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10th March 2021

Your Reference

DC/2018/00093

Our Reference

60625126

**Planning Application Ref: DC/2018/00093
Land North of Brackenway, Formby**

Outline application for the demolition of existing structures and construction of up to 286 dwellings including flood alleviation measures, extension of nature reserve, public open space, ground re-profiling and associated works. All matters are reserved except for access from the A565 and a new emergency vehicular/pedestrian/cycling access from Paradise Lane (layout, scale, appearance and landscaping are reserved for future consideration) (Amended plans, documents and Environmental Statement under Reg 25 of the Environmental Impact Assessment Regulations received).

Dear Sir,

Further to the amendments proposed to the above application in January 2021, I provide a new consultation response on behalf of Formby Parish Council to reflect the since revised scheme.

Since this planning application was considered at Planning Committee in March 2019, a number of material issues have sufficiently changed including the Formby and Little Altcar Neighbourhood Plan (made November 2019); National Planning Policy Framework (updated in 2019); and Sefton's Strategic Housing Market Assessment (updated 2019). In addition, the nature, density and flood mitigation strategy of the proposed development has also been substantially revised. These changes to the planning application and the planning policy context are considered to be substantial and therefore it is requested that this application is determined with full consideration of the current proposed scheme against the development plan and not influenced by any other matters which are no longer material to the application.

This consultation response is supported by a review of flood risk proposals undertaken by a qualified and experienced Water Consultant, Ruth Goodall BSc MSc C.WEM CEnv. Ruth has 19 years of experience of flood risk management, working for private developers, local authorities and The Environment Agency to develop flood mitigation schemes and assess the flood risk to new and existing developments. The outcomes of the review have been captured in a report which has been attached to this letter and should be considered as part of the consultation response by Formby Parish Council.

I set out below a number of planning issues and material considerations identified by the Parish Council which are considered necessary to be addressed at this outline planning stage before it can be determined whether the scale and nature of the proposed development would be acceptable:

Housing Density

Policy H1 of the Neighbourhood Plan requires residential development to respect local character and residential amenity. The policy further states that the 'density of any proposed development should maintain the prevailing character of the immediate area. In general Formby and Little Altcar is characterised by low density housing i.e. between 25 – 30 dwellings per hectare'.

Policy HC3 of the Local Plan sets out a 'minimum density of 30 dwellings per hectare of the net developable area, except where: b. a lower density can be justified having regard to the layout and character of the immediate surrounding area'.

The proposed development consists of up to 286 residential properties in a development area of 9.7 hectares (ES Addendum Para 5.13). This is a density of 29.5 dwellings per hectare. However, the increased development area of 3.3 hectares is proposed to be used for a 'mixture of built development, landscaping and open space' (ES Addendum Para 5.13). Therefore, the actual density of built development is likely to be higher and to exceed the density requirement set out in the Neighbourhood Plan and Local Plan.

Policy H1 requires the density of development to maintain the 'prevailing character of the immediate area' and Policy HC3 supports a lower density where it 'can be justified having regard to the layout and character of the immediate surrounding area'. The proposed development site is adjacent to built residential development along Old Lane, Brackenway and Hawksworth Drive. A desktop analysis exercise suggests Hawksworth Drive and Old Lane have a density of less than 25 dwellings per hectare and Brackenway has a density of less than 20 dwellings per hectare. Therefore, it is considered that a density of 29.5 dwellings per hectare as proposed might not be in-keeping with the character of the immediate area which enjoys a substantially lower density.

Response

In consideration of the above, it is requested that the site capacity is reduced to an average of 25 dwellings per hectare. This should help ensure that development complements the character of the immediate built area and is in accordance with the development plan policies.

It is also requested that if the planning application is recommended for approval, a density of no greater than 25 dwellings per hectare in the developable area is conditioned to ensure the proposed development is in accordance with development plan policies. Considering that the proposed development deviates from the development plan, the Parish Council suggests that at the outline stage the quantum of development is not determined and this is reserved for a later application where an appropriate quantum of development can be proposed which accords with the development plan policies, in particular the density of development in the immediate area.

Affordable Housing

Policy H3 of the Neighbourhood Plan requires affordable housing to be provided onsite and to be integrated within market housing throughout any new development and visually indistinguishable. Affordable housing shall be of a 'type, size and tenure that meets the local needs in Formby and Altcar'. The policy also requires that planning applications for residential development where 'there is a net gain of 25 or more homes shall be accompanied by an Affordable Housing and Dwelling Mix Statement'.

Policy H3 sets out an affordable housing need of '30% of new dwellings of all developments of 15 or more dwellings'. Paragraph 4.3.16 of the supporting text to the policy states that the 'local needs of Formby and Little Altcar will be assessed having regard to the Strategic Housing Market Assessment (SHMA) 2014 or any update of that SHMA'. The latest update, of direct relevance to this is the 2019 update.

Response

Considering the above, it is requested that at the Reserved Matters stage the planning application is supported by an 'Affordable Housing and Dwelling Mix Statement' to allow consideration of the proposed development against Policy H3. It is also requested that in accordance with Policy H3, at least 30% of all new dwellings are reserved for affordable housing and secured through either a planning condition or a section 106 agreement.

Housing Mix
<p>Policy H4 of the Neighbourhood Plan requires development proposals of 15 or more dwellings to 'make appropriate provision of homes for elderly people' and sets out the following housing mix: 'a) 1 and 2 bed properties, no less than 33% of the total; b) 4 or more bed properties, no more than 15% of the total'.</p> <p>Policy H4 has been developed to meet specific local need, using appropriate, proportional, and up-to-date evidence to meet the needs of Formby. The latest part of the evidence base is Sefton Council's Strategic Housing Market Assessment of October 2019.</p> <p>Policy HC2 of the Local Plan also proposes a housing mix for development unless where precluded by 'prevailing neighbourhood characteristics'. In this regard, Policy H4 of the Neighbourhood Plan is considered to set out the most up-to-date housing mix requirement for the Formby area and should take precedence (as per Para 4.3.21 of the Neighbourhood Plan).</p> <p>It is understood that this matter will be addressed in detail at Reserved Matters stage.</p>
Response
<p>It is requested that the proposed development is conditioned to accord with the housing mix set out in Policy H4. This includes a minimum of 33% of all dwellings to comprise 1 and 2 bedrooms and no more than 15% of all dwellings to comprise 4 or more bedrooms.</p>

Land Raising and Development Height
<p>Policy H5 of the Neighbourhood Plan states that to 'prevent harmful incursions into Formby's very flat, low-lying landscape, housing development above 2.5 storeys and/or the raising of the land surface significantly above its natural level will not be supported unless it can be demonstrated that such development is appropriate in its context and that no harm to local character or residential amenity will arise'.</p> <p>The topography of the application site varies from 5.71m to 7.44m AOD, with the land sloping from the north west towards the south east not including ditches (ES Chapter 3 Para 3.7). The proposed development proposes the raising of the ground level to a maximum of 7.5m AOD. The development would also consist of up to 2 storey buildings that are no higher than 8m (ES Addendum 5.14).</p>
Response
<p>It is requested that long sections are provided by the Applicant running North/South and East/West across the site. This should cover from the Informal Public Open Space in the north across Wham Dyke, through the proposed development and to the existing development on Brackenway. If this could be provided in two or three sections north/south through the entirety of the site (at intervals of, say 38 Brackenway, 18 Brackenway, and 19 Hawksworth Drive), this would allow a more detailed consideration of the proposal in context, illustrating the site build-up for built development and relationship with the Nature Reserve to the north and the residential area south of Sixteen Acres Lane. This should also cover East/West to illustrate the change in height between the dwellings and the grassland ponds / area within Flood Zone 3. This will provide important information to fully consider the proposed development against Policy H5.</p> <p>The proposed raising of the ground level and reprofiling, subsoil and topsoil for gardens would require approximately 95,971m² of material (ES Addendum 5.31). With an average lorry having a capacity of 8m³, it is considered that 11,996 lorry loads would be required. Over a 12-month working week construction period, this equates to 46 loads a day equal to 92 two-way trips. On a daily basis, this equates to 6 loads or 12 lorry trips per hour. The Parish Council considers this to be a significant undertaking with potential to cause adverse effects on the amenity, health and wellbeing of nearby residents.</p> <p>It is also requested that the raise in ground level and the maximum height of buildings from the raised ground level is conditioned to ensure development is not significantly above the height of existing residential development adjacent to the site.</p>

Pedestrian and Cycle Accessibility

Policy H2 of the Neighbourhood Plan requires proposals for new housing to ‘ensure that the new homes are well connected both within the site and with the wider town’. The policy further advocates ‘short, direct routes for pedestrians and cyclists connecting the new development to the rest of the town’; good access to public transport ‘by locating development as close as possible to existing bus routes and providing good access to bus stops’; and by providing ‘good connections within the development area itself’.

Policy EQ2 of the Local Plan states that development will only be permitted where it ‘ensures safe and easy movement into, out of, and within the site for everyone, including pedestrians, cyclists and those with limited mobility’ and ‘integrates well with existing street patterns’.

The planning application is supported with an illustrative masterplan which shows how potential footpaths, cycle access and bridleways can be delivered.

Response

It is requested that pedestrian and cycle access within, between the site and the town from potential access points on Paradise Lane, Deansgate Lane and Hawksworth Drive and to existing (or any proposed new) bus stops is secured through a planning condition.

Car Parking

Policy H6 of the Neighbourhood Plan requires off-road parking for all new dwellings and those of ‘2 bed-rooms and above must provide off-road parking for at least 2 cars’.

Policy H7 of the Neighbourhood Plan requires car parking to be designed so that ‘it fits in with the character of the proposed development and where possible and appropriate, take opportunities to provide parking between houses, rather than in front’. The policy further sets out a number of provisions to be taken into account for off-road parking.

It is understood that this matter will be addressed in detail at Reserved Matters stage.

Response

It is requested that detail on the provision of car and cycle parking is conditioned. Car parking should be required to accord with the car parking quantity requirements set out in Policy H6 and design requirements set out in Policy H7, other development plan policies and the Sustainable Travel and Development SPD (2018) for matters not addressed through Policy H7. This includes the requirement for proposed development to utilise opportunities to provide car parking between houses rather than in front, where possible.

This is required to ensure development meets the minimum policy requirements for car parking set in the Neighbourhood Plan.

Open Space and Green Infrastructure Provision

Policy ESD2 of the Neighbourhood Plan requires development to deliver ‘high-quality green infrastructure including accessible open space commensurable with the scale of development and consistent with Local Plan policy EQ9’.

Policy ESD6 of the Neighbourhood Plan states that ‘new development must be committed to the delivery and maintainance of high-quality green infrastructure including accessible open space commensurable with the scale of the development and consistent with Local Plan policy EQ9’. The policy further requires developers to refer to the SPD open spaces.

Policy EQ9 of the Local Plan sets out that ‘appropriate high quality new public open space of at least 40 square metres per new-build home must be provided for the following developments: a. proposals for 150 or more new-build homes’. The policy further encourages this to be provided within the site

and development proposals to 'incorporate suitable arrangements for long-term management and maintenance of, and public access to, the new open space'.

Policy MN6 of the Local Plan requires the development of the application site to 'retain and manage' the 7.9 ha of land to the north of Wham Dyke which contains 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'.

Policy EQ9 is supplemented by the Open Space SPD which sets out public open space requirements for new development to ensure that appropriate, high quality public areas are provided in the right location. Appendix A of the SPD provides a summary of open space requirements for Local Plan site allocations. For the application site, it states that open space 'must be located within the housing area of the site' and 'include provision for formal equipped play'. It further states that 'it may not be possible to provide all of the open space required under EQ9 (including an equipped play area) within this area. If this is the case then part of the provision should take the form of offsite enhancements to the Deansgate Lane playing fields'. It clarifies that 'the main purpose of this grassland and wetland habitat (to the north of Wham Dyke) is to mitigate and compensate for harm to the Local Wildlife Site which this site lies within' and the grassland and wetland habitat to the north of Wham Dyke and water course buffer habitats 'is additional to the open space provision required under policy EQ9'.

The supporting Planning Statement sets out that the proposed development would provide 7.9 ha of public open space consisting of 2.4 ha of informal open space to the north of Wham Dyke, 5.5 ha made up of a proposed landscape buffer planting adjacent to Formby bypass and a centrally located equipped play area in the housing area (January 2021 Para 6.10).

The proposed development seeks to develop 2.4ha of the land north of Wham Dyke as an 'informal open space with potential bridleways and footpaths' to provide a recreational area for new residents (PS Jan 2021 Para 4.11 and Parameters Plan). It should be noted that the application site falls within a Local Wildlife Site and as set out in the Open Space SPD, the main purpose of the land north of Wham Dyke is to mitigate and compensate for the harm by the partial loss of the Local Wildlife Site, as proposed by this planning application. The partial allocation of the application site in the Local Plan for housing is considered to be on this basis, and the use of a sizable portion of land north of Wham Dyke for informal public open space would thus cause harm to the Local Wildlife Site.

The proposed use of land north of Wham Dyke as an informal open space is therefore contrary to Policy MN6 which requires the land to be reserved as a buffer zone to the adjacent nature reserve and Policies ESD6 and EQ9 which provide the policy basis for open space to be in accordance with the requirements set out in the Open Space SPD. The use of land north of Wham Dyke towards meeting open space requirements is also contrary to the Open Space SPD which sets out that the land is additional to the open space provision required under Policy EQ9.

The proposed development calculates land to the east of the application site labelled as 'Damp Grassland' in the Indicative Masterplan as open space. It appears that this part of the site entirely falls within Flood Zone 3 according to the new flood map produced by JBA (ES Addendum). The planning application is not supported with any detail to clarify how often the Damp Grassland open space area is likely to be flooded; how safe access would be provided to this area considering the significant change in ground level to the area proposed for housing and flood risk; and the likely practicality of this area to be used for recreation.

Considering the above, the planning application does not provide a clear detailed breakdown of open space provision for it to be assessed against development plan policies and supporting documents.

Response

It is requested that this planning application is not permitted until the Applicant is able to demonstrate by providing a clear breakdown of open space provision that the Proposed Development is able to meet the requirements set out in Policy EQ9 for at least 40 square meters of open space per new-build home. It is also requested that this open space requirement is not met from inadequate open space, including but not limited to land north of Wham Dyke which is reserved for Local Wildlife Site enhancements and any land which is not safely accessible and of recreational value at all times.

Policy ESD6 of the Neighbourhood Plan acknowledges the need to 'mitigate for any impacts of additional recreational pressure from residents of new homes on the integrity of internationally important nature sites especially those on the Sefton coast by redirecting recreation away from these fragile sensitive areas'.

It is requested that in addition to the breakdown of accessible open space, evidence of the addressing of recreational pressure (recreational tramping) resulting from new residential development is provided so that it can be considered against requirements in Policy ESD6.

Fluvial Flood Risk Onsite

Policy F1 of the Neighbourhood Plan states that in areas at risk of flooding 'developments shall not lead to an increase in flooding or increased flood risk on either the application site or elsewhere within the Plan area. Where reasonably practicable, developers shall demonstrate tangible, definite and measurable reductions in flood risk and actual flooding'.

Policy F2 of the Neighbourhood Plan states that 'planning applications in areas at risk of flooding shall be informed by a site-specific Flood Risk Assessment (FRA) demonstrating how all sources of flood risk will be managed now and over the lifetime of the development (taking into account, for example, climate change)'. It further sets out that 'whether as part of the FRA or otherwise, scheme designs shall address the requirements of the Plan's flooding policies. They shall identify effects on all elements of the drainage system including, but not limited to, foul and surface water sewers, watercourses, water bodies and groundwater'.

Policy F4 of the Neighbourhood Plan states that 'development will not be permitted in flood attenuation areas where the development would reduce the ability of the area to alleviate flooding'.

Policy MN6 of the Local Plan sets out that the development of the application site should include a mitigation scheme that '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 ensures that there is no increase in flood risk elsewhere caused by the development'.

Policy EQ8 of the Local Plan further sets out that 'development must be located in areas at lowest risk of flooding from all sources, unless the Sequential Test and where appropriate the Exceptions test set out in national policy have been passed. Within the site, uses with the greater vulnerability to flooding must be located in areas with lower risk of flooding'. The policy further states that 'development proposals must not increase flood risk from any sources within the site or elsewhere, and where possible should reduce the causes and impacts of flooding'.

The new flood map produced by JBA shows an extensive area of Flood Zone 2 on the site (ES Addendum Page 4). Flood Zone 2 is the land which can be expected to flood in a 1 in 1,000 year return period event (without any allowance for climate change). From comparison of the JBA Flood Map with the Parameters Plan it appears that residential development is mostly proposed within the area currently defined as Flood Zone 2, based on the Applicants modelling, and the access road is partially located in Flood Zone 3.

The extent of flooding on the development site has been shown by the Applicant own modelling to be greater than that had previously been thought, including at the time the Local Plan was adopted. The intent of Policy MN6 of the Local Plan is clear that 'new dwellings are not at risk from either fluvial flooding in a 1 in 1000 year event, or flooding from any other source'. This policy position is further supported by other neighbourhood and local plan policies mentioned above.

Response

It is requested that the Parameters Plan submitted in support of this application is amended to include minimum ground levels and that the developable area for residential use in the Parameters Plan and other plans is amended to ensure no residential dwellings will be located within Flood Zone 3 as shown in the JBA Flood Map and for this to be secured through planning conditions. It is also requested that the minimum level for dwellings be conditioned above the 1 in 1,000 year flood level.

This is required to ensure development is in accordance with Policy MN6 of the Local Plan and does not cause vulnerability to flood risk, as required by neighbourhood, local and national planning policy.

Safeguarding Fluvial Flood Risk

Policy F1 of the Neighbourhood Plan states that in areas at risk of flooding 'developments shall not lead to an increase in flooding or increased flood risk on either the application site or elsewhere within the Plan area. Where reasonably practicable, developers shall demonstrate tangible, definite and measurable reductions in flood risk and actual flooding'.

Policy F4 of the Neighbourhood Plan states that 'development will not be permitted in flood attenuation areas where the development would reduce the ability of the area to alleviate flooding'.

Policy MN6 of the Local Plan sets out that the development of the application site should include a mitigation scheme that '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 ensures that there is no increase in flood risk elsewhere caused by the development'.

Policy EQ8 of the Local Plan further sets out that 'development proposals must not increase flood risk from any sources within the site or elsewhere, and where possible should reduce the causes and impacts of flooding'.

The JBA Flood Risk Strategy models a development scenario and tests this with the conclusion there is a reduction in fluvial flood risk to Hawksworth Drive as a result of the development (ES Addendum). The scenario modelled shows areas of land raising and areas of lowering/reprofiling. It is apparent that any subsequent changes to the design of these areas (in particular the extent, height and location) risks invalidating the conclusions of the Flood Risk Strategy and lead to increased flood risk.

The JBA Flood Risk Strategy also models a development scenario and tests this with the conclusion there is a significant reduction in the risk of fluvial flooding from Eight Acre Drain as a result of the development. This conclusion is based on the hydraulic model results. The reduction in flood risk on EAD is a result of land raising related to the access road and the small development area in the north east of the site adjacent to Wham Dyke. In terms of fluvial flooding this is a significant improvement over the previous proposals. However, it is only valid if the land raising is delivered as has been modelled with a continuous barrier of higher land between the Wham Brook and EAD.

Response

It is requested that to avoid potential increase in fluvial flood risk to Hawksworth Drive, the area of reprofiling shown on Figures 3-5 of the JBA Flood Risk Strategy is conditioned to be delivered as shown and that any subsequent changes at Reserved Matters stage are to be re-tested in the model and re-consented in order to ensure the development and the wider area is not put at risk and the Flood Risk Strategy functions as required.

It is also requested that to avoid potential increase in fluvial flood risk, the area of land raising shown on the JBA plan (and tested in the JBA model) is conditioned to be delivered as shown in Fig 3-5 (in pink) unless future modelling shows an alternative arrangement to provide more benefit in terms of flood risk reduction. It is also requested that the minimum level of the land raise in this area is set above the 1 in 1,000 (0.1% AEP) flood level from the JBA model at a point directly adjacent to the proposed raised area. This was previously 7.5 m AOD but given the significant change in the modelling may now be significantly different.

The above conditions are required to increase the compliance of the proposed development with the neighbourhood and local plan policies by safeguarding against an increase in fluvial flood risk as a result of the development of the application site. It is further recommended that any changes to the above suggested conditions are consulted with the Environment Agency, Formby Parish Council and other statutory consultees.

Surface Water Flood Risk

Policy F1 of the Neighbourhood Plan states that in areas at risk of flooding from any source 'developments shall not lead to an increase in flooding or increased flood risk on either the application site or elsewhere within the Plan area. Where reasonably practicable, developers shall demonstrate tangible, definite and measurable reductions in flood risk and actual flooding'.

Policy F3 of the Neighbourhood Plan requires that development 'shall seek to maximise reductions in surface water run-off as compared with the pre-development situation. Designs shall also lead to a reduction in the speed at which surface water discharges from the site'.

Policy MN6 of the Local Plan sets out that the development of the application site should include a mitigation scheme that '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'.

The supporting text to Policy MN6 further states that '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' (Para 6.68).

Policy MN6 states clearly that the development of the application site must significantly and substantially reduce existing surface water flood risk on Hawksworth Drive. Policy F3 further requires development to maximise reductions in surface water run-off as compared to the pre-development situation. Although, based on the JBA model in the ES Addendum, there is likely to be a significant reduction in fluvial flood risk to Hawksworth Drive as a result of the Flood Management Scheme, there is no evidence to suggest a significant reduction in surface water flood risk.

The fluvial flood risk benefits are provided as a result of the new development preventing overland flow from Wham Dyke to Eight Acre Drain and water levels in EAD are shown as reduced in all flood events. This reduction in level is not however enough to offer a benefit to the surface water flooding issues on Hawksworth Drive.

The 'new flood storage areas' which were envisaged at the time of the Local Plan have been shown by subsequent analysis (specifically groundwater monitoring) as unlikely to be feasible. This does not change the intent of the Local Plan that development of this site provides significant surface water flood risk reduction to Hawksworth Drive.

Response

In consideration of the above, it is requested that the surface water flood risk mitigation strategy is revisited as the current proposals do not deliver any significant reduction to surface water flood risk to properties on Hawksworth Drive and as compared with the pre-development situation. Therefore, in its current form, the proposed development is considered to be contrary to Policy MN6 of the Local Plan and Policy F3 of the Neighbourhood Plan.

It is further requested that the application is not permitted until a significant reduction in surface water flood risk to properties on Hawksworth Drive and any other surrounding areas at risk is comprehensively demonstrated through an effective mitigation scheme. Once demonstrated and considered to provide a significant improvement, its management and maintenance in perpetuity should be conditioned.

Surface Water Drainage to Eight Acre Drain

Policy F1 of the Neighbourhood Plan states that in areas at risk of flooding from any source ‘developments shall not lead to an increase in flooding or increased flood risk on either the application site or elsewhere within the Plan area. Where reasonably practicable, developers shall demonstrate tangible, definite and measurable reductions in flood risk and actual flooding’.

Policy F3 of the Neighbourhood Plan requires that development ‘shall seek to maximise reductions in surface water run-off as compared with the pre-development situation. Designs shall also lead to a reduction in the speed at which surface water discharges from the site’.

Policy MN6 of the Local Plan sets out that the development of the application site should include a mitigation scheme that ‘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’.

The original Flood Management Strategy for the application site and 2018 ES specifically include infilling of the small watercourses and drains that connect the Brackenway site to Eight Acre Drain and the diversion of all surface water drainage from the development away from Eight Acre Drain and to Wham Dyke. This is important in reducing flows in EAD and remains to be an important part of the strategy.

Although the impact of these infilling and surface water drainage works is likely to be relatively minor, it is important that they do not remain as drainage pathways and the removal of these drains and land reprofiling ensures no overland flow towards EAD in larger than the drainage design events. Without detail of the proposed finished site levels and drainage system (reasonably assumed to be part of future detailed design consents) it cannot be confirmed that all surface water flows (even in extreme events that exceed the design standard of the drainage system) will be diverted away from EAD.

Response

In consideration of the above, it is requested that at the Reserved Matters stage the site is designed so that no surface water flow from the entirety of the application site can enter EAD, including in exceedance events (ie. events that are larger than the design standards). It is further requested that this requirement is secured through a planning condition to avoid potential risk of flooding and to support compliance with neighbourhood and local plan policies.

Water Infrastructure Maintenance

Policy F2 of the Neighbourhood Plan states that ‘planning applications in areas at risk of flooding shall be informed by a site-specific Flood Risk Assessment (FRA) demonstrating how all sources of flood risk will be managed now and over the lifetime of the development (taking into account, for example, climate change)’.

Policy MN6 of the Local Plan sets out that the development of the application site should include a mitigation scheme that ‘is accompanied by a maintenance plan / arrangement that ensures the flood risk mitigation scheme and existing watercourses within the site are maintained in perpetuity’.

The revised Flood Management scheme relies on elements both on and off site, the maintenance of which are essential for the proposed development to deliver in perpetuity the reduction in fluvial flood risk to Hawksworth Drive as proposed. These elements for which maintenance should be secured include: the onsite drainage system and any associated ponds, tanks, pipes and SuDS features; watercourses including Eight Acre Drain and Wham Dyke; and non-return or flap valve(s) on the Hawksworth Drive surface water system.

The JBA modelling shows a significant increase in flood risk on the site and to Hawksworth Drive in the scenario where the 2 culverts are partially blocked. This is a realistic scenario as the culverts were observed by JBA to be blocked in May 2019 and have been subsequently cleared. Although culvert blockage is unlikely to be caused by the development (assuming construction phase impacts are well controlled) the impact on the site of a blockage should be considered.

Response

It is requested that the future maintenance of the Flood Management Strategy elements, including both onsite and off site, including onsite drainage system and any associated ponds, tanks, pipes and SuDS features; watercourses including Eight Acre Drain and Wham Dyke; and non-return or flap valve(s) on the Hawksworth Drive surface water system is secured through planning conditions.

It is also requested that the Applicant provides information on how future maintenance of the Eight Acre Drain and Wham Dyke culverts (under the Formby bypass) will be addressed and that this is secured through planning conditions.

The above conditions are required to increase the compliance of the proposed development with Policy MN6 and Policy F2.

Summary

The proposed development under this outline planning application as mentioned above contradicts the aspirations of the neighbourhood and local plan to deliver sustainable development and fails to demonstrate that a suitable scheme can be delivered on the application site with matters reserved.

The Parish Council is particularly concerned about: the likely density of development being unsuitable as this currently does not accord with the prevailing character of the immediate area; inadequate open space provision including potential for harm to the Local Wildlife Site; and the ineffective surface water flood risk mitigation strategy, which is contrary to neighbourhood and local plan policy requirements, is not predicted (according to the information provided) to deliver a significant reduction in surface water flood risk to properties on Hawksworth Drive and as compared with the pre-development situation.

Exception Test

The National Planning Policy Framework states that 'where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account' (Para 162).

Paragraph 160 of the NPPF further states that 'for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) 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'. Paragraph 161 requires 'both elements of the exception test should be satisfied for development to be allocated or permitted'.

The extent of flooding on the application site has been shown by the Applicant's own modelling to be greater than that had previously been thought at the time the Local Plan was adopted. This more recent information about existing flood risk is considered to trigger the need for the exception test to be reapplied.

Policy MN6 of the Local Plan, its supporting evidence and supplementary planning guidance set out the measures required to deliver the wider sustainability benefits to the community that outweigh the flood risk. These measures include a significant improvement in the risk of surface water flooding in Hawksworth Drive, new flood storage areas adjacent to the Formby Bypass and the retention and enhancement of land north of Wham Dyke as an ecologically rich buffer zone for the nature reserve (required to offset the loss of the LWS). As demonstrated above, the proposed development in its current form does not meet these requirements and is therefore considered to not meet the exception test set out in the NPPF.

Recommendation

The Parish Council recommends that the proposed development under this outline planning application is refused. It is recommended that the Applicant revisits the quantum of development proposed for the site and the Flood Management Strategy, so that an appropriate scheme for residential development can be planned which accords with the development plan and provides the wider sustainability benefits required to meet the exception test set out in the NPPF.

Given the importance of the Flood Management Strategy for the application site, it is recommended by the Parish Council that any further amendments to flood management as part of this planning application is captured in a single new document with the revised Flood Management Strategy. At present, in order to monitor whether the scheme is being delivered in line with planning, reference would have to be made to the RSK and JBA reports and the Environmental Statement and Addendum. These documents are not interlinked and therefore there is a risk that the different elements of the Flood Management Strategy end up contradicting or are changed in such a way as to damage their efficacy. A single document would provide important clarification on what needs to be delivered and can be monitored.

Formby Parish Council seek to work to a mutually constructive result and should you or the Applicant have any queries regarding this letter or require any further information, please do not hesitate to contact me or the Parish Council.

Kind Regards,

Ishaq Khan MRTPI

on behalf of Formby Parish Council and AECOM UK Limited

Enc. Land at Brackenway, Formby. Review of Flood Risk Proposals (March 2021).

Land North of Brackenway, Formby

Review of Flood Risk Proposals in
Planning Application DC/2018/00093 on
behalf of Formby Parish Council

March 2021

Prepared for:
Formby Parish Council

Prepared by:

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Flood Risk Review

- 1.1 My name is Ruth Goodall and I am a qualified and experienced Water Consultant, specialising in Flood Risk. I am employed on a permanent basis by AECOM and have 19 years experience of flood risk management, working for private developers, local authorities and The Environment Agency to develop flood mitigation schemes and assess the flood risk to new and existing developments. I have a BSc in Geology and Geography, an MSc in Surface and Groundwater Management and I am a Chartered member of the Institute of Water and Environmental Management (C.WEM) and a Chartered Environmentalist (CEnv).
- 1.2 I have reviewed the available flood risk information in relation to Land at Brackenway, Formby, including the Local Plan policies relating to the allocation of the land for development, the 2018 Environmental Statement and supporting Flood Risk Assessment produced by RSK for the 2018 planning application for residential development, and, the recent 2021 ES Addendum and amended Flood Management proposals and Flood Risk Strategy produced by the consultants JBA.
- 1.3 Based on my review of the available documents I do not contest that residential development on Land at Brackenway can be delivered in some form and that flood risk to the site can be managed to an acceptable level. However, several elements of the proposals remain unclear, and in the interests of their parishioners and future residents of the Brackenway site I suggest that Formby Parish Council may wish to raise a number of queries to the proposals and seek assurances on certain elements of the development. In addition, when the land was allocated for development in the Sefton Local Plan Policy MN6 made clear this was on the basis that development of the site had the potential to deliver wider sustainability benefits that would outweigh flood risk, specifically that the development of the site:
- “.....must include a flood mitigation scheme that ensures new dwellings are not at risk in a 1 in 1,000 year event, that there is no increase in flood risk elsewhere caused by the development and that 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, is accompanied by a maintenance plan / arrangement that ensures the flood risk mitigation scheme and existing watercourses within the site are maintained in perpetuity”.*
- 1.4 As they currently stand I would suggest there is no assurance that the development proposals:
- will significantly reduce the existing surface water flood risk to properties on Hawksworth Drive
 - will be maintained in perpetuity
- 1.5 It is of note that the original planning application for the site included Flood Storage Areas in line with the Local Plan policy, however, the current planning application does not. Although this is a departure from the original proposals this approach is in my opinion an improvement and provides more robust and deliverable fluvial flood risk management for the development site itself and adjacent areas.
- 1.6 The change in flood management strategy away from storage areas addresses concerns I had when reading the original 2018 Environmental Statement and Flood Risk Proposals that due to high groundwater levels the flood storage areas as proposed in the first application were potentially impossible to design and deliver.
- 1.7 The Flood Management Strategy as now proposed will in my opinion most likely protect the new dwellings from fluvial flooding in a 1 in 1,000 year return period and deliver a reduction in fluvial flood risk on Hawksworth Drive, however due in part to the complexity of the current surface water flood issue on Hawksworth Drive it does not deliver a significant reduction in surface water flood risk to Hawksworth Drive as the local plan requires it to do.

- 1.8 The recently completed JBA modelling is consistent with industry best practice and the data and assumptions within it appear robust. However, the JBA model is a representation of the fluvial flood risk only, (the flood risk from the Wham Dyke and the Eight Acre Drain). It does not model or represent the flooding that has been known to previously impact Hawksworth Drive and environs as a result of flooding from the surface water drainage system. Further, the JBA Flood Risk Strategy indicates that lowering the water levels in Eight Acre Drain does not mitigate the surface water flood risk on Hawksworth Drive (due to the existing constraints on the system).
- 1.9 The proposals therefore are likely to have a positive impact (a reduction in risk) on fluvial flood risk both on the site and in Hawksworth Drive. The proposals do not seem to include any strategy that delivers a significant reduction in surface water flood risk to Hawksworth Drive.
- 1.10 I would suggest the following comments are lodged by FPC in response to the current planning consultation:

Table 1 - Summary of Issues

Ref	Subject/Requirement	Description	Suggested Action
1	The Sefton Local Plan requires the development to ensure new dwellings are not at risk in a 1 in 1,000 year event.	<p>The new flood map produced by JBA shows an extensive area of Flood Zone 2 on the site. Flood Zone 2 is the land which can be expected to flood in a 1 in 1,000 year return period event (without any allowance for climate change). This area of land is however NOT at risk in a 1 in 100 year return period event.</p> <p>From comparison of the JBA Flood Map with the Parameters Plan it seems that residential development is proposed within the area currently defined as Flood Zone 2, based on the applicants modelling, and the access road is partially located in Flood Zone 3.</p> <p>The extent of flooding on site has been shown by the applicants own modelling to be greater than had previously been thought, including at the time the Local Plan was adopted. The intent of the Local Plan policy is clearly that new dwellings on site are not at risk from either fluvial flooding in a 1 in 1,000 year event, or flooding from any other source</p>	<p>Suggest that the applicant be asked to amend the Parameters Plan to include minimum ground levels and guarantee that no dwellings will be located within Flood Zone 3 as shown by the applicants own modelling.</p> <p>Suggest the minimum level for dwellings be conditioned above the 1 in 1000 year flood level.</p>
2	<p>The Sefton Local Plan (policy MN6) requires that development of this site:</p> <p><i>“must include a flood mitigation plan that 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”.</i></p>	<p>The Local Plan makes clear that the development must significantly and substantially reduce existing surface water flood risk on Hawksworth Drive.</p> <p>Although, based on the JBA model, there is likely to be a significant reduction in fluvial flood risk to Hawksworth Drive as a result of the Flood Management Scheme there isn't evidence of a significant reduction in surface water flood risk.</p> <p>The fluvial flood risk benefits are provided as a result of the new development</p>	<p>Suggest FPC indicate they are not satisfied that the proposals as they are currently will significantly reduce surface water flood risk on Hawksworth Drive.</p> <p>Suggest reference is made to the detail of the Local Plan wording Policy MN6 and explanation text.</p>

		<p>preventing overland flow from Wham Dyke to Eight Acre Drain and water levels in EAD are shown as reduced in all flood events. This reduction in level is not however enough to offer a benefit to the surface water flooding issues on Hawksworth Drive.</p> <p>The “new flood storage areas” which were envisaged at the time of the Local Plan have been shown by subsequent analysis (specifically groundwater monitoring) as unlikely to be feasible. This does not change the intent of the Local Plan that development of this site provides significant surface water flood risk reduction to Hawksworth Drive.</p>	
3	<p>The JBA Flood Risk Strategy models a development scenario and tests this with the conclusion there is a reduction in fluvial flood risk to Hawksworth Drive as a result of the development.</p>	<p>The scenario modelled shows areas of land raising and areas of lowering/reprofiling.</p> <p>Any subsequent changes to the design of these areas (extent, height, location) risks invalidating the Flood Risk Strategy.</p> <p>Any subsequent change to these areas must be re-modelled and consented in order to ensure the FRS functions as required.</p>	<p>Suggest FPC request a condition that if the development is allowed the area of reprofiling shown on Fig 3-5 of the JBA Flood Risk Strategy is delivered as shown. Any change to the location, extent or height (in m AOD) of this area (shown in yellow) risks invalidating the conclusions of the JBA report and leading to increased flood risk. Any subsequent change needs to be re-tested in the model and consented in order to ensure the development and the wider area is not put at risk.</p>
4	<p>The JBA Flood Risk Strategy models a development scenario and tests this with the conclusion there is a significant reduction in the risk of fluvial flooding from Eight Acre Drain as a result of the development.</p>	<p>This conclusion is based on the hydraulic model results which seem valid and robust. The reduction in flood risk on EAD is a result of land raising related to the access road and the small development area in the north east of the site adjacent to Wham Dyke.</p> <p>In terms of fluvial flooding this is a significant improvement over the previous proposals. However, it is only valid if the land raising is delivered as has been modelled with a continuous barrier of higher land between the Wham Brook and EAD.</p>	<p>Suggest FPC request a condition that the area of land raising shown on the JBA plan (and tested in the JBA model) is delivered as shown in fig 3-5 (in pink) unless future modelling shows an alternative arrangement to provide more benefit in terms of flood risk reduction.</p> <p>The minimum level of the land raise in this area should be set above the 1 in 1,000 (0.1% AEP) flood level from the JBA model at a point directly adjacent to the proposed raised area. This was previously 7.5 m AOD but given the significant change in the modelling may now be significantly different.</p>

5	<p>The original Flood Management Strategy for the site and 2018 ES specifically include infilling of the small watercourses and drains that connect the Brackenway site to Eight Acre Drain and the diversion of all surface water drainage from the development away from Eight Acre Drain and to Wham Dyke. This is important in reducing flows in EAD but isn't currently modelled in the JBA report and is in effect in addition to the flow reductions they have modelled. Still unlikely to provide significant surface water benefit to Hawksworth Drive.</p>	<p>Although the impact of these infilling and surface water drainage works is likely to be relatively minor it is important that they do not remain as drainage pathways and the removal of these drains and land reprofiling to ensure no overland flow towards EAD in larger than the drainage design events should be confirmed</p> <p>Without detail of the proposed finished site levels and drainage system (reasonably assumed to be part of future detailed design consents) it can't be confirmed that all surface water flows (even in extreme events that exceed the design standard of the drainage system) will be diverted away from EAD.</p>	<p>Suggest FPC ask for a condition that the site is designed so that no surface water flow from the entirety of the site can enter EAD, including in exceedance events (ie. events that are larger than the design standards).</p> <p>The proposal to re-direct all surface water flows generated on the site direct flows away from EAD is not included in the most recent Addendum. By implication this strategy remains in place as it was in the original application and has not been amended but I'd suggest the diversion of all surface water on the site away from EAD could be conditioned, (see also point 4).</p>
6	<p>Future maintenance of any flood management and drainage infrastructure – inclusive of any off site works must be secured in perpetuity.</p>	<p>The move away from the original flood storage areas significantly reduces the maintenance that will be required, and this is to be welcomed as less requirement for maintenance should mean a lower risk of failure.</p> <p>However, the Flood Management scheme relies on elements both on and off site – the maintenance of which are essential for the development to deliver in perpetuity the reduction in fluvial flood risk to Hawksworth Drive as proposed. These elements for which maintenance should be secured include: the onsite drainage system and any associated ponds, tanks, pipes and SuDS features, watercourses including EAD and Wham Dyke, non return or flap valve(s) on the Hawksworth Drive surface water system.</p>	<p>Suggest FPC ask for a condition to secure future maintenance of the Flood Management Strategy elements, including both on and off site and that as required by the Sefton Local Plan a maintenance plan / arrangement that ensures the flood risk mitigation scheme and existing watercourses within the site are maintained in perpetuity.</p>
7	<p>Future maintenance of the Wham Dyke and Eight Acre Drain culverts (under the Formby bypass) needs to be secured.</p>	<p>The JBA modelling shows a significant increase in flood risk on the site and to Hawksworth Drive in the scenario where the 2 culverts are partially blocked. This is a realistic scenario as the culverts were observed by JBA to be blocked in May 2019 and have been subsequently cleared. Although culvert blockage is unlikely to be caused by the development (assuming construction phase impacts are well controlled) the impact on the site of a blockage should be considered.</p>	<p>Suggest FPC ask for information on how future maintenance of the 2 culverts under Formby bypass will be secured given past failures to deliver this.</p>