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Review of Local Plan Flood Risk Policy EQ8 "Managing Flood Risk and Surface Water"

2015s3315 - FINAL Report

October 2015

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This report describes work commissioned by Stuart Bate, on behalf of Sefton Council, by a letter dated 21 September 2015. Sefton Council's representative for the contract was Andrea O'Connor. Charlotte Beattie, Rachel Brisley, Ed Blackburn and Howard Keeble of JBA Consulting carried out this work.

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Purpose

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Abbreviations

ARFQ	Advanced Request for Quotation
CDA	Critical Drainage Area
EA	Environment Agency
FRA	Flood Risk Assessment
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SFRA	Strategic Flood Risk Assessment
SuDS	Sustainable Drainage Systems
SWMP	Surface Water Management Plan
UU	United Utilities

1 Introduction

1.1 Overview

This policy review forms one of four parts of a Local Plan screening review for Sefton Council.

The review of flood risk policy EQ8 has involved a simple but brief technical and qualitative assessment format, using a table format of review. In line with the specifications of the Advanced Request for Quotation (ARFQ) (Contract Number 9ZQD-D30FN5), these five parts have included consideration of the following:

- a) Flood risk policy and the explanation;
- b) Representations made during the Publication Period;
- c) National planning and other guidance;
- d) Ministerial Statement regarding Sustainable Drainage Systems and other national and Environment Agency advice;
- e) Proposed modifications to the policy and explanation.

The table forms three columns, column one outlines the policy details and explanation for part a). Column two summarises the findings of b), c) and d) in regards to representations, national policy and guidance, the Ministerial Statement and Environment Agency standing advice. The final column of the review table draws reference to b), c), d) and makes suggested policy and explanatory text modifications where required in regards to parts b), c) and d) of the assessment table.

The format of the review will form a quality assessment that demonstrates awareness of the test, the soundness and legal requirements of the Town and Country Planning (Local Planning) England (Amendment) Regulations 2012 and Local Plans and the Planning Inspectorate (2013) guidance on Examining Local Plans Procedural Practice 3rd edition v2.

This review is summarised in a short report and table, with a short section of recommendations in plain English format which should be readable to non-technical experts.

The summary table of representations has been amended in track changes to reflect the review of the individual representations and included in Appendix A.

1.2 Information provided

The information provided by Sefton Council for this review has included the following:

- Appendix A Policy EQ8 with proposed modifications 1st October.
- Appendix B Copies of EQ8 policy representations and App B summary of representations.
- Appendix C Copies of NPPF, Ministerial Statement and Environment Agency Standing Advice.

1.3 Limitations

The review of policy EQ8 has not included the assessment of:

- Introductory text to policy EQ8.
- CIRIA SuDs Manual or BS8582:2013.
- Local Plan evidence documents including the Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), Sustainability Appraisal (SA) or the Technical Paper 2: Flood Risk: sequential and exception test.
- Other related local plan policies.

2 Policy EQ8 Managing Flood Risk and Surface Water

2.1 Introduction

Policy EQ8 is located within Chapter 10 of the Local Plan, referred to as “Design and Environmental Quality”. Table 1.2 includes the specific wording of policy EQ8 Managing Flood Risk and Surface Water and its explanatory text.

Table 1.1 below sets out the introductory text, policy and explanation taken from Appendix A Policy EQ8 Managing FR and SW (Mods). Table 1.2 details the policy text and explanatory text, including the proposed modifications the Council are seeking in response to representations made in the publication period and the Ministerial Statement on SuDS published in December 2014. The proposed modifications to the text remain unconfirmed at the draft stage of this report.

Table 1.1 Managing Flood Risk and Surface Water: Introductory Text

- 10.50 Sefton is a low-lying, predominantly flat Borough. Flood risk from all sources and its management is an important local issue, especially surface water flood risk, which in any given year has a 1 in 100 chance (1%) of potentially affecting 30% of properties in Sefton. This is set out in the 2011 Sefton Surface Water Management Plan (SWMP) and reflected in the 2013 Strategic Flood Risk Assessment (SFRA), which Sefton has prepared in line with the National Planning Policy Framework and National Planning Practice Guidance.
- 10.51 Flooding has consequences for the economy, environment and for social, health and well-being.
- 10.52 Management of flood risk means designing to control and where possible reduce the risk (and hence consequences) from any source of flooding. Climate change, especially increased rainfall intensity is likely to increase both the risk of surface water and other flooding in Sefton and the challenge of managing it effectively. Much of Sefton's agricultural land lies mainly within low-lying areas reliant on pumped drainage. It is particularly vulnerable to changes in rainfall amounts and intensity, land drainage and how flood risk is managed.
- 10.53 Hence, it is important in Sefton that new development manages flood risk from all sources and critically that surface water is managed sustainably through use of sustainable drainage systems or schemes (SuDS). Sustainable management of surface water links to the Local Flood Risk Strategy which the Council has a duty to prepare. It also links to national requirements for sustainable drainage set out in the National Planning Policy Framework, National Planning Practice Guidance, Ministerial Statement (December 2014) and Defra's Non-Statutory Technical Standards for Sustainable Drainage Systems (2015).
- 10.54 Paragraphs 99 to 104 of the Framework, and national planning guidance, stress the need for flood risk management, including the need to develop policies to manage flood risk from all sources and to take opportunities offered by new development to reduce the causes and impacts of flooding.

2.2 Review Table of Policy EQ8 "Managing Flood Risk and Surface Water"

Table 1.2 Policy EQ8 and Explanatory text

EQ8 Policy	b) Representations made during the publication period c) National Policy and Other Guidance d) Ministerial Statement other national and Environment Agency advice	e) Proposed modifications
Flood Risk Generally		
<p>1. Development must be located in areas at lowest risk of flooding from all sources. In accordance with national policy. Within the site buildings must be located in the areas at lowest risk of flooding.</p>	<p>b) Representations made during the publication period From the fifteen representations received on flood risk and summarised in App B1, two are not applicable as they refer to policy NH4 (Reps 123 and 663). From the thirteen remaining representations there are three comments/representations, nine objections and one representation of support. The thirteen representations relevant to policy EQ8 raised issues in regards to the following (not exclusive list);</p> <ul style="list-style-type: none"> • Climate change and unacceptable vulnerability • Use of SuDs • Green Belt and Drainage Board • Duty to Consult • Capacity of sewerage infrastructure • Unsustainable and issue of sustainable development policy • Special dune system • Neighbourhood plans • Historical flooding issues • Mapping • Flood Insurance and Flood Re • Surface Water Management Plan • SuDs mitigation • Effect of flooding downstream • Implications of development on existing flooding areas • Surface water run off • Grey water increase and impact on drainage systems and highly productive farmland • Oversimplification of national policy not helpful, unsound and inconsistent with national policy • Amendments to wording of policy EQ8 4 b) • Non-compliance with paragraph 100 of NPPF • Inappropriate use of Suds, storage of water and costs • Development should be permitted where demonstrated flood risk has been reduced by defences or measures • No completion of a level 2 SFRA, in compliance with NPPF sequential and exception test. 	<p>Parts b), c) and d) of the review are relevant.</p> <p>The majority of representations made, including those from key stakeholders such as United Utilities and Environment Agency have raised objection to flood risk policy EQ8. The issues raised in the objections are listed in part b) of this review. There is one representation of support.</p> <p>The copy of the NPPF appended to this review is not the latest version and does not include the latest amendments. Any references to amendments in this section refer to the latest version of the NPPF.</p> <p>NPPF paragraph 100 states that "...inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Technical guidance states how this should be implemented.."</p> <p>The wording of the policy needs to refer to "planning" and the "avoidance of inappropriate development, and development away from highest risk". It also needs to refer to risks over the lifetime of the development in regards to paragraph 103 of the NPPF.</p> <p>One of the five objectives of the National Flood and Coastal Erosion Risk Strategy supports the national planning policy in that it requires "Avoiding inappropriate development in areas of flood and coastal erosion risk and being careful to manage land elsewhere to avoid increasing risks"</p> <p>The reference to "buildings" is not reflective of the non-statutory standards for SUDS (March 2015) which set out requirements for flood risk within a "development and design implications for drainage, buildings or utility plant"</p>

<p>2. Development must not increase flood risk from any sources within the site or elsewhere, and where possible should reduce flood risk.</p>	<p>United Utilities request an amendment to i) policy on sustainable development, policy EQ8 4 b) and iii) policy on infrastructure (Chapter 9)</p> <p>i) Sustainable development “To ensure that all new development addresses flood risk mitigation and explores all methods for mitigating surface water run-off. Wherever possible, developers should include and an element of betterment within their proposals to reduce further the risk of flooding in the area</p> <p>ii) Policy EQ8 4. b) i. a soakaway or some other form of infiltration system (using sustainable urban drainage principles), ii. an attenuated discharge to watercourse iii. an attenuated discharge to surface water sewer, or iv. an attenuated discharge to combined sewer.</p> <p>iii) Infrastructure. Once more details are known on development sites, for example, the approach to surface water management and proposed connection points to the foul sewer network, it may be necessary to co-ordinate the delivery of infrastructure improvements. At the larger development sites, it may be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy periods of time by numerous developers. Sefton Borough Council will support the principle of investment in infrastructure to respond to development and environmental needs. Infrastructure is key to the delivery of sustainable development and economic growth and meeting the development needs of the Borough.”</p>	<p>There are a number of representations and objections made in regards to policy and allocations relating to flood risk.</p> <p>The copy of the NPPF appended to this review is not the latest version and does not include latest amendments. Any references to amendments in this section refer to the latest version of the NPPF.</p> <p>NPPF paragraph 100 states that “...inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Technical guidance states how this should be implemented.”</p> <p>Paragraph 100 of the NPF also states that “Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by: applying the Sequential Test; if necessary, applying the Exception Test; safeguarding land from development that is required for current and future flood management; using opportunities offered by new development to reduce the causes and impacts of flooding; and where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations”</p> <p>It is recommended that the wording of the policy be amended to reflect the emphasis within the wording of the national planning policy.</p>
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<p>3.Site-specific Flood Risk Assessments will be required for all development on sites of 0.5ha or more in Critical Drainage Areas as defined in Strategic Flood Risk Assessment.</p>	<p>b) Representations made during the publication period From the fifteen representations received on flood risk and summarised in App B1, two are not applicable as they refer to policy NH4 (Reps 123 and 663). From the thirteen remaining representations there are three comments/representations, nine objections and one representation of support. The thirteen representations relevant to policy EQ8 raised issues in regards to the following;</p> <ul style="list-style-type: none"> • Climate change and unacceptable vulnerability • Use of SuDs • Green Belt and Drainage Board • Duty to Consult • Capacity of sewerage infrastructure • Unsustainable and issue of sustainable development policy • Special dune system • Neighbourhood plans • Historical flooding issues • Mapping • Flood Insurance and Flood Re • Surface Water Management Plan • SuDs mitigation • Effect of flooding downstream • Implications of development on existing flooding areas • Surface water run off • Grey water increase and impact on drainage systems and highly productive farmland • Oversimplification of national policy not helpful, unsound and inconsistent with national policy • Amendments to wording of policy EQ8 4 b) • Non-compliance with paragraph 100 of NPPF • Inappropriate use of Suds, storage of water and costs • Development should be permitted where demonstrated flood risk has been reduced by defences or measures • No completion of a level 2 SFRA, in compliance with NPPF sequential and exception test. <p>United Utilities request an amendment to i) policy on sustainable development, policy EQ8 4 b) and iii) policy on infrastructure (Chapter 9)</p> <p>i) Sustainable development “To ensure that all new development addresses flood risk mitigation and explores all methods for mitigating surface water run-off. Wherever possible, developers should include and an element of betterment within their proposals to reduce further the risk of flooding in the area</p> <p>ii) Policy EQ8 4. b) i. a soakaway or some other form of infiltration system (using sustainable urban drainage principles), ii. an attenuated discharge to watercourse iii. an attenuated discharge to surface water sewer, or iv. an attenuated discharge to combined sewer.</p> <p>iii) Infrastructure. Once more details are known on development sites, for example, the approach to surface water management and proposed connection points to the foul sewer network, it may be necessary to co-ordinate the delivery of infrastructure improvements. At the larger development sites, it may be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy periods of time by numerous developers. Sefton</p>	<p>Parts b), c) and d) are relevant.</p> <p>There are a number of representations and objections which refer to site specific flood risk assessments.</p> <p>It is recommended that the summary table of representations, as amended in Appendix A, is revisited against the wording of the policy EQ8 proposed.</p> <p>The copy of the NPPF appended to this review is not the latest version and doesn't include latest amendments. Any references to amendments in this section refer to the latest version of the NPPF.</p> <p>Paragraph 103 states that “... that A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency)...”</p> <p>It is recommended that the wording of the policy be amended to better reflect the wording and emphasis within both national planning policy and EA standing advice.</p> <p>It is recommended that the policy links identified by United Utilities are also considered alongside wording changes to policy EQ8 and these policy links are referenced in the policy links section of this chapter.</p>
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Borough Council will support the principle of investment in infrastructure to respond to development and environmental needs. Infrastructure is key to the delivery of sustainable development and economic growth and meeting the development needs of the Borough.”

c) National policy and other guidance

National Planning Policy Framework

Paragraph 99 NPPF states that Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure

Paragraph 100 NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Technical guidance states how this should be implemented. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as Lead Local Flood Authorities and Internal Drainage Boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations

Paragraph 103 of NPPF states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted

Paragraph 103 NPPF states when determining planning applications, Local Planning Authorities 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. It states that A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the Local Planning Authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding) following the Sequential Test, and if required the Exception Test, it can be demonstrated 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; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 105 NPPF states that in coastal areas, Local Planning Authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across Local Authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

Paragraph 106 NPPF states that Local Planning Authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- be clear as to what development will be appropriate in such areas and in what circumstances; and
- make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas

Paragraph 107 NPPF When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
- the character of the coast including designations is not compromised;
- the development provides wider sustainability benefits; and
- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

Paragraph 108 NPPF states that Local Planning Authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development

The explanatory text 10.58 needs to refer the wording within National Planning Guidance Note Flood Risk and Coastal Change paragraph 054, 059, 068, 069 and 061.

National Flood and Coastal Erosion Risk Management Strategy objectives

- Understanding the risk of flooding and coastal erosion, working together to put in long term plans to manage these risks and making sure that other plans take account of them;
- Avoiding inappropriate development in areas of flood and coastal erosion risk and being careful to manage land elsewhere to avoid increasing risks;
- Building, maintaining and improving flood and coastal erosion management infrastructure and systems to reduce the likelihood of harm to people and damage to the economy environment and society
- Increasing (Building) public awareness of the risk that remains and engaging with people at risk to encourage them to take action to manage the risks that they face and to make their property more resilient;
- Improving the detection, forecasting and issue of warnings of flooding, planning and co-ordinating a rapid response to flood emergencies and promoting faster recovery from flooding

d) Ministerial Statement, other national and Environment Agency advice

DCLG Written Statement: Sustainable Drainage Systems 18th December 2014

The Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate.

It is expected that local planning policies and decisions on planning applications relating to major development-developments of 10 dwellings or more; or equivalent non-residential or mixed used development (as set out in Article 2 (1) of the Town and Country Planning Procedure (England) Order 2010 to ensure that sustainable drainage systems for the management of run-off are put in places, unless demonstrated to be inappropriate.

	<p>In considering planning applications, Local Planning Authorities should consult the relevant Lead Local Flood Authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensue through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.</p> <p>The threshold will be kept under review by the Government and changes came into effect on 6th April 2015. The current requirement in national policy that all new developments in areas at risk of flooding should give priority to the use of sustainable drainage systems will continue to apply.</p> <p>Since this statement, Lead Local Flood Authorities have become an additional statutory consultees to the Environment Agency on planning applications for surface water management, to reflect the roles and responsibilities for local flood risk management.</p>	
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<p>4. Development must incorporate sustainable drainage systems to manage surface water flooding run off within the site so that:</p> <p>a) Surface water run-off rates and volumes are reduced by 20% (compared to the pre-existing rates) for the sites covered by buildings or impermeable hard surfaces, and for greenfield sites do not exceed greenfield rates.</p> <p>b) Surface water discharge is targeted using a sequential approach, and proposals for attenuated discharge of surface water into anything other than the ground must demonstrate why the other sequentially preferable alternatives cannot be implemented:</p> <p>i) Into the ground (infiltration)</p> <p>ii) Into a watercourse or surface water body</p> <p>iii) Into a surface water sewer or</p> <p>iv) Into a combined sewer.</p> <p>c) Above ground, natural drainage features rather than engineered or underground systems are used.</p> <p>5. Sustainable drainage systems and any water storage areas must control pollution and should enhance water quality and existing habitats and create new habitats where practicable.</p> <p>6. Development on an area which is adopted Sustainable Drainage System or has a formal flood risk management function is acceptable in principle where the development proposals do not reduce the ability of the area to manage the surface water flood risk.</p>	<p>Defra Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems March 2015</p> <p>These standards should be used in conjunction for National Planning Policy Framework and Planning Practice Guidance Note.</p> <p>These standards set out fourteen standards in regards to flood risk outside of the development, peak flow control, volume control, flood risk within the development, structural integrity, design for maintenance considerations, and construction.</p> <p>In short, it specifies requirements for drainage to surface water bodies, greenfield development, previously developed land in relation to and not exceeding 1 in 1 year and 1 in 100 year events with 6 hour duration rainfall events. It refers to drainage system and design, and advises that unless an area of the site is designated to hold or convey water, flooding should not occur in any part of the site for a 1 in 30 year rainfall event, or 1 in 100 year rainfall event in any building, utility plant within the development. Design for exceedance flows in excess of a 1 in 100 year rainfall event are managed to minimise risk to people and property. It sets out that structural integrity of the drainage system, life time of development and reasonable levels of maintenance and use of suitable materials. It states that pumping should only be used to facilitate drainage for those parts of the site not practicable to drain water by gravity. Communication and construction requirements to avoid damage to existing, should be minimised and avoided.</p> <p>Defra: Environment Agency: Local Planning Authorities: strategic flood risk assessment 1st July 2013 This guidance sets out requirements in regards to both level 1 and level 2 strategic flood risk assessments, the consultation requirements and what the assessment should include and what outputs will be required.</p> <p>Defra Environment Agency Advice: Flood risk assessment: Local Planning Authorities 15th April 2015 This sets out the requirements for consultations, in regards to size and type (minor or major) of developments and location with different flood zones. It sets out the requirements for the different types of assessments, what assessments will need to check, the vulnerability classifications, flood mapping and sequential and exception tests. It provides certain forms of standing advice for minor extensions and vulnerable developments. Advice on extra flood resistant and flood resilience measures.</p>	<p>Parts b), c) and d) of the review are relevant.</p> <p>There are a number of representations and objections which refer to sustainable drainage systems. One representation by United Utilities details exact wording changes to three interrelated policies, and although this review is only concerned with policy EQ8. It is recommended that consideration of the impacts is given by the Council. There is reference in representations to local character and ecology of Sefton, sand dune system and surface water run-off.</p> <p>The wording of policy 4 does not comply or accord with the approach required by Ministerial statement towards design, and lifetime of the development, decision making mechanisms and need for proportionate operation and maintenance costs.</p> <p>It is recommended that wording of policy is tweaked to reflect necessary requirements of Ministerial statement and national planning policy.</p> <p>The wording of policy 5 does not draw on opportunities and benefits to ecology from SuDS and importance of water quality from the Water Framework Directive. There is a need for the policy to address the potential impact of development proposals against any failing waterbodies within the Borough and it's is recommended the wording of the policy is amended.</p> <p>Both the SFRA and SWMP identify surface water flooding as a significant issue and Policy 6 does not reflect the significance of these findings. It is recommended that the wording of the policy be changed, along with explanatory text, to resist development of areas with clear flood risk management function.</p> <p>This current review does not include a review of the local plan evidence section including SFRA, so it is difficult to review the policy and explanation against the standard advice. It should be noted that the standard advice available online is different to that provided in the appendix documents.</p>
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g) Local Plan evidence base (not included within review)

Sefton Metropolitan Borough Council Strategic Flood Risk Assessment 2013

This builds on the findings of the Level 1 SFRA undertaken in 2009 and is considered a live document subject to the latest available data. This SFRA forms an important part of the evidence to inform the development of the Local Plan policies for managing flood risk. It will help define the requirements of the site specific flood risk assessments (site specific FRA's) prepared by developers and inform the development management process.

The SFRA identifies that the principal source of flood risk across the Borough is surface water flooding, but parts of Sefton are also at risk from fluvial and tidal sources, groundwater flooding, and from failure of canal and reservoir infrastructure.

It states that surface water flooding affects significant areas of Sefton and, as a result of the low lying topography of the Borough, there are areas in which the extent of flooding is large and the number of properties affected is significant. It states that this is compounded in some areas by influence of flooding from infrastructure such as railway lines, roads and the Leeds and Liverpool Canal. Sewer flooding is also considered a significant issue across the Borough and is closely linked with surface water flooding and the issues of sewer systems that have insufficient capacity to cope with severe rainfall events.

Fluvial flooding (main rivers and ordinary watercourses) based on risk to people and property. Areas around Thornton, Formby, parts of Maghull and northern fringes of Aintree are principal areas of flood risk within Sefton. More rural areas include east of Southport and Formby around the River Alt and north of Ince Blundell (including North End), the western fringes of Maghull, North Netherton, Aintree and NE Maghull. It states how a number of areas are influenced by other sources of flood risk and that climate change will increase risk in locations from many sources.

Tidal flood risk to northern Southport between Formby and Hightown along a narrow coastal strip-managed by existing defences in generally fair condition and potential increased risk due to climate change. There is a potential risk from groundwater related flooding, but risk to people and property is relatively low. Groundwater is expected to influence surface water flood risk and in places influenced by fluvial flooding such as River Alt.

It refers to relatively low risk associated with management of Leeds and Liverpool Canal across southern Southport and minor risks in areas and adjacent Borough's from failure of reservoirs.

Hotspots identified from a number of different sources and historical records, modelling and mapping include:
 Along Whinney Brook, particularly Hall Lane and Fouracres (Maghull)
 Associated with Dover's Brook and ordinary watercourses in the vicinity of Sefton Lane (Western Maghull) and Eight Acre Lane Brook along Hawksworth Drive

Sefton Metropolitan Borough Council Surface Water Management Plan 2011

It refers to severe surface water flood events and its occurrence over last twenty years, 2001, 2004, 2008, 2010 and others, and the relationship with Alt Crossens and Mersey Estuary Catchment Flood Management Plans and Knowlsey and Sefton Strategic Flood Risk Assessment.

It is aimed at addressing the gaps in understanding on local flood risk sources and was carried out in partnership with Environment Agency, United Utilities and Capita Symonds. It aimed to improve understanding and provide a tool for spatial planners to consider in policy and development management procedures. Other uses across, highways estates, emergency planning for pre-planning and resilience planning. Carried out in stages of modelling, mapping and risk assessments. The output information from the modelling were reviewed to develop measures to implement by stakeholders and management partners. These measures include recommendations for the development of planning and development control policy within Sefton and across local boundaries where necessary, a review of emergency responses both within the Council and within communities that might be affected, as well as the provision of support to those local communities to understand and prepare for flooding. There are also recommendations for short, medium and long term flood risk management interventions that cover potential "quick wins" to mitigate flooding and schemes that may require applications for alternative funding and long-term partnership working to develop cost-effective solutions. All measures are outlined in an Action Plan. (It notes the joint nature of plan, commitments and reliance on information from partner organisations).

This element is not currently included within the review, but it is recommended that the Council considers the need to include a local plan evidence section within the review.

Sefton Council Sustainability Appraisal (SA) of the Sefton Local Plan (2015)

Climate Change and Flooding forms a topic area of the baseline environment for Sefton and flooding is identified as a theme within the sustainability issues for the appraisal. It states that large areas of Sefton are at risk from flooding. Surface water flooding is also an issue in many parts of Sefton. The sustainability appraisal objective (13) is to reduce the risk from flooding and it asks three questions. Will the plan reduce the risk from flooding to existing homes and businesses, will the plan ensure new development is built in areas with low flood risk and will the plan help to reduce surface water flooding? It identifies that it relates to Local Plan strategic objectives 5, 7 and 12. In Section 13 on the appraisal of draft plan policies, there are eight recommendations and one states that the Local Plan should avoid areas with the greatest risk from flooding. Areas that have severe problems with surface water flooding should be avoided and used as areas of open space as part larger developers if suitable. Sustainable drainage systems should be used on site and any development should not increase the surface water run-off. Section 15.1.2 states in quality healthy environment that “an environment and communities that are more resilient to flood risk and climate change will also be less susceptible to adverse impacts on the economy through loss of productivity and damage to assets and policy EQ8 is likely to have a particularly positive impact in this this respect as it seeks to reduce run off rates on brownfield land and support SuDs. In 15.3.5 a quality environment in relationship to core policies and development management policies it has a “?” and impact is suggested to have a likely positive effect on quality of residential environments, which could help to enhance the marketability of housing developments. It refers to barriers and funding constraints in locations. In the climate change and resource section, it does not refer to policy EQ8 in quality and environment section but it does refer to section 10 of NPPF and section 15.7 on flooding and objective 13 reduce the risk from flooding. It states that policy EQ8 incorporates a range of measures that emphasise the importance of managing flood risk and surface water within Sefton over the plan period. Delivery of these policies reflects guidance outlined in section 10 (paragraph 103) of the NPPF. However, EQ8 does provide clarity on the level of surface water run-off that would be acceptable with new developments. In this respect, the policy is positive as it requires brownfield developments (sites covered by existing buildings or impermeable surfaces) to achieve a reduction in run off rates by 20% covered by existing levels.

In the summary on the effects of flooding it states that the majority of new development sites are at low risk of flooding. Some moderately constrained sites have been allocated, but mitigation measures ought to minimise flood risk and control potential increases in surface water run-off in these areas. This would be facilitated by site specific policies for strategic sites such as MN3, MN4 and MN5 and also through general plan policies EQ8 that seek to Manage and reduce flooding through the incorporation of SUDS into new developments;
 Protect and enhance open space and green infrastructure; and
 Secure upgrades to flood management and drainage infrastructure;
 Achieve a reduction in run-off rates and volumes by 20% on brownfield developments
 It states that on balance that the Local Plan would have a neutral effect in terms of flooding.
 In the environmental quality section (15.8) it is also considered that the Local Plan would have a neutral effect.

Technical Paper 2: Flood Risk Sequential Exception Test is not summarised within this table because it is specific to site allocations. It is referred to by the representations and a summary can be provided if required. A summary of this would require a critical review and this is being completed as part of the Flood Risk Assessments undertaken for parts i), ii) and iii) of the wider study.

3 Review Summary

3.1 Introduction

The Planning Inspectorate, Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance (2009) sets out the requirements in regards to legal compliance and tests of soundness. In terms of soundness, Local Plans are required to demonstrate that they are justified and effective. In terms of justified, the Local Plan has four elements of participation, research/fact finding/alternatives and for effectiveness it has deliverable, flexible and monitoring tests to satisfy. The plan has to be consistent with national policy.

3.2 Policy EQ8 and Explanation

The policy document used for the review table is taken from Appendix A referred to as App A Policy EQ8 Managing FR&SW (Mods). The text shows the proposed modifications in blue text as put forward to cabinet on 1st October 2015.

3.3 Section b) representations

The representations in the summary document Appendix B1 policy comments-summary of reps has been amended to reflect the details within the individual representations provided in Appendix B2 and include the representation from the Environment Agency.

The nature, length and type of the fifteen representations (including Environment Agency) varies significantly. The main points from these are summarised in column B and amended version of documents App B1 is provided as an Appendix A to this report.

Fifteen representations were submitted for review against policy EQ8. Of these fifteen, only two were relevant to NH4 and not EQ8. Of the thirteen representations remaining, there were three representations/comments, nine objections and one representation of support.

3.4 Section c) national policy and other guidance

The documents in Appendix C with exception of C2 are not the most up to date versions. The review in the table draws on the most up to date versions as the plan needs to demonstrate consistency with current national policy.

- The copy of the National Planning Policy Framework (App C1 NPPF) is the original version published in 2012 and not the current or most up to date version found online www.planningguidance.planningportal.gov.uk.
- The written statement from the Minister Eric Pickles on sustainable drainage systems published on 18th December 2015 (HCWS161) is the correct version.
- The EA standing advice in App C3 L1 and L2 SFRA's has also been superseded by an online version <https://www.gov.uk/guidance/local-planning-authorities-strategic-flood-risk-assessment>. The content is different of both is different.

The review of national policy and other guidance has principally involved the National Planning Policy Framework (2012) and the National Planning Guidance Note Flood Risk and Coastal Change (year).

Whilst there is no draft or published local flood risk strategy for Sefton, the national strategy (2011) clearly sets out the approach for Local Authorities as Flood Risk Management Authorities and sets out the guiding principles for flood and coastal erosion risk management in England as community focus and partnership working, catchment and coastal cell based approach, sustainability, proportionate risk based approach, multiple benefits and beneficiaries should be encouraged to invest in risk management. It has three aims and five objectives. The three aims suggest:

- Manage the risk to people and their property.
- Facilitate decision making and action at the appropriate level - individual, community, or Local Authority, river catchment, coastal cell or national.
- Achieve wider environmental, social and economic benefits, consistent with the principles of sustainable development.

It is recommended that the key links section makes reference to additional sources of information such as BS8582:2013 on surface water flood risk and SuDS manual C689.

3.5 Section d) ministerial statement, other national guidance and EA standing advice

The two appendix documents from Appendix C Ministerial Statement (C2), and EA standing advice (C3) have formed part of the review with addition of the Non Statutory standards for sustainable drainage systems (2015).

- The written statement from the Minister Eric Pickles on sustainable drainage systems published on 18th December 2015 (HCWS161) is the correct version.
- The EA standing advice in App C3 L1 and L2 SFRA's has also been superseded by an online version <https://www.gov.uk/guidance/local-planning-authorities-strategic-flood-risk-assessment>. The content is different of both is different.

There are representations made within the public period which refer to national guidance and it is understood that there are ongoing discussions between the Council and the Environment Agency in regards to the approach taken by the Local Plan to strategic flood risk assessments and flood risk assessments.

3.6 Proposed Modifications

The proposed recommendations/modifications are listed against the relevant sections of policy and explanatory text in section e) of this review.

The review identifies a number of areas of where, why and how the evidence sections of the review would justify a rewording or re-emphasis of the Local Plan policy to satisfy the tests of soundness in respect of the plan being justified, effective and consistent with national planning policy.

Section c) of this review refers to two additional national policy documents: the National Flood and Coastal Erosion Risk Management Strategy 2011 and Non statutory technical standards on sustainable drainage systems.

This policy review satisfies part (iv) of flood risk assessment for the Local Plan Section 2.8 screening study where the consultant is required to review policy EQ8 "Managing flood risk and surface water and its explanation (Appendix A), taking into account the representations made during the publication period (Appendix B, national planning and other guidance, and the Written Statement made by the DCLG Minister on 18th December regarding sustainable drainage systems (Appendix c) and make appropriate recommendations towards modifications of the policy and it's explanation.

The updated summary table of representations in Appendix A should assist the Council in the proposed modifications.

3.7 Limitations

There are three key Local Plan evidence documents: the Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP) and Sustainability Appraisal (SA), which have been briefly summarised at the end of the review table. There has been no review of these Local Plan evidence documents and it is recommended that the Council considers the need to whether or not it should include the Local Plan evidence base in this review.

The Flood Risk Technical Paper (Sefton Local Plan) September 2015 has not been included in this policy review, because it is specific to the approach undertaken by the Council in regards to Sequential and Exception Test and site allocations within the Local Plan and forms a background report to the wider FRA studies being undertaken by JBA.

If a further review of local evidence base is required, the Council should consider whether they should also include the review of the technical flood risk paper.

Appendices

A Appendix - Revised Summary Table of Representations.

Rep no.	Name	Organisation	Policy
241	Jenkins	Formby Parish Council	EQ8 Managing flood risk and surface water
361	Fraser		EQ8 Managing flood risk and surface water
394	Derbyshire		EQ8 Managing flood risk and surface water
433	Haworth		EQ8 Managing flood risk and surface water
584	Edwards	Goose Meadow Farming Limited	EQ8 Managing flood risk and surface water
663	Hubbard	National Trust	NH4 The Sefton Coast and development-Not relevant
692	Harper	UKIP Sefton Branch	EQ8 Managing flood risk and surface water
715		Countryside Properties (UK) Ltd and Persimmon Homes Lancashire	EQ8 Managing flood risk and surface water
716	Swift	Robert Swift and family	EQ8 Managing flood risk and surface water
722	Hope	United Utilities Ltd	EQ8 Managing flood risk and surface water
723	Rankin	Sefton Green Party	EQ8 Managing flood risk and surface water
735		Catalyst Capital	EQ8 Managing flood risk and surface water
1026	Williams		EQ8 Managing flood risk and surface water
123	Quirk		General coastal flooding comments to section 11 Policy NH4 and NH2-Not relevant
551	Gill	Environment Agency	EQ8 Managing flood risk and surface water

EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
723	Rankin	Sefton Green Party	Objection (Comment)	<p>Legally Complaint No, Sound No and Why: Justified</p> <p>Climate Change: We need to ensure that development is sensitive to the needs to mitigate against contributing to climate change, and to adapt our lifestyles and infrastructure to the unavoidable changes to come. Initially new development must take full account of flood risk, and we must be rigorous in opposing development which will create unacceptable vulnerability.</p> <p>Flood risk can also be ameliorated by the intelligent use of Sustainable Urban Drainage Systems, including flood storage basins, urban marshes etc and these should be a requirement of all new developments.</p>
241	Jenkins	Formby Parish Council	Objection	<p>Green Belt- Support NFU recommendation to appoint Local Drainage Board (pg2)</p> <p>Duty to Consult- (pg3) Land Drainage Act 1991, Land raising adjacent to existing development and drainage</p> <p>Flooding, tidal changes and water tables:</p> <p>The Local Plan in its present form relies entirely on the integrity of developers and United Utilities to ensure that the necessary infrastructure is provided, maintained and sufficient to deal with the tidal problems, the fluvial water increase and the human waste treatment. There is no undertaking in this document to ensure that will be done. Indeed there is already a need to increase the capacity of sewage treatment in order to cope with the current demands at peak times, and Sefton Planners have been unable to see the severity of the matter.</p>

361	Fraser		Objection	<p>Not sound, not positively prepared, conclusions are not justified, inconsistent with national policy and unlikely to be effective.</p> <p>Meeting the challenge of climate change, flooding and coastal change: Sefton is at risk from river flooding, coastal erosion, ground water flooding, tidal surge, surface water flooding & canal flooding. Formby is at risk from all of these except the latter. Flooding is a big issue in Sefton as a whole.</p> <p>The local Plan is not sustainable because it will bring about an increased risk of flooding. The Sefton coast is unique as it has the largest continuous stretch of dune systems in Britain. Consequently it brings with a unique set of drainage problems, this is why Sefton should be considered a special case.</p> <p>The dune system is dynamic and constantly changing system. The West Lancashire Plain is drained by Crossens river in the North and Alt river system in the South which drains land in Knowsley and Maghull. Topological maps prepared by Capita Symonds for Sefton clearly show that the sand dunes are higher than the immediate hinterland encompassing, Southport, Ainsdale, Formby and Hightown whilst land further east is elevated. This means that between the two river systems surface water drains inland where it becomes trapped and the land water logged (see Diagram in text). In the past this water formed large lakes. Martin Mere east of Southport was the largest lake in England. There were a series of other lakes (two to the NE of Formby, Barton Mere and Gettern Mere).</p> <p>In order to drain the land east of Formby and Southport there are numerous drainage ditches and water has to be continually pumped (pumping stations) by the Environment Agency to avoid flooding. The pumping station on the Crossens River and on the River Alt. Water is pumped from land in the north using Fine Jane Brook into Down Holland Brook and then into the Alt. Developments in West Lancashire, Knowsley and elsewhere all increase the level of Water in the River Alt and hence the risk of flooding in Formby. This is compounded by the fact that the Environment Agency wants to reduce pumping. The Lunt water retention scheme has noticeably slowed the flow of the river and local residents are reportedly seeing annual flooding on land that has never flooded before. As a result of global warming even without new development the flood risk is increasing.</p> <p>Sefton argue that sites have been selected in areas least likely to flood. The map above clearly shows that in the case of Formby this is untrue. Sites MN2.12 and MN2.49 include flood zone 3 land, areas that should never be developed.</p> <p>Sefton has a major problem with Surface Water Flooding. There are many water courses and main rivers that flow from dunes towards the lower hinterland. In the case of Formby many of these channels are culverted and flow into Downholland Brook and hence into the river Alt. (See map, in text, of Critical Drainage area 17). All drainage leads to Downholland Brook and the river Alt. Downholland Brook is already at full capacity. During periods of heavy rain main rivers and culverts cannot drain water into Downholland</p>
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EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
				<p>Brook because the water Level is too high this leads to backing up and flooding. This isn't helped by the fact that the culverts are not well maintained. The Environment Agency's policy of reducing the river flow is making the problem worse.</p> <p>Any new development here in Formby or upstream e.g. in Maghull, Switch Island project etc. Will cause flooding.</p> <p>Land at MN2.12, MN2.48, MN2.49, MN2.19 and MN2.16 plays a major role in absorbing surface water and have a high water table.</p> <p>Concerned that the council have chosen to develop areas around Formby which are particularly prone to flooding see flood maps for river, ground water and surface water flooding.</p> <p>In fact some of the areas chosen are in Flood zone 3 and have flooded recently.</p> <p>The Green Belt areas chosen for development namely MN2.48, MN2.49 and MN2.16 will seriously add to the risk of surface water flooding in Critical Drainage Area 17.</p> <p>The council are aware of this since they provided the data for the Environment Agency flood maps in the first place. The Surface Water Management Plan is conspicuous by its absence and is now crucially dependent upon private developers who may or may not contribute to its delivery.</p> <p>There is no mention of the plan to provide much needed flood mitigation proposed for Duke St. Park. How will MN2.48 affect plans for Bull Cop culvert?</p> <p>I have not been able to find out an answer to these questions and the Surface Water Management Plan (SWMP) (it no longer seems to exist!) has disappeared from the council website. The SWMP should be reflected in the Local Plan.</p> <p>The council seem to think that the adoption of SUDS plans will prevent flooding but SuDS was not designed to mitigate this level of flooding risk. SUDS is designed to mimic and replace natural drainage lost due to development not create a drainage system that never existed in the first place. In major flooding incidents SuDS will just become overwhelmed as was the case in Ruthin in 2012. This is unsustainable development and would not want major flooding in Sefton (as has happened in Ruthin).</p>
394	Derbyshire		Objection	<p>Legally Compliant-Don't Know, Sound/no and because it is not justified. Plan has not taken into account the effect it will have with regards to flooding of the areas downstream of where the building (development) will take place</p>

EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
433	Haworth		Objection	<p>Justification, discrepancies inconsistencies in local plan</p> <p>Flooding: One of the major concerns surrounding the Local Plan is the implications for flooding. Areas of the borough are already prone to flooding, and by changing the character of sites from agricultural land to urban land, there will be a greatly enhanced flood risk. Particularly concerning is the risk arising from lack of spare capacity in the existing surface water drainage system. When asked whether the drainage system was capable of coping with 'only' 500 new homes per year, the Council's Member Infrastructure Working Group. The IWG Report records that the following response from one of groups consultee's "A key issue was that surface water runoff should not go into the sewerage system as this could cause very high flows linked to rainfall</p> <p>Even under existing investment plans, United Utilities have told Sefton MBC that in Lydiate & Maghull, it can only cope with an additional 30 new houses per year – one third of what Sefton MBC plan to build.</p> <p>Sefton MBC have previously gone on record claiming that in accordance with the NPPF, areas in danger of potential flooding would be discounted from their development plans. However, the Lydiate Development Site MN2.28 is shown on SMBC's own plans as being immediately adjacent a high risk flood area, and the northern end of Development Site MN2.28 is already prone to flooding. Therefore any residential development will merely eliminate current natural drainage, compounding the current flooding problem. Furthermore, during the consultation process Sefton MBC amended certain of the flood plain boundaries on their own versions of the maps to accommodate their Development Sites.</p>
584	Edwards	Goose Meadow Farming Limited	Objection	<p>Legally Compliant-No, Sound No, and not sound as its not effective</p> <p>An objection in regards to the development in Sefton East. There has been no consideration of the increase in 'Grey Water' as a result of further development. This water will feed into the sewage system and local drainage system which will in turn impact on the ability of the drainage system into the River Alt to cope. The main route for this water is through highly productive farmland and an increase in the water forced through this system will place pressure on existing drainage and pumping stations. The cost of dealing with this increase in water will fall onto the farmers whose livelihoods are directly affected by flooding and the neighbouring West Lancs Borough. The local plan should address this issue and plan for grey water provision before planning any future housing development in the area, particularly as the continuation of the pumping stations are under threat.</p>

EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
692	Harper	UKIP Sefton Branch	(Objection) Comments	The Local Plan includes the statement: “The Plan does not propose development on sites with the highest risk of flooding”. The use of the word “highest” suggests that sites that are known to be prone to flooding will be ear-marked for building upon. (Indeed, they already have been!) Again this is unacceptable: no sites which have been shown to have been prone to flooding in the past should be built upon. Not only will properties built on such land be subject to flooding, but the rain-water that has fallen in such copious amounts as to cause flooding in the past will be diverted into the existing drainage system, placing a greater – and potentially unsustainable – pressure on that system. This may well give rise to flooding in hitherto unaffected areas, adjacent to known flood-sites which are developed under Sefton Council’s current plans.
715		Countryside Properties (UK) Ltd and Persimmon Homes Lancashire	Representation (objection)	<p>Persimmon and Countryside consider that paragraph 1 of this policy oversimplifies the role which the planning system plays in reducing the risk from flooding. Planning applications for development within areas at risk of flooding must be assessed in terms of the proposed use, its ‘vulnerability’ and whether the flood risk are is Flood Zone 1, 2 or 3.</p> <p>Proposals for residential development within FZ2 for example are permissible in principle subject to applying the sequential test to identify whether there are any other sites within a defined catchment that can accommodate the proposed development in FZ1.</p> <p>In their view, paragraphs (1) and (2) of this policy duplicate national planning policy and oversimplify it in a way which is not helpful and not clear. As such, these two paragraphs should be deleted as presently this part of the policy is not sound as it is not consistent with national policy.</p> <p>The flood risk section 8.9 in the case for Maghull East is specific to the site and not policy EQ8.</p>

EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
716	Swift	Robert Swift and family	(Objection)Representations	<p>The landowner considers that paragraph 1 of this policy oversimplifies the role which the planning system plays in reducing the risk from flooding. Planning applications for development within areas at risk of flooding must be assessed in terms of the proposed use, its 'vulnerability' and whether the flood risk are is Flood Zone 1, 2 or 3. Proposals for residential development within FZ2 for example are permissible in principle subject to applying the sequential test to identify whether there are any other sites within a defined catchment that can accommodate the proposed development in FZ1.</p> <p>In the landowners view, Paragraphs (1) and (2) of this policy duplicate national planning policy and oversimplify it in a way which is not helpful and not clear. These two paragraphs should be deleted as presently this part of the policy is not sound as it is not consistent with national policy.</p> <p>Paragraph 5.8 and Paragraph 5.9 of the site specific issues of the case for the allocation of the Melling Lane site is specific to the site and makes no reference to policy EQ8. It refers to sequential test, housing land requirement and deliverability, the existing modelling, SuDs and ongoing discussions with Council and Environment Agency regarding its flood zone classification.</p> <p>It also refers to a borough wide assessment of supply of sites, but no specific comments on policy EQ8.</p>

722	Hope	United Utilities Ltd	Comments (Objection)	<p>Proposed policies</p> <p>United Utilities suggests the inclusion of Policy SD, which seeks to apply the principles of sustainable development. However we would suggest the inclusion of the following bullet point (text) to the body of the policy as a principle that the Local Plan will apply “To ensure that all new development addresses flood risk mitigation and explores all methods for mitigating surface water run-off. Wherever possible, developers should include and an element of betterment within their proposals to reduce further the risk of flooding in the area</p> <p>New development should manage surface water run-off in a sustainable and appropriate way. Developers should look at ways to incorporate an element of betterment within their proposals. This approach is in accordance with paragraph 103 of the NPPF.</p> <p>Policy EQ8 Managing Flood Risk and Surface Water United Utilities suggests the following amendments to draft policy EQ8 4 b)</p> <p>4. b) i. a soakaway or some other form of infiltration system (using sustainable urban drainage principles), ii. an attenuated discharge to watercourse iii. an attenuated discharge to surface water sewer, or iv. an attenuated discharge to combined sewer.</p> <p>It also recommends in Chapter 9 Infrastructure that the following text be inserted into the body of policy “Once more details are known on development sites, for example, the approach to surface water management and proposed connection points to the foul sewer network, it may be necessary to co-ordinate the delivery of infrastructure improvements. At the larger development sites, it may be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy periods of time by numerous developers. Sefton Borough Council will support the principle of investment in infrastructure to respond to development and environmental needs. Infrastructure is key to the delivery of sustainable development and economic growth and meeting the development needs of the Borough.”</p> <p>In accordance with paragraphs 156 and 162 of the NPPF, the Local Plan should include strategic policies to (inter alia) deliver the provision of infrastructure and LPA’s should work with other authorities and providers to assess the quality and capacity of infrastructure within their areas.</p>
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1026	Williams	[Relates to FRAG representation]	Objection	<p>Objection to the Local Plan based on the National Planning Policy Framework Chapter 10 Paragraph 100 “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary making it safe without increasing flood risk elsewhere.”</p> <p>Flood Maps, Flood Risk and Flood Insurance It is clear that both developers and planning officers in Sefton are using Flood Maps in an incorrect way. It appears that these “theoretical” maps are taking precedence over the “facts” of real world flooding and risk. This difference is highlighted by how Sefton’s Local Plan treats “Flood Risk,” as against how real world insurance companies treat “Flood Risk.”</p> <p>Individual site descriptions in Sefton’s Local Plan even tell us how “part of a site is in Flood Zone 3, part in Flood Zone 2 and part in Flood Zone 1,” and then goes on to say how the entire site will be developed. Other than it being irresponsible to develop properties in areas of high flood risk, it also directly contradicts how insurance companies operate.</p> <p>Insurance companies KNOW that flood maps are only theoretical, approximate and may change from one year to next, therefore, to take into account the differences between theory and reality, and how one property may be more susceptible than another and that either the maps may slightly change or the terrain may alter (as suggested for many of the sites included in the Local Plan – raising site levels etc.), insurance companies don’t just view if a property is in a flood plain or not, but whether it is near to a potential source of flooding.</p> <p>Potential sources of flooding include (but are not limited to); the sea, rivers, watercourses, canals, lakes, dams, reservoirs and known flood plains.</p> <p>An insurance company will therefore suggest that even though a property is not actually in a flood plain, it could be at increased risk of flooding because it is NEAR a potential source of flooding.</p> <p>Dependent upon the view formed by the actuaries in different insurance companies, they may have different distances from such sources of potential flooding – some insurance companies may view an acceptable distance as 50m, some as much as 500m, but the average appears to be about 250m (see the attached copy of flood assessment for a property on Alt Rd, Formby).</p>
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EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
				<p>Even this last statement [i.e. that there has been no historic flooding events within 250m of Alt Road, Formby] is not really correct – they are quoting records held by the Environment Agency since 1947 about flooding in this area. There was a serious flood in Formby in the mid-1950s that emanated from the River Alt and Downholland Brook that was so serious, it resulted in the decision to build Altmouth Pumping Station at Hightown. Yet, even without knowing this information, Envirosearch conclude that a particular property is at “risk” of flooding. But, Sefton’s Local Plan includes several sites that are closer to sources of flooding than this particular property is, meaning that even if the properties are built in a flood resilient way, they will still be classed as “at risk” of flooding.</p> <p>It is vital that Sefton Council understand this difference between the way they are treating flood risk and how it is treated in the real world. The Local Plan shows developers where preferred locations for development will be for the next fifteen years and yet the Council are directing developers to locations that would be deemed as “unwise” by the insurance industry. This is surely an irresponsible plan that is putting new residents at risk of either not being able to get flood insurance, or having to pay a very high price for perhaps basic cover.</p> <p>Your automatic response to this will be to say that the government has set up an insurance scheme with the insurance industry to ensure that properties at risk of flooding are covered by an affordable insurance policy. It is called Flood Re. {information on Flood Re provided}</p>

1026	Williams	[Relates to FRAG representation]	Objection	<p>Legally compliant-Don't Know Sound No Not consistent with national policy Objection to the local plan based on NPPF Chapter 10 Paragraph 100 “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk but where development in necessary making it safe without increasing flood risk elsewhere”</p> <p>Flood Maps, Flood Risk and Flood Insurance Developers and planning officers in Sefton are using Flood maps in an incorrect way. Theoretical maps are taking precedence over facts of real world insurance companies treat flood risk. It raises issues with site description of site “partly within flood zone X”, flood sources, and proximity of flooding dependant on sources, issues relating to historical flooding events and properties built will be classed at risk of flooding. It states that that this direction to development for next 15 years to locations which would be considered unwise by insurance industry. It also refers to Flood Re and specification that properties built after 1st January 2009 will not be covered.</p> <p>Sustainable Urban Drainage Systems Sustainable Urban Drainage Systems (SUDS) have become an integral part of designing surface water drainage systems and are supposed to try and mimic how a greenfield site drains naturally. The idea is that when developing “upstream” areas they will present no greater load on natural resources (rivers, for example) than existing land conditions. This is because many low lying areas (whether town centres or valleys) were flooding due to development in these upstream areas sending rainwater into the rivers at a significantly higher rate than previously (water runs off hard paved, developed areas significantly faster than off a farmed field, for example). Unfortunately, SUDS in itself, does not cure flooding problems, they are there only to prevent additional load from a development affecting areas downstream. Therefore, if a site currently floods, installing a SUDS drainage scheme will NOT stop the cause of the flooding on that site – at best it will mimic how the site drains now. The only real solution to sites that flood is to identify the cause of the flooding, and cure that problem. Unfortunately, Sefton’s Planning Department seems to view the term SUDS as a panacea (which it is most definitely not) and seem to accept even the mere mention of it as a sign that a development should go ahead. The first questions that need to be asked by the Planning Department when looking at a site are; a) Does the site have a flooding problem? b) Is the site near to a flooding problem? c) What is the cause of the flooding problem? d) What is the cure for the flooding problem? e) Is it feasible for that cure to be implemented?</p>
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EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
				<p>Storing water on site, will not cure a flooding problem. It only stores water on the site. To create storage on a site, it WILL take away existing storage within the ground.</p> <p>Having worked in both private practice and public service, I have come across many locations (including some in Sefton) where “features” of designed drainage systems (like non-return valves, flow regulators and balancing ponds) have been cursed by residents of housing estates as they find they cause more problems than solutions. It can be guaranteed, for example, that installing a pond to store water in, with a restricted outlet on it, will result in a significant number of complaints from residents within only a few years installation. They will claim that it is a home to rodents, becomes a stinking bog infested with flies in the summer and becomes so full at times of rain in the winter that they fear their homes will be flooded. Yet, the Planners who approve such designs insist it is not their responsibility and expect other departments in the Council to solve the problem.</p> <p>You should take note of the article [provided] from The Daily Telegraph from 23rd March 2015 and consider whether it is wise to encourage developers to install insect breeding grounds adjacent to existing or proposed properties.</p> <p>Cost of SuDS: We also have to ask how sustainable a SUDS drainage system actually is. Evidence has shown that the cost of maintaining SUDS is significantly higher, many times higher, than maintaining a traditional drainage system.</p> <p>In view of the ongoing changes to regulations in the Flood and Water Management Act 2010, it is clear that the cost of maintaining these systems may very well be borne (in whole or in part) by the Local SUDS Approving Body - which in this case is Sefton Council itself. Has Sefton accounted for the cost of maintaining these systems? Bearing in mind that due to a reduction in Government funding, Sefton Council has cut the Land Drainage budget for 2015/16 and yet is proposing to allow several SUDS to be installed on sites in this Local Plan at a not inconsiderable to the Council in maintenance costs. It almost appears that the writers of the Local Plan are unaware of this situation.</p> <p>Not only would the cost of maintaining these systems be borne by the Council, but also the responsibility for these systems, should something go wrong. For example, failure to properly maintain the systems will result in a reduction in capacity which may result in flooding.</p>

EQ8 Managing flood risk and surface water				
Rep no.	Last Name	Organization Name	Type	Summary of Main Issues
735		Catalyst Capital	Support	Supports Policy EQ8 Managing Flood Risk and Surface Water, and note that development should be permitted where it can be demonstrated that the flood risk has been reduced either, through flood defences and on site measures. It refers to flood risk on specific site of the former Philips site, Balmoral Drive but no specific references to EQ8.

Policy NH4 The Sefton coast and development				
Rep No	Last Name	Organization Name	Type	Summary of Main Issues
663	Hubbard	National Trust	Support	(NB See also response to Para 11.45) The approach set out in this Policy NH4 is considered to generally be both appropriate and proportionate; it is also considered to be in accordance with national planning advice as set out in the NPPF. The detailed requirements are considered to cover the substantive issues raised by coastal processes and development. National Trust welcomes and supports the Policy. This is only relevant to policy NH4 not EQ8.
551	Gill	Environment Agency	Objection	Legally Compliant No, Sound No, and not sound not justified. The Council has not undertaken a Level 2 Strategic Flood Risk Assessment or site specific flood risk assessment for the following site allocations Land East of Maghull, Land North of Formby Industrial Estate. It notes they have received flood risk assessments for (however Environment Agency have advised Sefton Council that additional modelling is required to demonstrates that these sites are acceptable in flood risk terms Land North of Brackenway, Land at Bankfield LANE Church Town, Land South of Altcar Road Formby. In light of the above we consider that the Council have not been able to satisfactorily apply the exception test as required by the NPPF. Sefton Council are aware of the requirements on the above points and we are working very closely with them to ensure the correct information is submitted.

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