

Flood Risk Technical Paper

Sefton Local Plan

September 2015

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1. Introduction and background

- 1.1 This paper summarises the approach taken by the Council to flood risk in assessing potential Local Plan development allocations.
- 1.2 The Council proposes to allocate a number of sites (10) in the submitted Local Plan that are either wholly or partly in Flood Zones 2 and 3. In allocating these sites, the Council has applied the Sequential and Exception Tests through the Sustainability Appraisal, as required by national planning policy and taken account of the findings of the Strategic Flood Risk Assessment for Sefton (2013) (Examination Document EN.3). The approach to the Sequential Test is summarised in Section 2.
- 1.3 The Local Plan allocations that are either wholly or partially in Flood Zones 2 and 3 are set out below:

Ref	Name	Site Area (ha)	Percentage in Flood Zone		
			FZ 1	FZ 2	FZ 3
Housing Allocations					
MN2.2	Land at Bankfield Lane, Southport	8.97	44%	56%	1%
MN2.3	Former Phillip's Factory, Balmoral Drive, Southport	5.97	9%	63%	27%
MN2.4	Land at Moss Lane, Churchtown	19.06	89%	10%	1%
MN2.12	Land north of Brackenway, Formby	13.64	53%	35%	12%
MN2.18	Powerhouse site, Phase 2, Hoggs Hill Lane, Formby	0.57	84%	9%	7%
MN2.46	Land East of Maghull (Mixed Use Allocation)	86.65	86%	4%	10%
Strategic Employment Locations					
MN2.48	Land North of Formby Industrial Estate	12.55	17%	64%	19%
MN2.49	Land south of Formby Industrial Estate	17.98	39%	9%	52%
Gypsy and Traveller Allocations					
HC5.3	Land at Plex Moss Lane, Ainsdale	1.02	0%	99%	1%
HC5.4	Land at New Causeway, Ince Blundell	0.4	90%	0%	10%

- 1.4 Section 3 of this report provides a commentary on each of the above sites, and the Council's justification for their allocation.

- 1.5 During the Publication period, the Council received an objection from the Environment Agency (EA) to 5 sites identified in the Local Plan. This objection is set out below:

“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*

We have received site specific Flood Risk Assessments for the following sites, however, we have advised Sefton Council that additional information including modelling is required to demonstrate 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 our requirements on the above points and we are working very closely with them to ensure the correct information is submitted.”

- 1.6 The Council has since worked with the EA to address these concerns. A further letter was received on 15th June 2015 elaborating on this objection (see Appendix 1), following which a meeting took place on 16th July 2015 (see Appendix 2). The Council has passed the EA’s further comments to the promoters of the respective allocations to update the respective site-FRAs. In addition, the Council has commissioned JBA Consulting to review flood risk modelling submitted by the promoters of site MN2.12 ‘Land at Brackenway’.
- 1.7 The Council expects that by the time of the Examination hearings the Environment Agency’s concerns will have been addressed in full.
- 1.8 Collectively, the site Flood Risk Assessments submitted by the promoters of these allocations form a ‘Level 2’ Strategic Flood Risk Assessment which complements the Council’s 2013 Strategic Flood Risk Assessment (SFRA).

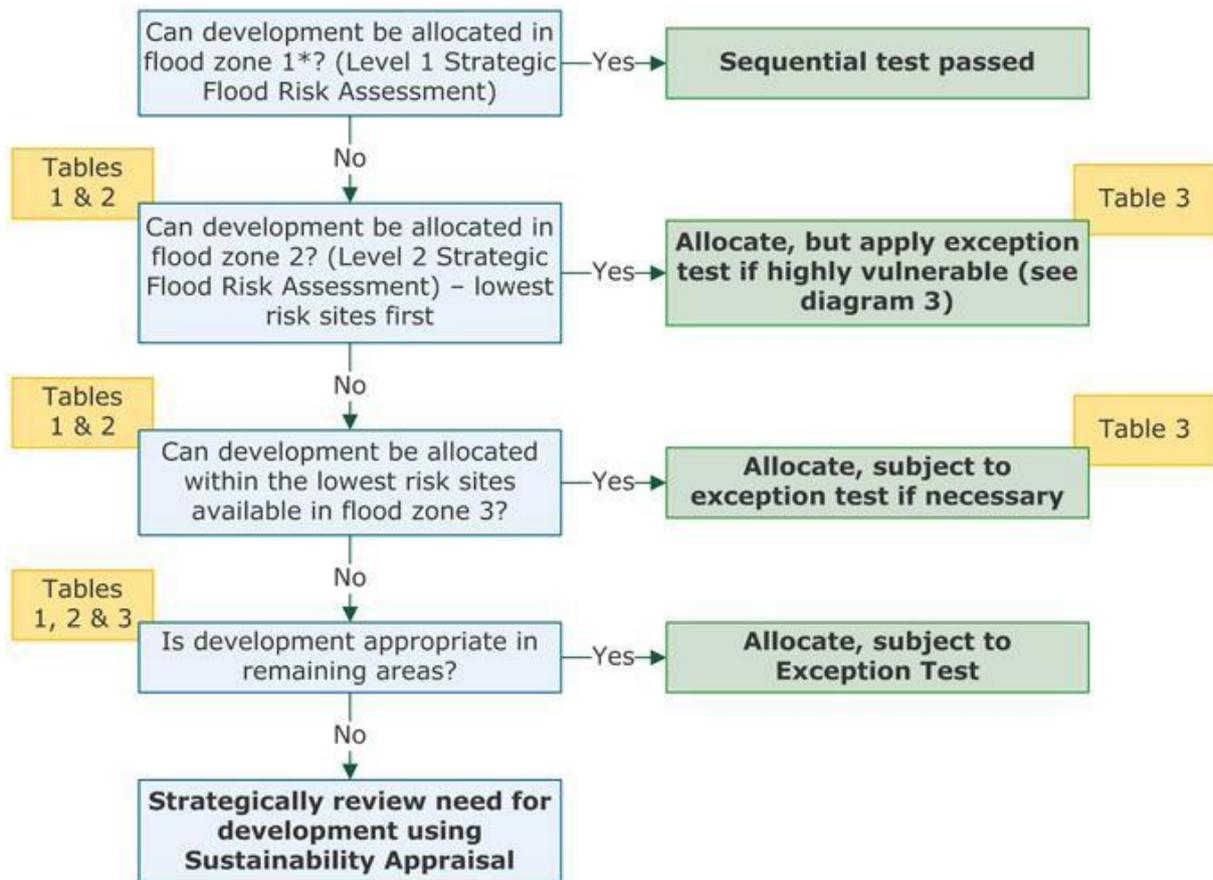
2. Approach to the Sequential and Exception Tests

The Sequential Test

- 2.1 In setting out the Sequential Test, National Planning Policy Framework (NPPF) paragraph 101 states:

“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.”

- 2.2 National Planning Policy Guidance (NPPG) also sets out the following table to guide the application of the Sequential Test in preparing a Local Plan:



- 2.3 In addition, NPPG states that the Sequential Test should ideally be subsumed within the Sustainability Appraisal. This is the approach that the Council has followed.

What is the role of sustainability appraisal in the sequential test?

Paragraph: 022Reference ID: 7-022-20140306

A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report. The Sequential Test can also be demonstrated in a free-standing document, or as part of strategic housing land or employment land availability assessments.

2.4 In applying the Sequential Test, the Council has applied the following assumptions in its approach:

- **Housing sites:** there are sufficient “reasonably available” sites in Flood Zone 1 to meet the Local Plan housing requirement. Therefore the majority of the potential housing sites in Flood Zones 2 and 3 have been deemed to fail the Sequential Test and are not proposed for allocation in the Local Plan. There are a small number of exceptions to this where:
 - The vast majority of the site is in Flood Zone 1, and it is straightforward to exclude land in Flood Zones 2 and 3 from the development area.
 - Sites located in northern Southport. Areas of northern Southport are identified as falling within Flood Zones 2 and 3 on the EA Flood Maps. However in contrast to other areas of Sefton in Flood Zones 2 and 3, this area benefits from strong flood defences - including a double embankment sea defence and the Crossens Pumping Station. Sefton’s SFRA modelled the extent of Flood Zones 2 and 3 in this area taking account of these defences (SFRA Figures 6 and 7 – Examination Document EN.3) and found that northern Southport would be in Flood Zone 1 if existing defences were acknowledged. Importantly, Southport also has the highest affordable housing need of any settlement in Sefton¹. Both the SHLAA and Sustainability

¹ According to the 2014 SHMA (Examination Document HO.5), this equated to 203 dwellings per annum.

Appraisal have confirmed that there not sufficient “reasonably available” alternative sites for Southport to meet even a pro rata share of the Local Plan housing requirement (which would in itself not meet full affordable housing need). In light of this, potential housing sites in northern Southport were considered to have met the Sequential Test.

- There are exceptional material considerations that justify departing from the Sequential Test.
- **Employment sites:** there are not sufficient “reasonably available” sites in Flood Zone 1 or 2 to meet the Local Plan employment requirement. There are also insufficient “reasonably available” sites in Flood Zones 2. Employment allocations in Flood Zone 3 therefore meet the Sequential Test.
- **Gypsy & Traveller Sites:** there are not sufficient “reasonably available” sites in Flood Zone 1 to meet the Local Plan traveller site requirement. Traveller sites in Flood Zone 2 therefore meet the Sequential Test.

The Exception Test

2.5 In setting out the Exception Test, NPPF paragraph 102 states:

“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.”

2.6 In addition, ‘Table 3’ in NPPG provides further guidance on the application of the Exception Test, as follows:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	x	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	x	x	x	✓*

Key:

✓ Development is appropriate

x Development should not be permitted.

NB housing is classified as a 'more vulnerable' use, employment a 'less vulnerable' use, and traveller pitches a "highly vulnerable" use.

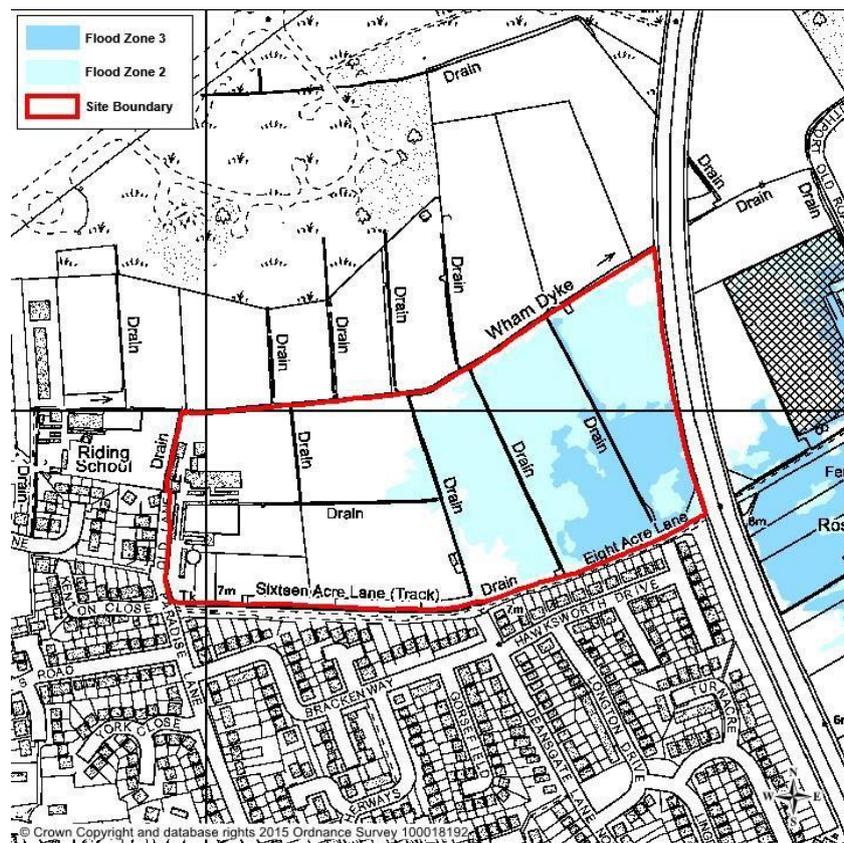
- 2.7 Where the Sequential Test was deemed to be met, the Council has assessed the first part of the Exception Test on a case by case basis. The second part of the Exception Test has been assessed by the Environment Agency, based on site-specific Flood Risk Assessments (FRAs) submitted by the developer / land owner.
- 2.8 The submitted Local Plan includes a flood risk policy EQ8 'Managing Flood Risk and Surface Water'. This requires that:
1. *“Development must be located in areas at lowest risk of flooding from all sources. Within the site, buildings must be located in the areas at lowest risk of flooding.*
 2. *Development must not increase flood risk from any sources within the site or elsewhere, and where possible should reduce flood risk”.*

3. Local Plan Allocations in Flood Zones 2 and 3

3.1 This section of the Topic Paper sets out the approach that was taken to each of the proposed Local Plan allocations wholly or partly within Flood Zones 2 and 3. The tables in section 1 of this Paper set out the proportions of each site that are in Flood Zones 2 and 3.

MN2.12 Land North of Brackenway, Formby

3.2 Land North of Brackenway, Formby, is proposed to be allocated for housing. The site is partially in Flood Zones 2 and 3:



3.3 Given that there are sufficient “reasonably available” sites in Flood Zone 1 to meet the Local Plan housing requirement, this site fails the Sequential Test. However, in this case it is considered that the failure to meet the Sequential Test is outweighed by other material considerations.

3.4 In particular, the development of this site would facilitate a significant reduction to an existing (surface water) flood risk problem in and around Hawksworth Drive in Formby. Whilst this area is in Flood Zone 1, it has flooded three times in the last 15 years. This flooding has been caused by the backing up of an outfall pipe which drains surface water into Eight Acre Brook. At times of heavy rain, Eight Acre Brook rises in height, covering the outfall, and preventing discharge into the Brook. The proposed development would create new wetland storage areas adjacent to the Formby Bypass and Eight

Acre Brook. These areas would store flood water in times of heavy rain, and would also take overflow water from Eight Acre Brook. This would reduce the depth of the brook, and allow the outfall pipe from Hawksworth Drive to continue discharging for longer, reducing surface water flood risk.

- 3.5 Overall, the development of this site would deliver a net reduction in flood risk to the local area. This is a very considerable benefit that in the Council's view would, in combination with other benefits provided by the scheme (see para 3.12 below), outweigh the failure to meet the Sequential Test.
- 3.6 The Council has commissioned JBA Consulting to validate the modelling provided by the developer, and their report will be available before the end of August 2015 when it will be added to the Examination library. In principle, both the Council's flood risk team and the EA are satisfied that the proposed flood risk benefits are capable of being delivered by this site.
- 3.7 This approach to the Sequential Test has recently been supported at planning appeal, including a recent decision determined by the Secretary of State. At an appeal for up to 600 dwellings at Worsley Road, Salford (ref APP/U4230/A/13/2209607) determined on 26 March 2015, the Secretary of State commented as follows:

“On the issue of flood risk, the Secretary of State has considered the Inspector's remarks (IR413-415) including the fact that a large part of Broadoak South is susceptible to flooding, as are areas downstream in Alder Forest (IR415). He notes that the appeal proposal would develop a scheme that would divert surplus water in times of flood to the Bridgewater Canal reducing flows in Sindsley Brook within the appeal site and downstream, thereby reducing the risk of flooding both on and off the site (IR415). He agrees with the Inspector (IR414) that the proposal therefore satisfies the purposes of the sequential exception tests in the Framework and that it is not objected to by the Council, the Environment Agency, or United Utilities on flooding grounds.” (SoS 21)

- 3.8 The following extract from the Inspectors report was specifically endorsed by the Secretary of State:

“A large part of Broadoak South is susceptible to flooding, as are areas downstream in Alder Forest where 140 properties are said to be at risk of flooding. Whilst much of this appeal site is within flood zone 3, no alternative sites in lower flood zones were before the Inquiry. The appeal proposal would develop an ingenious scheme that would divert surplus water in times of flood to the Bridgewater Canal. This would reduce flows in Sindsley Brook within the appeal site and downstream, thereby reducing the risk of flooding both on and off the site. New dwellings would be constructed at a minimum development level above the canal water level and the Environment Agency river flood level and would be safe from 1 in 1,000 year floods. [122, 123]

The proposal therefore satisfies the purposes of the sequential and exception tests and is not objected to by SCC [Salford City Council], the Environment Agency or United Utilities on flooding grounds. The Appellants anticipate that flows along Sindsley Brook and under the Bridgewater Canal, in the direction of Alder Forest, would be halved in times of flood. Whilst the major cause of flooding in Alder Forest is Worsley Brook, the flow reductions along Sindsley Brook would undoubtedly contribute to a decrease in the risk of flooding at some properties in Alder Forest. [124, 169]" (IR 413-414)

- 3.9 The outcome of a second appeal at Back Lane, Carnforth in Lancaster also supports the approach the Council has adopted. At this appeal (ref APP/A2335/A/12/2179354) the Inspector allowed a development of 16 dwellings in Flood Zone 3b. In his report, the Inspector commented as follows:

"I have weighed the lack of a Sequential Test against the evidence, which has the qualified support of the EA and LCC [Lancaster City Council], indicating that the development would not only be safe from flooding, without increasing flood risk elsewhere, but that it would also reduce flood risk to a substantial number of existing properties. Moreover, the Council acknowledges that the scheme would provide much needed family and affordable housing in a sustainable location. These factors would amount to the wider sustainability benefits to the community referred to in paragraph 102 of the Framework. Hence, both parts of the Exception Test would be satisfied. In addition, there would be no conflict with the aim of Policy SC 7 of the Lancaster Core Strategy (CS), to ensure that developments are not exposed to unacceptable levels of flood risk.

I conclude, therefore, on the main issue, that the lack of conformity with the Sequential Test is outweighed by the significant benefits of the proposal in terms of reducing flood risk to existing properties and wider sustainability benefits. This conclusion is contingent upon the imposition of a Grampian condition, to ensure that the proposed new culvert is provided in advance of the remainder of the scheme. On that basis, the proposal would represent an acceptable development, having regard to its location within a flood zone and the provisions of the CS and national policy." (IR 19-20)

- 3.10 The circumstances at both of these appeals closely reflect the situation at Brackenway, Formby.
- 3.11 In addition, NPPG expressly acknowledges that wider sustainability objectives can outweigh concerns over residual flood risk, stating:

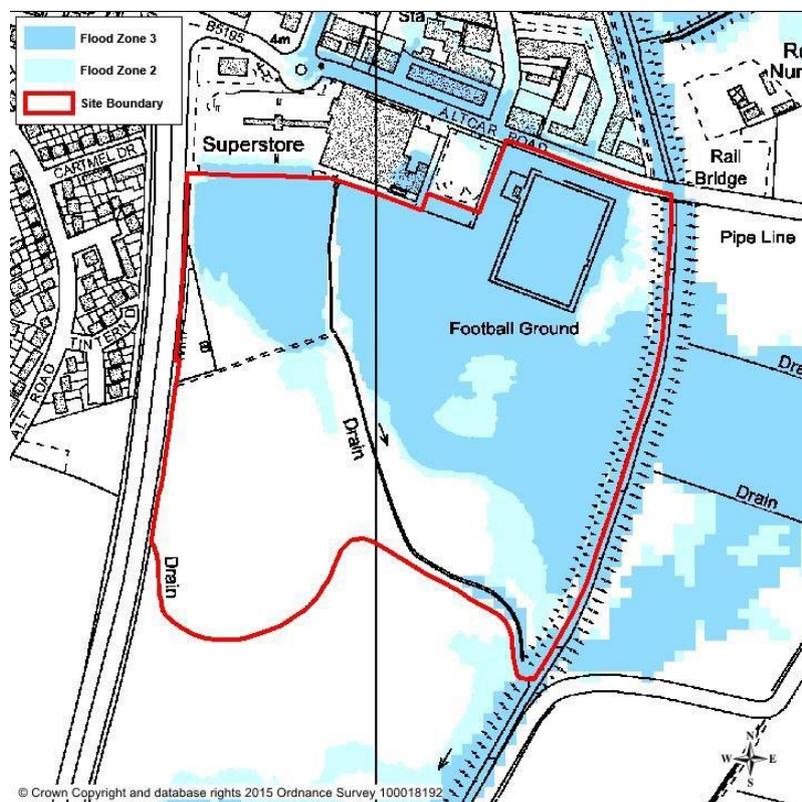
Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report.

3.12 Finally, case law relating to the retail Sequential Test supports the view that even where there is a strong policy mandate which is failed, a planning judgment may lawfully be formed that such tension can be outweighed by other factors (for examples, see Zurich v N. Lincolnshire; Salford Estates v Durham CC; SWIP v Cherwell Valley). Ultimately it is a matter of planning judgment on any given case as to whether other policy objectives outweigh a given tension.

3.13 As well as the flood risk mitigation benefits provided by the scheme, significant ecological and highways benefits would also be provided. A new 7.9 ha managed grassland and wetland habitat will be provided to the north of Wham Dyke adjacent to the existing Lancashire Wildlife Trust reserve. In addition, a new access would be provided onto the Formby Bypass that would serve the local area. All of the benefits associated with this development are required through the site-specific Local Plan policy (MN6 Land at Brackenway, Formby). In combination, these benefits are considered to meet the first part of the Exception Test. A site-specific Flood Risk Assessment (FRA) has been submitted to address the second part of the Exception Test, and this is being assessed by the EA.

MN2.48 Land South of the Formby Industrial Estate

3.14 Land South of the Formby Industrial Estate is proposed to be allocated as a Strategic Employment Location. The site is partially in Flood Zones 2 and 3 (including an area of land in Flood Zone 3b):



- 3.15 Given the lack of “reasonably available” alternatives to meet the Local Plan employment land requirement, this site meets the Sequential Test. However, table 3 in NPPG (see above) states that with regards to the Exception Test, ‘more vulnerable’ development in Flood Zone 3b “should not be permitted”.
- 3.16 Notwithstanding this guidance, in this case it is considered that the failure to meet table 3 in NPPG is outweighed by other material considerations.
- 3.17 In particular, the development of this site provides the only opportunity to provide a new ground for a re-formed Formby Football Club. This disbanded in June 2014 following the current Altcar Road ground being deemed unfit for the level of football the club played at, and promotion being denied to the club on this basis at the end of the 2012-13 season.
- 3.18 The redevelopment of the wider site is required to cross-subsidise the development of a modern new football ground and appropriate facilities, so that the club can be re-formed on a sustainable footing. In addition, the development of the wider site will facilitate the creation of a minimum of 5 hectares of sports and recreation facilities, including the development of modern sports pitches available for community use.
- 3.19 The profile of the site is also unusual. Whilst parts of the site are in Flood Zone 3b, the site is broadly flat and the difference between land in Flood Zone 1 and Flood 3b is not large. Therefore, only limited land raising would be required to elevate new development out of flood risk.
- 3.20 Collectively, these circumstances and benefits are considered to represent “wider sustainability benefits to the community that outweigh flood risk”. Whilst it is acknowledged that the requirements of Table 3 in NPPG are not met, these circumstances and benefits are considered to outweigh the tension with NPPG (see para 3.11 above). In addition, the Lancaster appeal decision granted in Flood Zone 3b (see para 3.9 above) also supports the Council’s approach.
- 3.21 Local Plan policy MN5 ‘Land south of Formby Industrial Estate’ requires provision of a new sports ground for a re-formed Formby FC, and modern sports pitches. It also requires that development not increase flood risk elsewhere and for flood risk to be managed effectively and appropriately within the site. In combination, these benefits are considered to meet the first part of the Exception Test. A site-specific FRA has been submitted to address the second part of the Exception Test, and this is being assessed by the EA.

Proposed housing allocations in Northern Southport (MN2.1 – MN2.4)

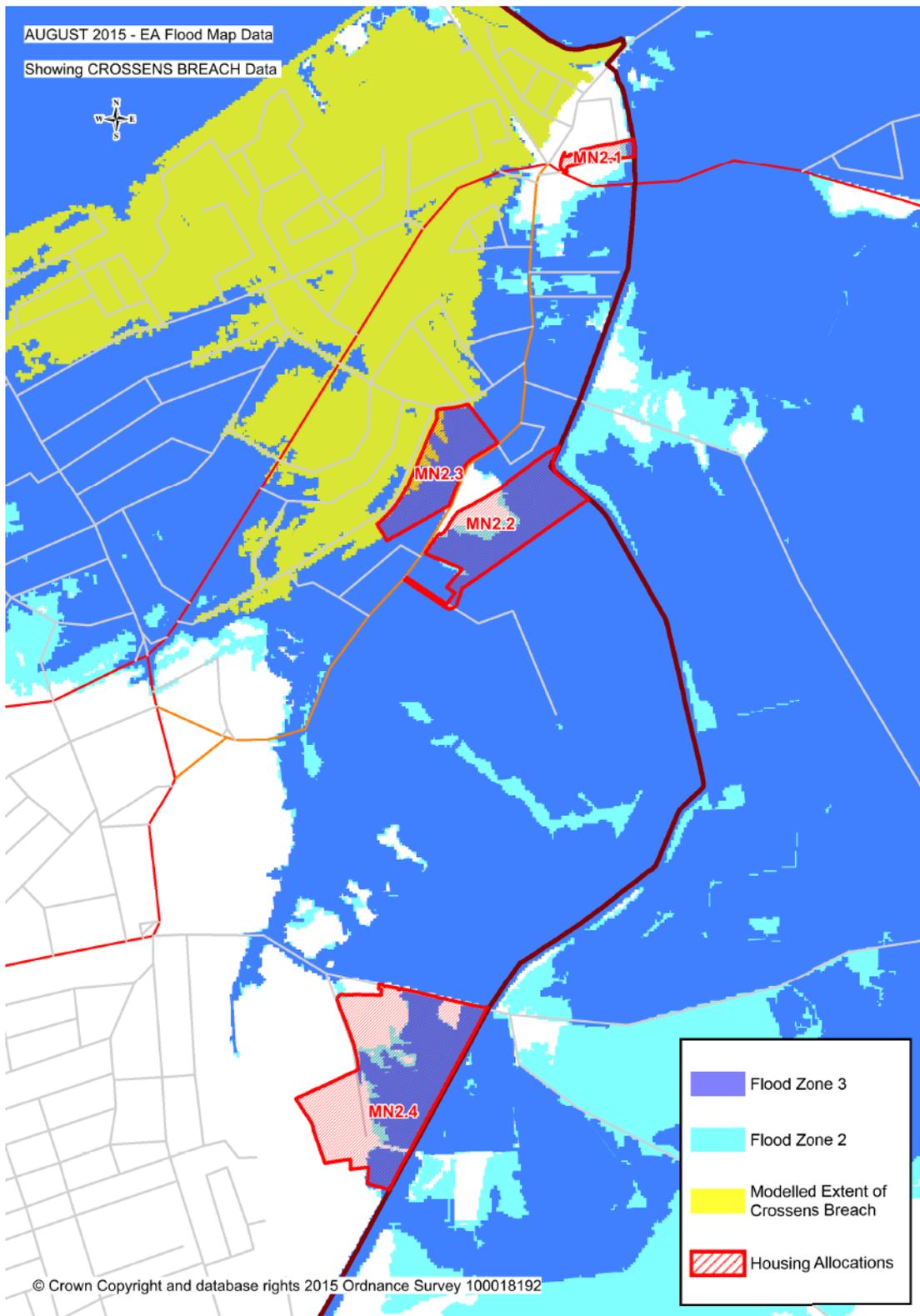
- 3.22 Large areas of northern Southport are in Flood Zones 2 and 3 for tidal flood risk. This reflects the fact that in the absence of defences, the northern part of the town would be flooded by the sea in a 1:200 year flood risk event.
- 3.23 The submitted Local Plan was based on the EA flood maps available at the time of Publication. However, on 4th August 2015 the EA published revised flood maps for northern Southport. The effect of these revisions on proposed Local Plan allocations is set out below:

Proportion of allocated sites (northern Southport) in Flood Zones 2 and 3

Proposed Allocation	EA Flood Maps at Publication stage			EA Flood Maps 04/08/15 revisions		
	FZ 1	FZ 2	FZ 3	FZ 1	FZ 2	FZ 3
MN2.1 Bartons Close, Southport	99%	0%	1%	78%	12%	10%
MN2.2 Land at Bankfield Lane, Southport	44%	56%	1%	14%	9%	77%
MN2.3 Fmr Phillips Factory, Balmoral Drive, Southport	9%	63%	27%	0%	0%	100%
MN2.4 Land at Moss Lane, Churchtown, Southport	89%	10%	1%	44%	7%	49%

- 3.24 As set out at para 2.4 above, the EA Flood Zones take no account of existing flood defences, which in this location are very strong. Northern Southport is protected by a double embankment sea defence and the Crossens Pumping Station. Sefton's SFRA modelled the extent of flood risk in northern Southport taking account of these defences and found that most of this area would be in Flood Zone 1 if these defences were taken into account.
- 3.25 The EA has also modelled a breach scenario for the weakest part of the sea defences. This shows the area of Southport that would be inundated if the sea wall breached in this location. Importantly, this would not affect allocations MN2.1, MN2.2 or MN2.4, and would only partly affect allocation MN2.3. Therefore these sites (with the partial exception of MN2.3) would not be affected if the flood defences were to fail in this location.
- 3.26 The extent of flooding modelled in the breach scenario is illustrated below:

Environment Agency Breach Scenario – Northern Southport



3.27 Following the publication of the revised EA flood maps, sites MN2.1 - MN2.4 are now partly in Flood Zone 3 and are therefore required to meet the Exception Test.

- 3.28 As set out above, the presence of strong flood defences significantly reduces the residual flood risk in this area. In addition, only site MN2.3 would be affected under the breach scenario produced by the EA, and then only in part. The actual flood risk to the proposed Local Plan allocations in this area (taking account of defences) is therefore very low.
- 3.29 In addition, Southport has a high affordable housing need that is specific to the town. This accounts for 47% of net affordable housing need in Sefton, as set out in the table below:

Affordable Housing Need by Settlement – Sefton Strategic Housing Market Assessment (2014)

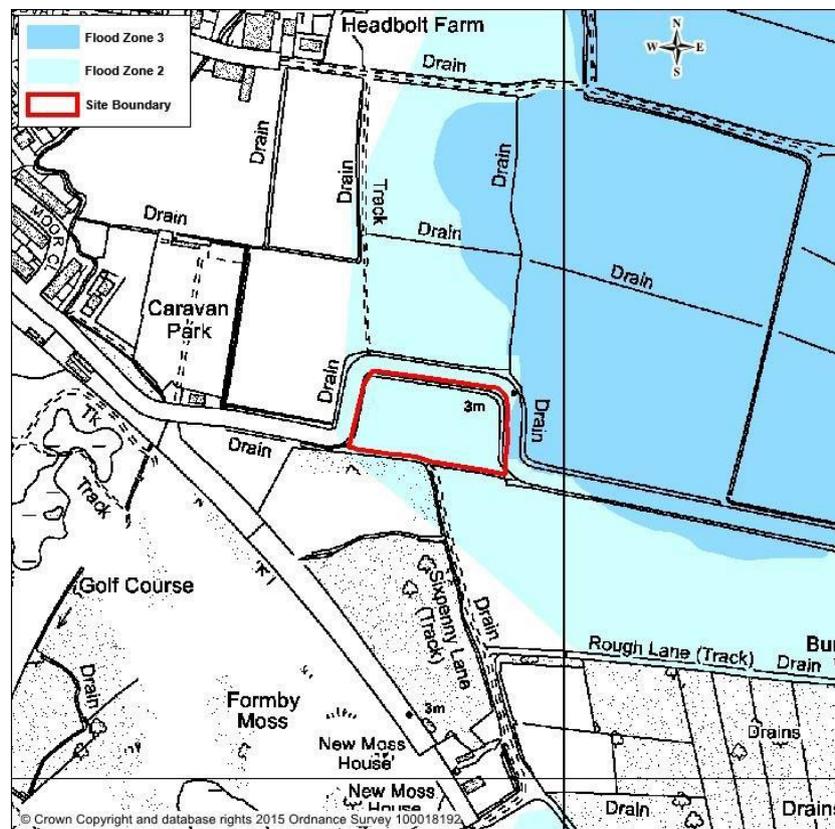
Figure 7.10: Estimated level of Housing Need per annum						
Area	Current need	Newly forming households	Existing households falling into need	Total Need	Supply	Net Need
Southport	40	273	97	410	207	203
Formby	4	71	11	86	22	64
Maghull/Aintree	8	135	28	171	53	118
Crosby	16	168	99	282	192	91
Bootle	16	152	216	384	416	-32
Netherton	9	149	189	347	356	-9
Sefton	93	948	639	1,680	1,246	434

Source: 2011 Census/CoRe/Projection Modelling and affordability analysis

- 3.30 Importantly, there are no alternative sites available in Southport to meet this need. No such sites have been promoted to the Local Plan by landowners or developers. In addition, no large alternative sites adjacent to Southport were promoted to the West Lancashire Local Plan Examination in 2013 (apart from those that are now allocated for development). Furthermore, no such sites have been promoted to the West Lancashire SHLAA that are not also in Flood Zone 3.
- 3.31 Sites MN2.1, MN2.2, MN2.3, and MN2.4 are therefore required to address Southport's high affordable housing need. In combination with the presence of strong flood defences, these factors are considered to meet part 1 of the 'Exception Test'.
- 3.32 In addition to these considerations, site MN2.3 is a large brownfield site in poor condition. Its redevelopment for housing would have a significantly beneficial effect on the surrounding area. Site MN2.1 is only partially (10%) in Flood Zone 3 and this could easily be excluded from any development area.
- 3.33 Flood Risk Assessments for sites MN2.2 and MN2.3 have been submitted, to address the second part of the Exception Test. An FRA for site MN2.4 is currently being prepared following the recent revisions to the EA flood maps.

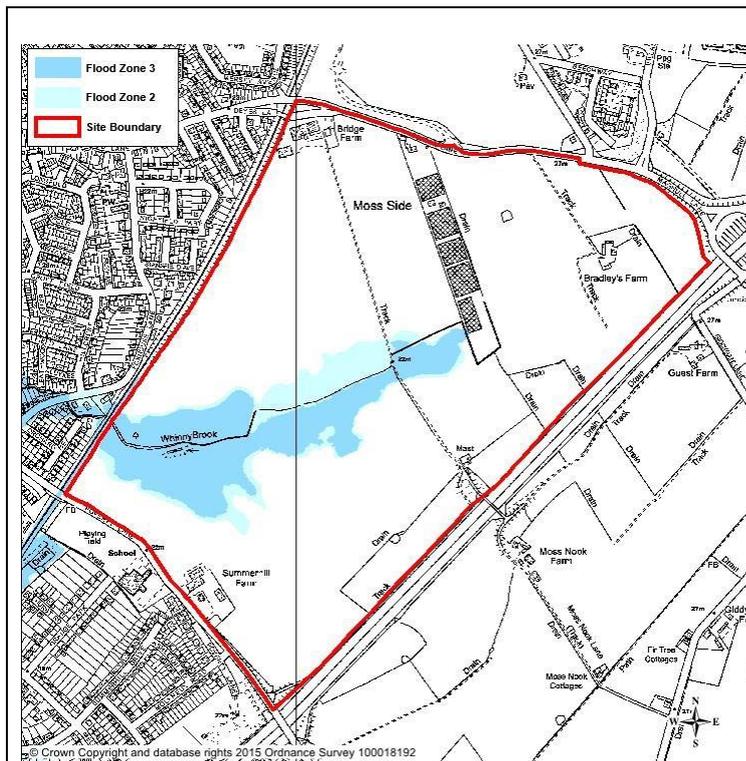
HC5.3 Land at Plex Moss Lane, Ainsdale

- 3.34 Land at Plex Moss Lane, Ainsdale is proposed to be allocated for Gypsy and Traveller pitches. The site is almost entirely within Flood Zone 2:



- 3.35 As a 'highly vulnerable use', the allocation of gypsy and traveller pitches in Flood Zone 2 requires both the Sequential and Exception Tests to be met.
- 3.36 The Sequential Test is met by virtue of there being no "reasonably available" alternative sites that could be allocated for these purposes. The first part of the Exception Test is also considered to be met, for the following reasons:
- The site has been partially used for traveller pitches for several years, albeit without formal consent. Aerial photographs retained by the Council indicate that this use was present in 2005, and it is therefore likely that such a use is lawful.
 - Given the absence of alternative sites, Sefton's need for traveller sites would not be met without the allocation of this site.
- 3.37 A site specific FRA is being commissioned to address the second part of the Exception Test.

Other proposed Local Plan allocations

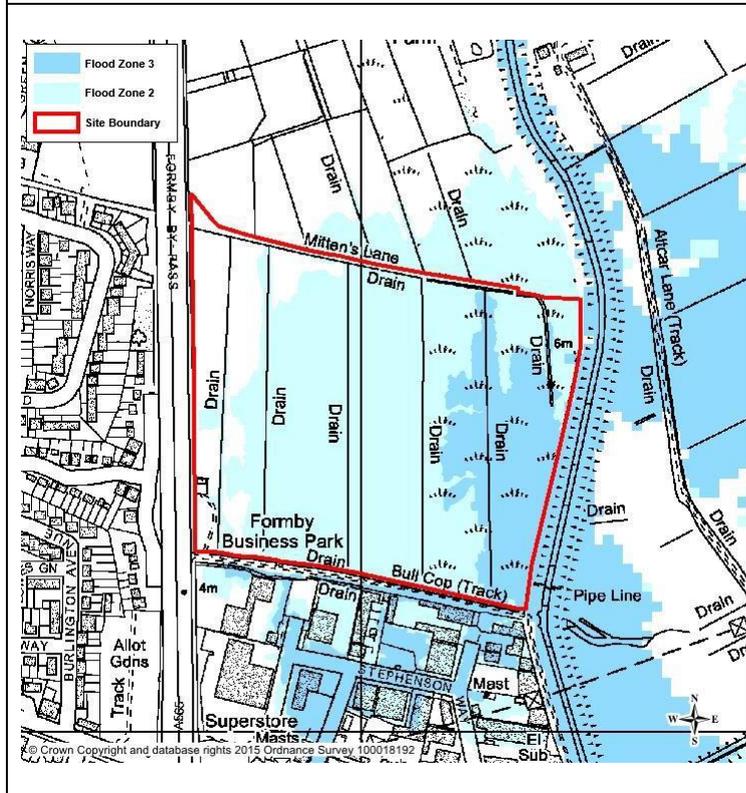


MN2.46 Land East of Maghull

Sequential Test: met – only a small proportion of the site is in Flood Zones 2 or 3. These areas are earmarked for a new neighbourhood park in the site-specific Local Plan policy MN3 ‘Strategic Mixed Use allocation – Land East of Maghull’. Policy MN3 also requires “effective management of flood risk within the site”.

Exception Test: met – any land in Flood Zone 3 can be easily excluded from the development area.

A site-specific FRA has been submitted to address the second part of the Exception Test.



MN2.48 Land North of the Formby Industrial Estate

Sequential Test: met – there are no “reasonably available” alternative sites to meet the need for employment land.

Exception Test: not required

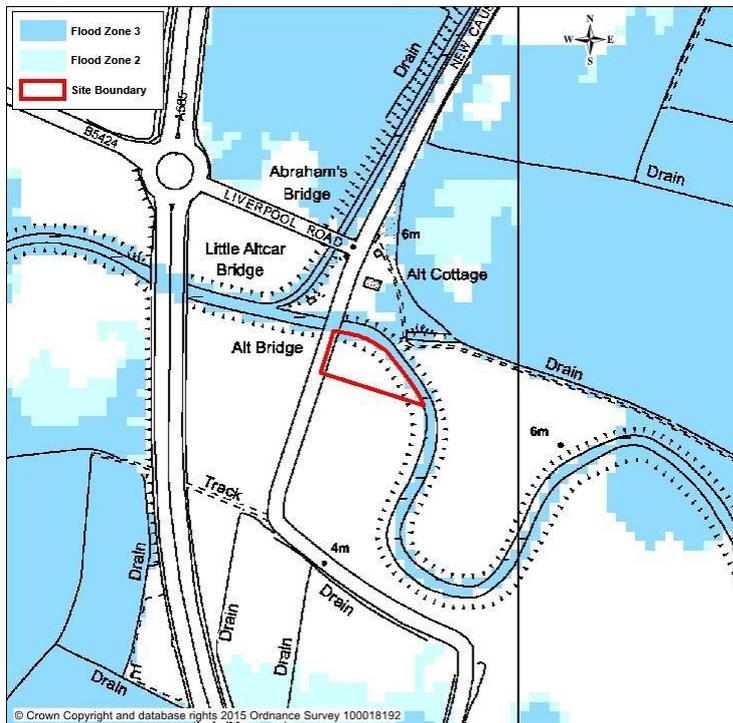
Note: The Local Plan site-specific policy MN4 ‘Land North of Formby Industrial Estate’ requires that “Flood risk will be managed effectively and appropriately within the site”



**MN2.18 Powerhouse phase 2,
Hoggs Hill Lane, Formby**

Sequential Test: met – only a small part of the site is in Flood Zones 2 or 3 and these can be easily excluded from the development area.

Exception Test: met – any land in Flood Zone 3 can be easily excluded from the development area.



**HC5.4 Land at New
Causeway, Ince Blundell**

Sequential Test: met – there are no “reasonably available” alternative sites to meet the need for transit traveller pitches

Exception Test: met – any land in Flood Zones 2 and 3 can be easily excluded from the development area

Appendix 1 - Letter from the Environment Agency dated 15-06-2015

Sefton Metropolitan Borough Council
(Bootle)
Magdalen House (30) Trinity Road
Bootle
Merseyside
L20 3NJ

Our ref: SO/2006/000342/OR-
06/PO1-L01

Your ref:

Date: 15 June 2015

Dear Sir/Madam

Review of Flood Risk Assessment's – Sefton Council

Thank you for referring us to the Flood Risk Assessments relating to facilitating future development for Sefton.

We have reviewed the following Flood Risk Assessments and they **do not** meet the criteria set out in the SFRA Level 2 Outputs Guidance for the reasons given:

Altcar Road

We have assessed the FRA against Outputs Guidance and this would not meet the standard required for the following reasons:

The FRA itself states that there are several parts of the development that are in “not appropriate areas”. These are:

- 1) Scout & Guide camp site.
- 2) High quality phased B1 office accommodation.
- 3) fast food retail.

These 3 are all based in flood zone 3b.

The FRA states that these should be directed to zones of lower Flood Risk, and that they would require the exception test, but would be unlikely to pass. It also states that they would not satisfy the sequential test. However, on page 26 of the FRA, it says that that the sequential and exception tests are met?

Further work and clarity on these matters would be required before this would meet the requirements set out.

In addition, the FRA states that Boundary Brook is an ordinary watercourse. This is, however, a Main River. The FRA should mention the Environment Agency and the powers we have over Main Rivers, and that they should keep an 8m easement from the top of the bank from the main river, for access etc.

The Acres (Brackenway)

Whilst the majority of the information submitted is acceptable, there is insufficient information for us to be able to comment on the potential flood risk to properties on Hawksworth Drive. We are aware that Sefton are potentially having modelling reviewed. However, without sight of the outputs of the review we are unable to comment further.

The following FRA's are **acceptable** when reviewed against the SFRA Level 2 Outputs Guidance, but we would make the following comments:

Bankfield Lane

The Flood Risk Assessment submitted is broadly acceptable when assessed against the Outputs Guidance.

They detail the Flood Zones – the site contains areas of FZ1, FZ2 and FZ3. They discuss the defences and they take into consideration the pumping regime in the area.

It is worth highlighting that the FRA states “when ignoring the presence of defences, the site is located in FZ1 and FZ2”. While it may be the case that the area does benefit from Defences, this should be highlighted rather than “ignoring the presence”. They do state in the FRA that mitigation would include developing outside of FZ3, and this is the correct approach. The only issue that may arise from this is a plan to develop a “landscape buffer” here. There may be some questioning of this, as EA would still want to retain flow routes etc.

SUDs are discussed, and Greenfield rates are recommended. They will also provide storage. Please note that storage for the 1 in 100 year plus climate change should be retained on site. The surface water drainage should remain un-surcharged up to the 1 in 30 year storm.

Maghull East

The Flood Risk Assessment submitted is broadly acceptable when assessed against the Outputs Guidance.

The developers have previously contacted the EA for information on the site, and the advice given by the EA has been taken on board and discussed in the document. I.e. Green space in areas of flood risk, 8m easement, Finished floor levels 300mm above 1 in 100 plus climate change levels (to be agreed following further modelling work and further detailed hydraulic assessment), Greenfield QBar rates, potential culvert blockages under the railway, SUDs etc.

Main Rivers and the upstream end of Whinney Brook not being Main Rivers are discussed.

Flood Levels obtained from the EA.

Flood Zones correctly identified and discussed.

All types of flooding looked at (Surface water, Sewer flood risk etc – they also plan to look at the Surface Water flood risk in more detail).

Volumes of storage have been calculated.

Discussion of overland flow routes.

They are proposing further modelling to accompany plans to reconfigure flood zones, and slight re-alignment of Whinney Brook.

Mitigation is discussed – proposed flood compensatory works to retain the existing flood volumes, and potential to provide element of betterment to remove existing flooding of the railway.

Going forwards to a site specific FRA there would be some detailed conversations required with the Environment Agency, focussing on:

- Flood compensatory works for the reconfiguration of the existing flood zones.
- The re-alignment of sections of Whinney Brook (though as LLFA, Sefton MBC will have more interest in this).
- Any further modelling work that is undertaken prior to a planning application, and for the reconfiguration of flood zones etc, would need to be reviewed and approved by the Environment Agency.
- WFD assessment for changes to Whinney Brook

Should you wish to discuss further please do not hesitate to contact me.

Yours faithfully

Mr Stephen Gill
Planning Officer

Appendix 2

Meeting with the Environment Agency 16-07-2015

Venue: Magdalen House, Bootle

Time/date: 10:00 – 12:00, Tuesday 16th July 2015.

Attendees: Steven Sayce (EA), Andrea O'Connor (Sefton), Tom Hatfield (Sefton)

Discussion items:

- TH and AOC explained the timetable for submission/examination of the Local Plan and the background (including sequential test, exceptions test) to proposed allocations including those at risk from tidal / fluvial flood risk.
- There was a discussion regarding the current EA objection to the Local Plan. The EA have provided a further note on how each FRA would need to be amended to satisfy the EA's concerns. TH confirmed that these comments had been passed onto the developers promoting these sites. All agreed to work together to try and overcome the EA's concerns in advance of the Examination.
- There was a discussion about the necessity for a level 2 SFRA. SS stated that, once amended, the individual FRA's submitted by the developers could be packaged together to form a level 2 SFRA.
- It was agreed that the EA would not comment on FRA's submitted in relation to 'objection sites' to the Local Plan, as these had been deemed by the Council to fail the Sequential and/or Exception Test.
- TH and AOC asked if the EA would consider providing Sefton with two formal letters in relation to the Local Plan that could be placed in the public domain. The first would relate to the Duty to Co-operate. The second letter would address:
 - Sefton's approach to 'defended' Flood Zone 2 and 3 land in Southport
 - Critical Drainage Area's identified by Sefton, and the content of draft policy EQ8
 - A statement about why flood zones change over time, and the weight to be attached to superseded flood maps
 - A comment on the appropriateness or otherwise of resisting all residential development within 250 m of any watercourse through the Local Plan (as has been suggested to the Council in representations received)

Appendix 3 - Local Plan policies MN6 ‘Land at Brackenway, Formby’ and MN5 ‘Land South of the Formby Industrial Estate’

Land at Brackenway, Formby

6.59 Land at Brackenway, Formby has been identified as a housing allocation under Policy MN2. The allocation of this site is intended to provide a high quality extension to the north of Formby that provides a range of local benefits. The policy below sets out the site specific requirements that will apply to this site.

MN6 LAND AT BRACKENWAY, FORMBY

1. Land at Brackenway, Formby, is allocated for housing (as shown on the Policy Map). Development of this site must:

- a) Include a flood risk mitigation scheme that:
 - i) ensures that new dwellings are not at risk from either fluvial flooding in a 1 in 1000 year event, or flooding from any other source, and**
 - ii) ensures that there is no increase in flood risk elsewhere caused by the development, and**
 - iii) significantly reduces the existing surface water flood risk to properties on Hawksworth Drive by directing flood flows away from Eight Acre Brook to new flood storage areas adjacent to the Formby Bypass, and**
 - iv) is accompanied by a maintenance plan / arrangement that ensures the flood risk mitigation scheme and existing watercourses within the site are maintained in perpetuity****
- b) Retain and manage 7.9 ha of grassland and wetland habitats as a buffer zone to the adjacent nature reserve, including additional species enhancement measures. In addition, main water courses within the site (including Wham Dyke) must be maintained and enhanced with watercourse buffer habitats**
- c) Include a signal controlled junction onto the Formby Bypass**

2. These requirements will be achieved through the use of planning conditions, Section 106 and other legal agreements

Key policy links

- MN1 Housing and Employment Requirements
- MN2 Housing, Employment, and Mixed Use Allocations
- NH2 Protection and enhancement of nature sites, priority habitats and species
- EQ8 Managing flood risk and surface water

Explanation

- 6.60 Land at Brackenway is a 13.7 ha urban extension to the north of Formby that is capable of accommodating around 286 dwellings. This site has the ability to provide substantial benefits to the local area, including mitigating existing flood risk problems, providing a new signal controlled junction onto the Formby Bypass, and major ecological benefits.
- 6.61 Just under half of the site is in Flood Zones 2 and 3, where ordinarily land would not be allocated for development consistent with the 'Sequential Test'. However, national planning guidance states that in some cases other sustainability criteria can outweigh flood risk issues. In this case, the site can be developed in a way that will substantially reduce existing flood risk, particularly to properties on Hawksworth Drive, and new dwellings can be made safe from flood risk by raising the level of the land. These benefits, in addition to the significant ecological and traffic / highways benefits, justify the allocation of the site.
- 6.62 The requirements set out above will ensure that the existing surface water flood risk to properties on Hawksworth Drive is significantly reduced. This will be secured by the creation of new flood water storage areas adjacent to the Formby Bypass, improvements to existing defences, and other mitigation measures. The flood risk mitigation scheme implemented as part of the development must be managed and maintained in perpetuity.
- 6.63 The site is currently identified as a Local Wildlife Site. However, the provision of 7.9 hectares of managed grassland and wetland habitats will provide a major ecological enhancement. This will constitute a significant net ecological benefit.
- 6.64 A new signal controlled junction must also be provided to the Formby Bypass to facilitate access into the site. The site layout should ensure that a direct through route to other parts of Formby is not created, to discourage 'rat running'.

Land south of Formby Industrial Estate

6.53 Land to the south of the Formby Industrial Estate has been identified as a Strategic Employment Location under Policy MN2. The allocation of this site is intended to complement the development of 'land north of Formby Industrial Estate' (Policy MN4) as an area to meet the longer term needs for new employment land in north Sefton. It is adjacent to Formby, and benefits from excellent links to the strategic road network.

MN5 LAND SOUTH OF FORMBY INDUSTRIAL ESTATE

1. Land south of Formby Industrial Estate is allocated as a 'Strategic Employment Location' (as shown on the Policy Map). Development of this site must:

- a) Provide a new sports ground and facility capable of accommodating a re-formed Formby Football Club. This should be constructed to the specification of the Football Association's Category E Ground Grading**
- b) Provide a minimum of 5 hectares of sports and recreation facilities located on the eastern half of the site. This must include replacement sports pitches and outdoor recreational facilities available for community use**
- c) Provide a minimum of 7 hectares net (10 hectares gross) of employment land, for the uses specified in Policy MN2. This should be mainly located on the western half of the site. Subject to a full financial appraisal, the development of a minimum amount of other development on this part of the site may be acceptable where they are necessary to cross subsidise the delivery of office and light industrial (B1), general industrial (B2) storage and distribution (B8) uses and sporting facilities**
- d) Provide new accesses onto the Formby Bypass and Altcar Road**
- e) Provide improved connections to the wider highway network, including provision for walking, cycling and public transport**
- f) Ensure that the development does not increase flood risk elsewhere, and that flood risk is managed effectively and appropriately within the site including use of sustainable drainage systems**
- g) Provide a landscaping framework, appropriate tree planting, and a buffer alongside Downholland Brook, and**
- h) Provide biodiversity enhancements including maintaining habitat connectivity along existing water courses.**

2. These requirements will be achieved through the use of planning conditions, Section 106 and other legal agreements.

3. The phasing of the developments supported under this allocation must be agreed in writing with the Council through a phasing plan/strategy. Any uses necessary to cross subsidise the delivery of a serviced business park for B1, B2 and B8 uses must be phased so that proposed business park and sport and recreation uses are delivered in tandem with uses that are cross-subsidising them.

Key policy links

- MN1 Housing and Employment Requirements
- MN2 Housing, Employment, and Mixed Use Allocations

Explanation

6.54 This site is identified as a 'Strategic Employment Location' under Policy MN2. Its development will provide a new stadium capable of accommodating a re-formed Formby Football Club, replacement sports pitches, new recreational facilities, and a minimum of 7 hectares (net) of employment land.

6.55 A significant part of the site is in Flood Zone 3. However, the allocation of this site is justified as it offers the only opportunity to provide a new stadium for a re-formed Formby Football Club. In addition, the development of the site will provide new high quality sports pitches and recreational facilities for community use. When taken together with site to the north of the Formby Industrial Estate (Policy MN4), there are also no alternative sites to fully meet North Sefton's employment needs over the Plan period.

6.56 The new sports ground should be constructed to the specification of the Football Association's Category E Ground Grading. Full details of this standard are available to download from the Football Associations website. In summary, a Category E ground must provide:

- A minimum capacity for 1,000 spectators
- Standing or seating for spectators on 3 sides of the ground
- A clubhouse
- Adequate car parking and floodlighting

6.57 The development of this site must provide a minimum of 7 hectares (net) of employment land. The net area calculation includes new the employment units, internal roads and internal landscaping. It excludes the landscaped setting to the business park, any main spine road and access points (e.g. a roundabout facilitating access into the site). The 'gross' area (including these latter elements) should be a minimum of 10 ha.

6.58 The development of this site should also create an attractive urban edge between the site and the neighbouring Green Belt.