Formby and Little Altcar (FLA) Neighbourhood Development Plan (NDP)

In response to the Formby and Little Altcar Neighbourhood Development Plan consultation, Sefton Council LLFA has reviewed the document and provided the following comments.

Sefton Council Lead Local Flood Authority (LLFA) comments

LLFA stance on Formby and Little Altcar NDP
The Lead Local Flood Authority has significant concerns about the draft Formby and Little Altcar NDP and feels that the current document and policies are not suitable for adoption or implementation as it stands. Large sections of the document relate and seek to address flooding and flood risk, and therefore this should have been written in partnership with the Lead Local Flood Authority and other flood Risk Management Authorities (RMAs) who are the Environment Agency and United Utilities. As well as being consultation bodies as set out in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012, RMAs can provide technical advice and support to enable policy and plan making to take place in a way that seeks to address concerns about flood risk, whilst also maximising opportunities to deliver multiple benefits through the sustainable management of flood risk, and which supports the delivery of Sefton’s Local Plan Policy EQ8.

The Lead Local Flood Authority would be happy to work with residents and Formby and Little Altcar Parish Council to progress the document and create a version which addresses the issues cited in the draft document which builds on Sefton’s Local Plan.

For information - Role of the Lead Local Flood Authority (LLFA) in planning applications
The Lead Local Flood Authority is a statutory consultee for all major planning applications. Sefton Council LLFA go beyond this and ask to be consulted on applications >0.5ha within critical drainage areas, and also provide standing advice to the local planning authority for all other minor developments. Sefton Council LLFA inspect major developments prone to flood risk at different stages of construction to ensure that flood risk is managed.
Overarching comments on NDP

Repetition of National and Local Policy
A large section of the text is repeating local plan and policy. Without this the plan would be much more succinct. Sections such as 3.2.10.3 are deemed unnecessary as they repeat statements and policies which are already listed in national policy and Policy EQ8 of Sefton’s Local Plan. Other sections which are already considered with every planning application consulted upon are 3.2.13.1 not increasing flood risk elsewhere/displacing water and 3.2.11.6/7 use of exception test.

Sefton Council LLFA ensure that all technical aspects relating to relevant national and local planning policy are satisfied; this includes policies contained within the ‘Flood Risk and Coastal Change’ section of the National Planning Policy Framework and Policy EQ8 of the Sefton Local Plan. Therefore relevant local and national planning policies do not need to be repeated in this document; the purpose of a Neighbourhood Development Plan is to build further on national and local policy, where characteristics of the area require more specific policy.

The LLFA suggests that statement made about certain issues or characteristics of the area, for example ‘Formby’s inability to discharge water once the River Alt rises above flap valves’, need to be backed up with appropriate reasoning and evidence. An example of this can be such as suggested in 3.2.8.10, whereby new properties must have a finished floor level of 450mm higher than the crown of the road (although this figure should be justified in some way and subsequently revised).

Structure of NDP
It is unclear as to why there are two different sections within the NDP which address ‘flooding’ in particular (sections 3 and 4.8). ‘Flood risk’ is also mentioned intermittently through the document leading to an overall fragmented approach to flooding and flood risk diluting its impacts within the plan. An improved structure would create one concise ‘flooding and flood risk’ section featuring an introductory ‘scene setting’ paragraph outlining local characteristics and issues, followed by the statements which Formby and Little Altcar Parish Council seek to address, and subsequent policies.

This would create a more usable and succinct document, providing greater clarity on expectations to those developing in Formby and Little Altcar as well as greater emphasis to the purpose of the document. In its current form, the LLFA would struggle to navigate the document in a way that would support the plan’s policies when commenting on planning applications in Formby and Little Altcar.

Realistic Policies
The LLFA want to support policies, aims and objectives within the plan which can help to reduce the risk of flooding in Formby, and the NDP includes some good suggestions. However, the LLFA cannot support proposed policies or actions without reasoning or justification; mainly the figures. This refers to proposals such as ‘no attenuation within 200m of existing infrastructure’ (3.2.9.1), where there is no evidence or reasoning to back up the figure of 200m.

Other statements should be discussed with the LLFA to ensure that the figures are realistic, as there are parts of the NDP such as requesting priority be given to local knowledge rather than flood risk maps and data which, when put into practice, may not be feasible.

Interpretation of data and maps
If, to the knowledge of residents, flood risk maps are inaccurate, then this should be highlighted to the relevant flood RMAs with pictures and information where possible to help improve maps. Flood risk maps are principally used as a guide (although supplemented by other data sources). This is the case nationally and not specific to Sefton. (3.2.10.1)

Section 4.8.14 gives the impression that a 1 in 100 year flood event is a more likely event than figures suggest. This is not the case and this message should not go out in the NDP.

Acknowledgement of current LLFA/RMA work
Section 3.2.8.3 to section 3.2.8.12, the FLANDP suggests that Formby and Little Altcar Parish Council will effectively take on the role of the LLFA, therefore suggesting that there is a lack of confidence in the LLFA. The main concern highlighted is that developers are not taking into account current flood risk of the site.

Under the National Planning Policy Framework, all developments are required to take account of and consider flood risk as part of their proposal. RMAs all provide independent consultation comments to Sefton’s Local Planning Authority to ensure technical aspects of flood risk on development are addressed to ensure that every development complies with national and local planning policy.

Each RMA has a distinct role in commenting on flood risk and drainage aspects which can be briefly put as:
LLFA – Comments on surface water drainage matters specifically, and also provides comments in relation to groundwater and ordinary watercourses. These comments can be within any flood zone.
Environment Agency – Comments specifically on flooding from main rivers and the sea which usually applies to development in flood zones 2 and 3, and on development in ‘critical drainage areas’ that the agency has designated.
United Utilities — Whilst not a statutory consultee on planning application, they proactively comment on all development proposals that could impact on their adopted sewer network and comment in relation to sewer aspects. They provide comments about sewer adoption and capacity.

Furthermore, Sefton Council has recently introduced a ‘Sustainable Drainage Pro-Forma’ and ‘Sustainable Drainage and Flood Risk Information Note’ to ensure that requirements are clearly laid out for all parties – planners, developers and consultees – so that the correct information is provided before a planning application can be validated and therefore processed by the Local Planning Authority. If the Formby and Little Altcar Parish Council or residents wish to know more about the LLFA role in managing flood risk the LLFA would be happy to engage with you.

**Factual inaccuracies**

As information in the NDP has not been provided in consultation with the LLFA, there are some inaccuracies in factual data such as ‘all water that enters Formby will eventually drain via the River Alt’. Any information in the NDP should be as accurate as possible to date, and can be verified in consultation with the LLFA.

**Contradictions**

Policy FLDS does not allow development in ‘flood attenuation areas’ if it is to reduce the ability of the area to alleviate flooding. However, in paragraph 3.2.9.1 the plan clearly discourages the use of standing water bodies, such as open attenuation systems.

Paragraph 4.8.7 cites that ‘flood maps cannot be relied upon for accuracy’ and should only be treated as a rough guide, yet the only reference to flood data in the NDP is extracted figures from Sefton Council’s Surface Water Management plan showing homes and businesses at flood risk in Formby, section 4.8. To strengthen the case that there is a ‘mass of evidence available from residents’ (4.8.7), this should be documented and referred to in the NDP.

**Evidence Base EB11**

Reviewing the evidence base report EB11 it is unclear what evidence has been used to support the development of the report. There is little or no reference to flood maps provided by the LLFA or the Environment Agency.

We have provided specific comments relating to the plan text in Appendix A.
We trust that you find this consultation response helpful and constructive in further developing your NDP. Should you wish to contact us to discuss matters further please contact us via the email at the top of this letter.

**APPENDIX A: Specific Comments**

Key points, suggestions and comments from the LLFA are summarised in the table below, however this is not exhaustive and there are likely to be further amendments.

<table>
<thead>
<tr>
<th>Existing paragraphs in FLANP</th>
<th>Suggested alternative</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Foreword</td>
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<tr>
<td>Footnote 1</td>
<td></td>
<td>If 'the community is determined to do something meaningful with regards to addressing the very real ongoing risk of flooding in Formby', then the LLFA is happy to work in partnership to progress these issues; however no conversation or advice has been sought at any point with the LLFA when writing the NDP. Having engaged in no conversation with the LLFA, the LLFA questions how the authors and contributors of the NDP are able to make accusations of the planning system and how flood risk is addressed.</td>
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<tr>
<td>Section 2</td>
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<td>2.4.11</td>
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<td>The LLFA supports the Neighbourhood Plan’s recognition of the use of green infrastructure opportunities to help manage surface water flood risk.</td>
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<td>Section 3</td>
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<tr>
<td><strong>3.1.7</strong></td>
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</table>
| 'waterway' is changed to 'watercourse'.

"Formby and Little Altcar experiences problems with both flooding and surface water flooding" is changed to "[...] problem with flooding, with surface water flooding being the predominant flood risk to the area"

| **3.1.8** |
| Overall this paragraph is disjointed and the LLFA advises that further thought is given to what the key aspects are.

The Plan doesn't explain the relation of the EA's Flood Management Plan for the Lower Crossens area to the Neighbourhood Plan. It notes it "needs to be monitored and achieved" but doesn't clarify who by and what the Neighbourhood Plan's role might be in supporting this and wider flood risk management as a whole. (particularly the inadequate surface water management system)

Comment comes across as critical of LLFA asset management – what is the reasoning and justification for this? Is the issue here the pressure which the current surface water system faces from development? LLFA suggests that this is rephrased.

| **3.2.1** |
| **3.2.2** |
| The land which acts as a flood plain needs specifying here, and reason why it may be detrimental to use this land as a flood plain. |
3.2.7.7  The lifetime of developments within Formby and Little Altcar is more accurate to 200 years rather than 100 years, therefore when planning for the 'lifetime of a development', developers should work to a 1 in 200 year standard.  Based on 'the likely lifetime of any new development will be well in excess of 100 years' in Formby and Little Altcar, then a policy could be brought forward from this to increase to a 1 in 200 year standard, which would increase the storage size which the developer has to provide.

3.2.7.9  This is an Environment Agency policy, the LLFA would request an EA opinion on this.

3.2.8.3  Flood maps are theoretical in that they are based on models and topographic surveys but would say they are more accurate anything the Parish council could provide. 'Real world' evidence is likely to be anecdotal.

3.2.8.4  This is not realistic for minor developments (one or two houses, change of use, extensions etc). Developers should follow Sefton Council's Pro Forma where required, and sufficient standards and evidence base will be met.

3.2.8.5  This can only happen when the cause of a flood is known. If for example a flood occurs due to a riparian owner not performing their duties and this results in flooding then it is beyond the scope of the developers influence. The same can be said about flooding caused by fats, oils grease in the systems.

The LLFA questions whether Formby and Little Altcar PC have the means (software, expertise etc) to undertake this?
Paragraphs 3.2.8.5 to 3.2.8.10 demonstrate a lack of both knowledge in Sefton Council LLFA's role, and also confidence in LLFA competencies. How would the Parish Council seek to undertake the duties of the LLFA for all development in Formby and Little Altcar?

**3.2.8.6**
Typically, a site-based approach to drainage is used, with regard to catchments, but the actual water that the SuDS is designed to take isn't simply catchment based.

**3.2.9.2**
A reservoir has a definition of a large raised structure or area storing 10,000 cubic meters or more of water. [This should be defined].

**3.2.9.5**
Watercourses should be modelled taking into account all adverse blockage scenarios. Hence the requirement to discharge at greenfield rate.

**3.2.10.1**
As part of the public consultation, developers are advised to consult/liaise with the Formby and Little Altcar Parish Councils to gain any relevant local information that may aid the development proposal. Decisions will be based on scientific evidence and any supplementary local knowledge has to be backed with written evidence.

**3.2.10.2**
Flood zones are based on modelled data and the NPPF provides guidance on development proposals in flood zones.

**3.2.10.3**
FLAPC in-line with the LPA and the LLFA will require appropriate management and maintenance proposals to be submitted for the surface water management systems. This can happen anywhere, hence the requirement for the maintenance of flood defence assets including embankments.
3.2.11.2  | This seems contradictory to the rest of the policy which is against wet swales, ponds etc.
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3.2.11.4  | Pumping of foul may be the only solution as the majority of sites are on the periphery of Formby so will be tapping into existing sewers.
---|---
3.2.11.6  | 4th bullet point - Will it pursue the riparian owner (resident) if shown to be at fault?
---|---

Section 4

4.8  | Here, acknowledgment should be given to existing flood risk plans and policies before proceeding this with 'up to date flood policy' – for context. To avoid repetition most of what appears in sections 3.1.8, 3.2.1, 3.2.2, 3.2.4 and 3.7, 3.8, 3.9 and 3.10 could be incorporated and rewritten within 4.8.
---|---
4.8  | According to Sefton’s Surface Water Management Plan, 420 homes within Formby are at a 3.3% risk of flooding in any year, meaning that in any year, there is a 3.3% risk of flooding to 4% of Formby’s homes, businesses and infrastructure – where the Sefton average is 2%.
---|---
Articulation and interpretation of figures needs improving; 420 homes within FLA are at a 3.3% risk of flooding in any year.
| 4.8.1 | 'Further to the Council’s requirements of 20% betterment on brownfield sites and not exceeding pre-development rate for greenfield, this plan emphasises that new development must not exacerbate existing risk due to particularly high number of surface water issues.'
FLA requires all brownfield sites to discharge as closely as possible to greenfield rates and where the existing drainage system is derelict it will be re-designed to discharge at greenfield rates. |
| 4.8.5 | Use of the word ‘alleviation’ rather than ‘solution’.
Existing and post development flow routes must be identified and development proposal must demonstrate how any exceedance and intercepted flows will be managed. |
| 4.8.6 | There are areas within FLA with existing flood risk issues where sustainable drainage systems may not be appropriate, attenuation in particular. Where SuDs are not practicable alternative surface water management strategy shall be submitted for assessment to the LPA and LLFA. |
| 4.8.7 | There is no hard and fast rule to predict where surface water will collect. These maps show the areas at risk based on factors such as topography, report of flooding incidents, nearby watercourses, capacity of drainage networks etc. These maps are updated from time to time and are continually improved with advances in technology. They are always supplemented by local knowledge and expertise by all flood risk... |
management authorities and particularly by Sefton Council LLFA.

A more appropriate point to substitute this paragraph would be to feed more information and reports of flood events to help build a better picture of risk mapping throughout FLA.

A better interpretation of 1 in 100 year would be probability of a flood event in any given year is 1%. This is explained well here.

| 4.8.8 | Needs brevity – point of this paragraph is not clear. 

What is a ‘flood zone’? Does this include all zones, both surface water and fluvial? If so, which zones? Flood zone 1 applies to any area which is not classified as zone 2 or 3.

Trying to enforce this is not realistic. There is no justification for where 250m comes from.

| 4.8.9 | There is no obvious point to these paragraphs. 

They would be more suited in an introduction to ‘set the scene’ of flooding issues around Formby and Little Altcar. 

Are there any actions which would like to be pursued from this?

| 4.8.14 | We do not want to send out the message to the public that 1 in 100 year event is a likely event. This is not the case. 

See this link regarding communicating flood probabilities.
<table>
<thead>
<tr>
<th>4.8.15</th>
<th>Parish Councils will support the Council in ensuring that all appropriate and required information concerning flood risk and drainage is provided with a planning application. Any FRAs submitted are assessed to ensure they are appropriate for the proposed developments and any flood risks posed.</th>
<th>Sefton Council go above and beyond to ensure that any new development meets the appropriate national and local requirements, and does not increase flood risk elsewhere.</th>
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<tbody>
<tr>
<td><strong>Policy FLD1:</strong></td>
<td>Any new development should seek to reduce flood risk and should not adversely affect drainage and flooding in Formby and Little Altcar.</td>
<td>Construction Management and Sequencing Plan required. Potential to expand slightly to include the intention for it to be managed in ways that contribute towards green infrastructure in Formby and Altcar, referencing back to paragraph 2.4.11 of the NDP.</td>
</tr>
<tr>
<td><strong>FLD1 Justification/Supporting Text</strong></td>
<td>This is repeated information and detracts from the flooding policy. See earlier suggestion about ‘setting the scene’ at the beginning of the chapter.</td>
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<tr>
<td><strong>Policy FLD2:</strong></td>
<td>See amendment to Policy FLD1. Policy not required or should be merged with FLD1 or FLD3. First sentence has a grammatical error. No justification/supporting text.</td>
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<tr>
<td><strong>Policy FLD3</strong></td>
<td>Not needed, an FRA already requires this. No justification/supporting text.</td>
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<tr>
<td>Policy FLD4</td>
<td>Policy should be expanded to how this is expected to be achieved, i.e. through the use of appropriate sustainable drainage features that can contribute towards green infrastructure.</td>
<td>No justification/supporting text.</td>
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<td>-------------------------------------------------</td>
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<tr>
<td>Policy FLD5 &amp; FLD6</td>
<td>What are ‘flood attenuation areas’?</td>
<td>No justification/supporting text.</td>
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<td>FLD6 then talks about ‘flood sensitive areas’.</td>
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<td>None of these terms are defined and the NDP would benefit from clearly defined and consistent use of terms in relation to flood matters throughout the plan.</td>
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<td></td>
<td>No justification/supporting text.</td>
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<tr>
<td>Policy FLD6:</td>
<td>This is already within the Sefton Local Plan and 20% reduction is required.</td>
<td>No justification/supporting text.</td>
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<tr>
<td>Policy FLD9</td>
<td>Suggestion that just points 4 and 5 from this policy on basements is covered.</td>
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<td></td>
<td>7a) Surface water run-off rates and volumes are reduced by 20% (compared to the pre-existing rates) for sites covered by buildings or positively drained impermeable hard surfaces, where the development will use the existing on-site drainage infrastructure serving (brownfield site). Where new drainage systems are being installed a greenfield rate should be applied.</td>
<td>There are 2 valuable points in this section – points 4 and 5. The rest of the points seem to be copied from EQ8 in Sefton's Local Plan or national policy. These points are an opportunity to build on the Local Plan to take into account characteristics of Formby and Little Altcar – not to repeat local requirements, these are already adopted by the Council and are in everyday use. Justification/Supporting Text following this is accusatory and untrue. Every application the Council responds to follows policy EQ8.</td>
</tr>
</tbody>
</table>
Greenfield sites should not exceed existing greenfield rates.

<table>
<thead>
<tr>
<th>FLD Community Action 1:</th>
<th>Suggest it comes after FLD Community Action 2</th>
<th>The exception and sequential test should be passed before there is a requirement for an FRA.</th>
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</thead>
<tbody>
<tr>
<td>FLD Community Action 1:</td>
<td></td>
<td>What resources, with contingencies, do the Parish council have to assess an FRA?</td>
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</table>