

SEFTON LOCAL PLAN EXAMINATION

MN 2.4 LAND AT MOSS LANE, CHURCHTOWN

**RESPONSE TO EX40 – MOSS LANE CLARIFICATION TO TRANSPORT
CONTRIBUTIONS**

ON BEHALF OF

CHURCHTOWN GREEN BELT ACTION GROUP

PREPARED BY

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1.0 INTRODUCTION

1.1 We represented Churchtown Green Belt Action Group at the Examination with regard to the proposed allocation for residential development of site MN2.4 – Land at Moss Lane, Churchtown and proposed modification Policy MN6A.

1.2 WYG Construction Cost Assessment (EX12) was the only information before the Examination relating to cost/viability of development. Whilst the Council's consultants, Keppie Massie, had undertaken a viability assessment this information was not published.

1.3 WYG Construction Cost Assessment did not include, inter alia, the cost of a financial contribution towards a subsidised bus service (£500,000). However, representatives of Keppie Massie confirmed that this cost had been included in its viability assessment, together with other costs arising from Policy MN6a. However, the detailed financial appraisal prepared by Keppie Massie was not included in document EX12 for consideration at the time of the Hearing on 10 December 2015.

1.4 The above has now been published as EX40 – Moss Lane clarification of Transport Contributions. It was confirmed at the Hearing that representors would have an opportunity to comment on any new information released.

2.0 EX40 - MOSS LANE CLARIFICATION OF TRANSPORT CONTRIBUTIONS

2.1 NPPF and Sefton Local Plan Policy EQ8 requires development to be directed away from areas of highest risk of flooding. MN2.4 is in a high-risk flood area.

- 2.2** Now that site MN2.4 is assessed as in Flood Zones 2 and 3, this Local Planning Authority should re-apply the risk based sequential approach to the location of development through the application of a Sequential Test (steer development to a lower risk of flooding) and an Exception Test. The Exception Test provides two hurdles. For the Exception Test to be passed:

It must be demonstrated the proposed development provides wider sustainability benefits that outweigh flood risk; and

a site specific flood risk assessment that the development will be safe from flooding and will not increase risk elsewhere.

- 2.3** There is no site-specific benefit to the allocation except that it will make a contribution to the high affordable housing need in Southport. The Council contend that affordable housing need constitutes the “wider sustainability benefits” required to satisfy the first part of the Exception Test. In this context, a viability assessment is a crucial part of the evidence justifying that the site is capable of delivering this single benefit in order to satisfy NPPF Exception Test criteria.

- 2.4** We contend that, the viability assessment provided in document EX40 cannot be relied on and does not provide the supporting justification allocation of the site i.e. demonstrating that sustainability benefits (30% affordable housing provision) outweigh flood risk.

- 2.5** The latest viability assessment (EX40) is based on a site area of 19.67 hectares. The purpose of this viability appraisal was to assess the financial implications of MN6A on deliverability. Based on a 75% net developable area and an assumed density of 30.1 dph the site capacity is estimated at 450 dwellings.

- 2.6** Policy MN6A states that the site is 18.3 hectares. This is a difference/reduction of 1.37 hectares or 7.4%. Based on a 75% net developable area and an assumed density

of 30.1 dph, the site capacity is reduced from 450 dwellings to approximately 415 dwellings, a reduction of 35 units.

- 2.7** The viability assessment is therefore fundamentally flawed as it is based on a site area and site capacity, which is incorrect. As such it must be disregarded. The outturn values are based on incorrect assumptions about site area and capacity, but nevertheless Keppie Massie concluded that the site is “marginal”. This prompted the Council to commission a further assessment based on 20% affordable housing provision, which indicates that there is doubt concerning the deliverability of 30% affordable housing provision on this site – the sole benefit justifying allocation of the site.
- 2.8** Furthermore, the viability assessment does not take into account the cost of highway improvements required to the east of the proposed allocation site in West Lancashire. West Lancashire Council has confirmed that they will consider their requirements for highways improvements at the development control stage. This will, almost certainly, require improvement to the nearby bridge over Three Pools Waterway (single carriage width) and the highway connection east from Moss Lane to Snape Green (A570), where the road is single carriageway width (4.1m) and unsuitable for carrying additional volumes of traffic.
- 2.9** For these reasons the Viability Assessment now provided cannot be relied upon as part of the evidence base to justify the allocation of MN2.4.
- 3.0 FLOOD RISK**
- 3.1** Very recent national, catastrophic events relating to increased flooding countrywide provides new evidence, since the Examination Hearing was adjourned. This is a material consideration, which should be factored into the decision making process.

3.2 The Council places reliance on the strength of tidal flood risk defences at Alt Crossens, and contends that there is no risk of fluvial flooding in the area. Nevertheless, on 27 December 2015 Moss Lane was identified by the EA as in a flood alert area. We are not aware that this was a result of tidal inundation.

3.3 The sequential test for this site was carried out before these latest flood maps emerged. The site at Moss Lane has therefore not been considered against sites with less risk of flooding from all sources, and in the light of the above evidence, we argue there should be a rigorous re-assessment. Furthermore, the Executive Summary of the 2013 SFRA states:

“The underlying objective of the risk-based, sequential allocation of land is to reduce the exposure of new development to flooding and to reduce reliance on built flood defences”.

3.4 The approach taken is therefore unsound. It is not in accord with the SFRA principles. The site should be tested against alternative locations within the Borough which have less risk from flooding. The Sequential Test for this site is not met.

3.5 Furthermore, the FRA carried out by Betts Hydro for Redrow is not informed by a detailed site layout. The second part of the Exception Test requires *“a site specific flood risk assessment that the development will be safe from flooding...”).* It is not proven that a safe evacuation route can be accommodated which meet the site planning requirements set out in Policy MN6a. There is no site layout included as part of the evidence base of the Sefton Local Plan, which demonstrates that a safe evacuation route located in Flood Zone 1 can be provided on the site.

3.6 For the reasons stated we do not consider the Exception Test is satisfied, justifying the allocation of site MN2.4 in Flood Zone 2 and 3. Recent events have shown the increasingly high risk of flooding in the UK. There is a necessity and responsibility on

policy makers to ensure that any new developments are constructed in areas of least flood risk and where they will not contribute to flood risk elsewhere.