetime of the development.

The sequential test should still be applied to this site and should have been undertaken ahead of the planning application. As mentioned previously in this review, the impacts of climate change on surface water flood risk do not appear to have been considered and subsequently factored into the requirement for the sequential test nor the layout plans for the site.

### 3 November 2024 site visit

JBA attended a visit to the site on 26 November 2024, alongside representatives of Chorley Council and parish councils. A site walkover was carried out alongside discussions on flood risk with the local councillors. The key observations from the site visit are summarised below.

- The local planning authority did not request for a sequential test to be performed by the developer. This may have been due to the fact there were no reasonably available alternative sites to compare against the application site.
- The site is located on a significant slope with areas of made ground present. It is believed the site will be terraced to account for the slope using retaining walls in the design.
- There were a number of drainage ditches observed running through the site and several springs upstream of the site. All such features should be appropriately accounted for in the final drainage strategy for the site and any mitigation agreed with the LLFA. Runoff rates should not exceed current greenfield rates and where possible betterment should be achieved.
- Much of the surface water runoff to the site comes from farmland to the north of the site which flows down the slope and through the site. Runoff and surface water flow paths have been observed to flood current properties upstream of the site, confirming the modelled 1% AEP plus 40% climate change flood event, as shown on Figure 2-1. Flooding of upstream properties should be a cause for concern and should be considered as part of a wider catchment drainage strategy. A wider strategy should also include for discharges from the lake, situated to the east of the site, which appears to discharge into the culvert which then flows into the site.
- There are several surface water outfalls from the adjacent M61 motorway that drain surface water from the motorway into the lake, which then discharges into the site via the main culvert drains. Oil / fuel was observed in an onsite drain / spring. This will have surface water and groundwater contamination consequences for the site and downstream of the site. The SuDS design should ensure that such pollutants from the motorway are mitigated and are not free to runoff into the site and further downstream.
- Surface water is known to pond at the foot of the site in the southwestern corner and has been observed to runoff down Babylon Lane, causing flooding to properties adjacent to the site. Site design should aim to reduce this risk and not exacerbate risk. Babylon Lane, being the primary access route to the site should be included in the drainage strategy for the site.

## 4 Conclusions

- The sequential test should still be performed at this site and should have been performed ahead of producing a planning application. The FRA does not preclude the need for a sequential test.
- The impacts of climate change on surface water have not been considered. This may impact the outcome of the sequential test and the proposed site layout and design.
- There appear to be several unknowns regarding the wider catchment i.e.:
  - Upstream flood risk and how that is factored into site and SuDS design,
  - Runoff from the motorway and associated pollutants,
  - Downstream flood risk and how this can be reduced through site design,
  - Future maintenance details of culverts and SuDS features including maintenance procedures, ownership and responsibilities, funding,
  - Mitigation of surface water risk to Babylon Lane given this will be the primary access road to the site.
- Residual risk from culvert failure, blockage does not appear to have been considered or quantified.
- Full consultation with the LLFA must be carried out on a detailed, catchment-wide drainage strategy, accounting for upstream and downstream risks as well as onsite risks.
- The Council is advised, if possible, to await the release of NaFRA2 and the reformed NPPF before considering planning permission.

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ISO 45001:2018



**Appendix B – Proposed Development Plan (Future Surface Water Flood Risk  
Overlaid)**





- NOTES
1. DRAINAGE LAYOUT INFORMED FROM DRAWING PREPARED BY ALAN JOHN PARTNERSHIP LLP - "BLA-AJP-XX-00-DR-C-0900-P4 PRELIMINARY DRAINAGE STRATEGY" AND WAS UPDATED TO REFLECT DISCHARGE TO SURFACE WATERS AND NOT SEWER.
  2. REFER TO ABOVE DRAWING FOR FULL DETAILS OF PROPOSED DRAINAGE SCHEME.

- LEGEND
-  SITE BOUNDARY
  -  WATERCOURSE
  -  WATERCOURSE CULVERT ROUTE (EXISTING)
  -  WATERCOURSE CULVERT ROUTE (PROPOSED DIVERSION)
  -  PROPOSED ADOPTABLE SURFACE WATER SEWER
  -  PROPOSED ADOPTABLE FOUL WATER SEWER
  -  EXISTING PRIVATE SEWER
  -  EXISTING PUBLIC COMBINED SEWER
  -  PRIVATE STORM WATER DRAINAGE

REV	DATE	DESCRIPTION	BY	CHK
00	11/23	INITIAL ISSUE	RB	SD

CLIENT:  
PWA PLANNING

PROJECT:  
BABYLON LANE

DRAWING TITLE:  
**PROPOSED DRAINAGE LAYOUT**

SCALE:  
1:750 @ A2

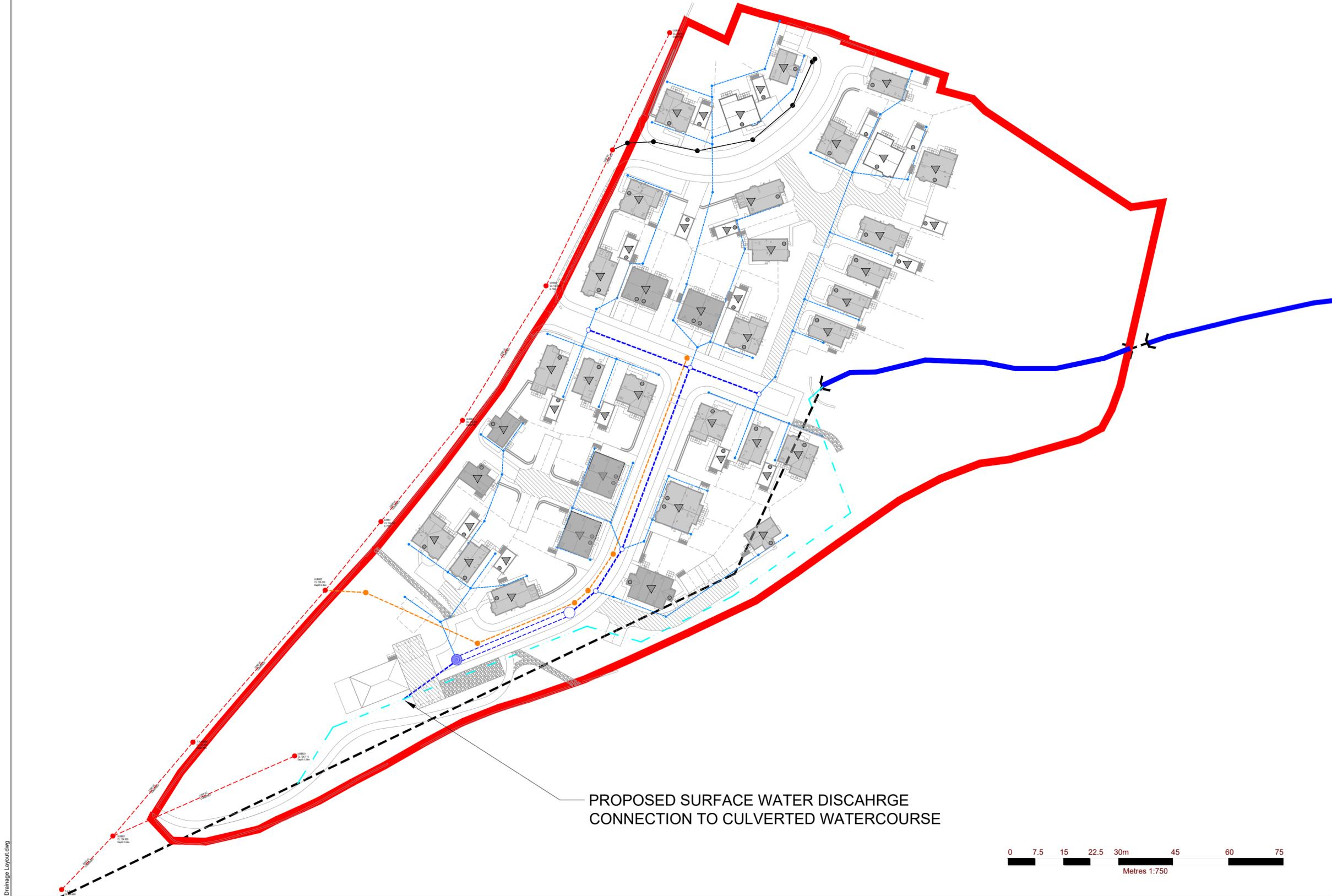
DATE:  
NOVEMBER 2023

DRAWING NUMBER:  
**001**

REV:  
**00**

DRAWING STATUS:  
FOR PLANNING

GONDOLIN LAND & WATER LTD  
15 Quayside Street  
Edinburgh  
EH6 6EJ  
Registered Company No. SC706920

PROPOSED SURFACE WATER DISCAHRGE  
CONNECTION TO CULVERTED WATERCOURSE



Drainage Layout.dwg



**Appendix B - Chorley Council Updated Statement of Case, July 2025, in respect of  
appeal ref. APP/D2320/W/25/3362219**

# **CHORLEY COUNCIL'S STATEMENT OF CASE UPDATE – JULY 2025**

## APPEAL REFERENCE

APP/D2320/W/25/3362219

## LPA APPLICATION REFERENCE

21/00270/FULMAJ

## APPELLANT

Adlington Land Limited

## SITE ADDRESS

Land at Babylon Lane, Heath Charnock, Adlington, Chorley, PR6 9NP

## DESCRIPTION OF THE DEVELOPMENT

Full application for the proposed development of 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking.

## Introduction

1. The appeal is made by Adlington Land Limited, with regards to the non-determination of planning application ref. 21/00270/FULMAJ, the description of development is '*Full application for the proposed development of 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking*'. Following the submission of the planning appeal, the application was taken to the Council's Planning Committee on 20<sup>th</sup> May 2025. The Planning Committee voted to be minded to refuse planning permission for the following reasons:

*It has not been adequately demonstrated that the proposal would not result in an increased risk of flooding both within and outside of the application site. The application fails to comply with Policy 29 of the Central Lancashire Core Strategy 2012 which seeks to appraise, manage and reduce flood risk in all new developments, and is contrary to Paragraph 181 of the National Planning Policy Framework, which has similar aims.*

## The Council's Case - Update

2. Further to the updated Statement of Common Ground – Update July 2025, the submission of additional information relating to surface water drainage that was submitted by the appellant following the Planning Committee meeting on 20 May 2025, which included a commitment through the imposition of additional planning conditions that flood risk and surface water management can be adequately dealt with subject to the successful discharge of the relevant conditions.
3. The suggested conditions meet the prescribed tests as set out in paragraph 57 of the NPPF. However, should the Inspector consider otherwise the Council reserve the right to continue to defend the reason for refusal that was resolved at the 20 May 2025 meeting of the Planning Committee.
4. In the event the Inspector concurs that the agreed list of planning conditions meet the tests in paragraph 57 of the NPPF, the proposed development is unlikely to result in increased risk of flooding either within or outside of the application site, subject to the additional information required as part of the conditions provided in the Conditions List in Section 4. Based upon the information submitted to date and subject to the successful discharge of the relevant conditions, the proposed development will comply with Policy 29 of the Central Lancashire Core Strategy 2012 which seeks to appraise, manage and reduce flood risk in all new developments, and with Paragraph 181 of the National Planning Policy Framework, which has similar aims.