

Halton-with-Aughton Neighbourhood Development Plan

Lancaster City Council Response to Regulation 16 Consultation

April 2025

1. INTRODUCTION

- 1.1 Lancaster City Council (Council) welcomes the submission of the Halton-with-Aughton Neighbourhood Development Plan (referred to as 'the Plan' from this point forward) and recognises the significant amount of time, effort and work the local community has put into its production to date, taking a positive and proactive approach to plan-making. The council have been fully supportive of the Halton-with-Aughton's Parish Council's (the Parish) decision to prepare a neighbourhood plan for their area and have provided support to aid the group's preparation of the plan.
- 1.2 Through dialogue with the Neighbourhood Plan Steering Group since the initial designation in October 2015, the Council have been aware of the wide variety of consultation events that have been held with the community. These events have helped identify issues which are important in the locality, gain consensus and draw conclusions to how such matters can be addressed.
- 1.3 This document forms the Council's response to the Regulation 16 consultation and is intended to support the Parish Council and the Independent examiner. For ease of reference, the comments set out in Section 4 of this response are according to the relevant sections of the Plan.

2. LEGAL REQUIREMENTS AND NATIONAL POLICY

Legal Requirements

- 2.1 When a qualifying body, in this case Halton-with-Aughton Parish Council, submits a neighbourhood plan, the local authority is required to consider whether the legal process has been followed, whether the submission meets the requirements, to publicise the neighbourhood plan and arrange for independent examination.
- 2.2 The Halton-with-Aughton Neighbourhood Plan Area was designated on 27th October 2015 following the consultation process which was required at the time. The Parish Council has followed the required processes including pre-submission Regulation 14 consultation and publicity between 15th July 2024 to 8th September 2024.
- 2.3 The submission must include:
 - A map or statement identifying the area to which the plan relates;
 - The Neighbourhood Plan;
 - A Consultation Statement;
 - A Basic Conditions Statement (a statement on how the plan fulfils the basic conditions).

- 2.4 All the above documents have been submitted together with supporting evidence. The Consultation Statement and Basic Conditions Statement are considered to fulfil the requirements for their content.
- 2.5 The local authority is not required to assess whether the neighbourhood plan meets the basic conditions. That is the role of the independent examination. It is however expected to provide advice and support to help produce a plan that does meet the requirements. The basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) are as follows:
- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
 - (b) The making of the neighbourhood plan contributes to the achievement of sustainable development.
 - (c) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - (d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - (e) The prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal. The prescribed condition in relation to Plans is:
 - The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulation Assessment) in relation to the examination of neighbourhood development plans.

National Planning Policy

- 2.6 The National Planning Policy Framework (referred to as ‘the NPPF’ from this point forward) was published in December 2024. Changes have also been made to the Planning Practice Guidance (PPG) and further changes are expected. The Plan refers to the former NPPF dated December 2023 and should be updated through the examination prior to referendum.
- 2.7 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. In doing so, it sets out the requirements for preparation of neighbourhood plans. All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area, align growth and infrastructure, enhance the environment, mitigate and adapt to climate change. Paragraph 30 of the NPPF states,
- ‘Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies’.*
- 2.8 Within the overarching roles that the planning system ought to play, neighbourhood plans should also have regard to the core planning principles that underpin plan-making set out in paragraph 16 of the NPPF. The key principles highlight that plans should be prepared with the objective of contributing to the achievement of sustainable development; be positively prepared (in a way that is aspirational but deliverable); be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; contain policies

that are clearly written and unambiguous so it is evident how a decision maker should react to development proposals; be accessible through the use of digital tools to assist public involvement and policy presentations and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.

- 2.9 A large proportion of the Parish is located within the Forest of Bowland National Landscape, where the NPPF requires great weight to be given to conserving and enhancing the landscape and scenic beauty.

3. LANCASTER DISTRICT LOCAL PLAN

- 3.1 The Council adopted a Local Plan for Lancaster District in July 2020 (Local Plan). This was then the subject of a partial review to ensure the plan better reflected the Council's objectives in respect of climate change. The Local Plan (climate emergency review) was adopted in January 2025. The Local Plan consists of two key components, the Strategic Policies and Land Allocations (climate emergency review) DPD (SPLADPD) which sets out a series of strategic policies which will guide future development, in terms of scale, location and growth. The DPD also contains a series of land allocations to identify where future growth needs will be met and land which has been protected for its environmental, social or economic value. The second part is the Development Management (climate emergency review) DPD (DMDPD) which sets out a series of generic planning policies which are used by the Council to determine planning applications. The policies of the DPD are applicable to all development proposals across the entire district (unless the plan directs otherwise).
- 3.2 The Neighbourhood Plan was completed prior to the adoption of the Local Plan in January 2025. As the Local Plan (climate emergency review) was anticipated when the submission version of the Neighbourhood Plan was being drafted, its adoption does not materially affect the content of the Neighbourhood Plan. For clarity the Neighbourhood Plan should be updated prior to referendum to refer to the correct policies and references in the adopted Local Plan (climate emergency review).
- 3.3 Following the withdrawal of funding for major infrastructure, it became unclear how some of the objectives of the Local Plan, including a new settlement in South Lancaster, could be achieved. To address this, the Council has begun to review the Local Plan. The review will revisit all strategic matters, including the scale and spatial distribution of development, what areas should be protected and how the key issues such as the Council's ambitions on action of the climate emergency can be addressed.
- 3.4 Policy SP3 of the SPLADPD sets out the development strategy for Lancaster District. The policy aims to meet the development needs of the district by promoting an urban-focussed approach towards development, supplemented with additional large strategic development sites in greenfield locations. The development strategy is further supported by development in 'sustainable settlements' as defined by the settlement hierarchy set out in Policy SP2 of the same DPD. Settlements in Halton-Aughton Parish are designated by the hierarchy as follows:
- Halton is designated as a 'Sustainable Rural Settlement Outside Areas of Outstanding Natural Beauty' which will provide the focus of growth for Lancaster district outside the main urban areas.
 - There are several small settlements within the Parish that fall within the 'All Other Settlements/Rural Village' category. These are settlements that are not considered to be sustainable locations for future development where development will only be supported for small-scale development where there is a clearly demonstrated and evidenced local need.

- 3.5 A very small area at the western end of the Parish is allocated for development by policy SG9: North Lancaster Strategic Site. Policy H2: Housing Delivery in Rural Areas of the District allocates 4 sites for residential development in Halton.
- 3.6 The SPLADPD protects areas within the Parish from development. Policy EN4: identifies the extent of the North Lancashire Green Belt and includes small part of the Parish to the west of the M6. The Green Belt will be reviewed as part of the current Local Plan review taking into account the recent revisions in the NPPF and PPG. Policy EN6: Areas of Separation identifies an area between the strategic allocation at SG9 and the M6 to ensure that Lancaster and Halton remain 2 distinct settlements. Most of the Parish falls within areas designated as 'Open Countryside' by policy EN3. Policy SC3: Open Space, Recreation and Leisure identifies several spaces in Halton for protection.

4. HALTON-WITH-AUGHTON NEIGHBOURHOOD PLAN

- 4.1 This section sets out the comments which the Council have on the Plan. The Council recognise and welcome some amendments which have been made to the Plan in light of responses made at previous stages.
- 4.2 The Plan sets out a positive approach to development within the Parish given its context as a rural settlement. The Plan does not seek to curtail the sites allocated for development in the Local Plan, promotes housing development that meets identified needs and promotes infill sites, previously developed land and conversion. It also sets out policies which reflect the location of a roughly half of the parish within the Forest of Bowland National Landscape.

Vision and Objectives

- 4.3 The City Council supports the objectives of the Plan which are consistent with the spatial strategy for the district. The objectives promote conservation, protection and enhancement of the local landscape, biodiversity, green spaces and community facilities, seek to ensure new housing meets local needs, promote sustainable transport, and measures to reduce flood risk.

Landscape, Natural Environment and Conservation

- 4.4 A small proportion of the Parish to the west of the M6 is located within the North Lancaster Green Belt. As the Plan does not contain policies in relation to the Green Belt, its content is not materially affected by the changes to national Greenbelt policy in the NPPF. However, the background text at paragraph 4.2 does outline the national policy constraints and this should be amended to reflect the most recent NPPF.
- 4.5 Policies 'HA-1 Conserving and Enhancing Local Landscape Character', 'HA-2 Protecting and Enhancing Wildlife and Geodiversity' and 'HA-6 Protecting Historic Character' respond positively to local character, the natural environment and heritage, and are supported.

Area of Separation

- 4.6 Policy HA-3 seeks to reiterate the protection afforded to the Area of Separation by Policy EN6: Areas of Separation of the Local Plan. While it is considered unnecessary to duplicate the Local Plan policy, the inclusion of HA-3 in the Plan is in general conformity with strategic policies. If the policy is to remain, a map showing the extent of the area covered by the policy is required.

- 4.7 It should be noted that Policy EN6 will be reviewed as part of the Local Plan review. The Neighbourhood Plan will be taken into account during the review but if changes are made, Policy HA-3 will no longer be in conformity and will necessitate review of the Plan.

Local Green Spaces

- 4.8 Policy 'HA-4 Local Green Spaces' seeks to designate and protect Local Green Spaces. The Local Green Spaces Assessment Report provides the explanation and justification for the sites the policy seeks to protect. The Consultation Statement explains the engagement carried out with landowners who have been given the opportunity to make representations in accordance with the PPG. Amendments have been made through the process to address representations where the Parish Council deemed these necessary (the number of sites has been reduced and the explanation/justification have been revised).
- 4.9 The Council has concerns about the duplication of protection proposed for some of the sites and some of the justification. It is recommended that LGS A, C, D and E are removed for the following reasons:

Site	Council Comments
LGS A – St Wilfrid's Park	The site is already designated under Local Plan Policy SC3. While historical significance has been mentioned, it is not clear how this site is demonstrably special in comparison to other play areas across the district to warrant a Local Green Space designation. Whilst historical significance has been added to the conclusion as to why the site is considered suitable, the overall assessment suggests the reason for designation relates more to concerns around land ownership.
LGS B – Lune Riverbank – Halton Bridge to Halton Mill	The assessment is considered to demonstrate how the site fulfils the Local Green designation and is supported.
LGS C – Wooded Bank – Quarry Road to The Centre	The site is already designated under Local Plan policy SC3. The Council is not clear why this site warrants the additional designation as a Local Green Space.
LGS D – Town End Farm Field	Whilst the heritage value of this site is recognised, the NPPF is clear that a Local Green Space needs to be demonstrably special to the community it serves and hold a particular local significance. The location of the boundary of the site is not a clearly defined edge, and why this boundary has been chosen is not clear. Whilst not disputing the value of this field the Council is not clear why this particular area warrants the designation of a Local Green Space for historic significance in comparison to other similar areas adjacent to listed buildings.
LGS E – Forge Wood	The site has the character of a green corridor on the edge of the settlement with access amongst most of the site's length limited to the path. The site boundaries are unclear and it is indicative of an extensive tract of land. The Council is not clear why this particular area is demonstrably special and warrants the designation of a Local Green Space.

Flood Risk

- 4.10 Policy 'HA-5 Flooding' seeks to safeguard land for potential future flood mitigation opportunities in accordance with paragraph 172b of the NPPF and in conformity with strategic policies 'CC1: Responding to Climate Change and Creating Environmental Sustainability' and 'SP8: Protecting the Natural Environment' of the SPLADPD. The Jacobs Flood Risk Management Study 2020 provides robust evidence and justification to support the areas proposed for safeguarding.
- 4.11 The policy fails to include a plan of the proposed areas therefore requires consultation of additional documents to determine the areas to be protected. This results in a policy that is not clear or easy to navigate. Previous versions of the Plan included maps, while these were of poor quality, they did at least show the general location of the area. It is recommended that for ease of use, good quality clear maps showing the areas are included within the Plan.
- 4.12 The wording of the policy has been amended since the Reg14 Plan to address some of the issues raised by the Local Lead Flood Authority. The resulting wording creates a policy which is not wholly clear on what the requirements are. For example, 'design flood is referred to' but the definition is not clarified. The policy includes reference to 'may' in various places, this raised questions over what is expected of a development for it to meet the policy requirements. The aim of the policy to ensure that development mitigates and takes opportunities to reduce flood risk is supported. In particular, the policy aims to generate delivery and/or contributions to the delivery of schemes within the Jacobs Flood Risk Management Study. The wording does not make clear what the expectations are for development management purposes or that such contributions would need to meet the tests in paragraph 58 of the NPPF. The policy would benefit from some clearer wording to ensure that it provides a clear basis for development management purposes.

Development Needs

- 4.13 Policy 'HA-7 Meeting Local Needs' supports housing development in accordance with the development strategy and hierarchy in the Local Plan and policies which aim to meet an identified need.
- 4.14 The aim of policy 'HA-8 Halton Urban Development' to support development in the built-up area is consistent with the Local Plan. However, bullet point 2 is not considered necessary as addressing constraints is an integral part of an assessment of any proposal. The reference to viability assessment is also misleading as it is not necessary to show constraints can be overcome.

Housing Opportunity Sites

- 4.15 The section relates to opportunity sites but provides no assessment of them or related policy. As a policy is not proposed and the text will not materially affect decision making, the section is considered unnecessary.

Design, Sustainability and Transport

- 4.16 Policies 'HA-9 High Quality Design and Sustainability' and 'HA-10 Active Travel' support the national and Local Plan policies which seek high quality sustainable design and active travel. The inclusion of these policies is supported.

Community Facilities

- 4.17 Policy 'HA-11 Community Facilities' is supported.

Policies Map

- 4.18 It is recommended that a single policy map is either included within or published alongside the Plan. This will ensure that the areas covered by designations are easy to determine and relate to the appropriate policies.

Monitoring Framework

- 4.19 The inclusion of guidance on how the Plan will be monitored is welcomed. There appears to be a discrepancy in the timescale proposed for monitoring, both 1 and 3 years periods are mentioned. It is recommended that the monitoring report be prepared annually for consideration by the Parish Council. This would ensure that the Group was aware of the effectiveness of policies with opportunity for action should this be required. A triennial monitoring report is not considered sufficient.

Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)

- 4.20 SEA and HRA screenings were carried out on the Plan (v14 dated December 2024) prior to submission. The HRA screening concluded that the Plan would not have an adverse effect on the integrity of designated sites either alone, or in combination with other plans and policies. The SEA screening concluded that the Plan is unlikely to result in significant environmental effects. The 3 statutory bodies have confirmed these conclusions.

Conclusion

- 4.21 The Council supports the policies in the Plan and consider that they are in conformity with national and local plan policies and meet the requirements of the basic conditions. Notwithstanding this, there are some issues in relation to clarity that the Council have highlighted for the Examiner and Steering Group's consideration.
- 4.22 Should the examiner require further information, evidence or discussion on any of the matters raised in the response the Council will be happy to assist in this matter.



Historic England

Planning Policy
Lancaster City Council

Direct Dial: 0161 242 1445

Our ref: PL00796446
24 April 2025

Dear Planning Policy

**Halton-with-Aughton Neighbourhood Development Plan
Regulation 16 Consultation, April 2025**

Thank you for consulting Historic England in relation to the above consultation. We are the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the DCMS. We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure that our historic environment is properly understood, enjoyed and cared for.

We do not wish to make comments in relation to this version of Neighbourhood Plan. To avoid any doubt, this does not reflect our obligation to provide further advice or potentially object to specific proposals which may subsequently arise as a result of the proposed neighbourhood plan, where we consider these would have an adverse effect on the historic environment.

Thank you once again for providing Historic England with the opportunity to comment. Please do keep us informed of any future progress on this plan.

Yours sincerely,

Pippa Brown
Historic Places Adviser
Pippa.Brown@historicengland.org.uk

cc:



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

Telephone 0161 242 1416
HistoricEngland.org.uk

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



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For the attention of: Planning and Housing Strategy Team
Lancaster City Council

[By email: planningpolicy@lancaster.gov.uk]

23rd April 2025

Dear Planning and Housing Strategy Team

Re: Halton-with-Aughton Parish Council Neighbourhood Plan Regulation 16

Thank you for your notification of the 19th March 2025 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that within the Neighbourhood Plan area there are recorded coal mining features present at surface and shallow depth including; mine entries and probable coal workings. These features may pose a potential risk to surface stability and public safety.

It is noted that the Neighbourhood Plan does not propose to allocate any new sites for development and on this basis we have no specific comments to make on this document.

Yours faithfully



Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Principal Planning & Development Manager



Making a **better future** for people
and the environment **in mining areas**



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SENT VIA EMAIL -

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25/04/2025

Dear Planning Department,

Halton-with-Aughton Parish Council Neighbourhood Plan Regulation 16 Consultation

On behalf of the Ministry of Defence (MOD), we write in response to the above Regulation 16 consultation, which ends on the 28th of April 2025.

Located within the Neighbourhood Plan Area (NPA) is an existing military establishment, known as Halton Training Camp. A plan of the Site is attached to **Appendix 1**.

The Site plays a role in terms of national defence and military capability, and training. Importantly, there is an ongoing need to safeguard the facility for defence purposes, and to support further development to meet operational requirements - in line with paragraph 102(b) of the NPPF (December 2024). As such, we consider that proposals associated with defence and military operations should be supported, where they would enhance or sustain operational capabilities. It is also important to note that non-military or non-defence related development within or in the areas around the Site will not be supported, where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the Site. It is our position that this should be clearly outlined within the Neighbourhood Plan in the form of a Policy, as set out at **Appendix 2** of this representation.

As outlined above, there is a need to safeguard Halton Training Camp, given its role for national defence and military capability, and training. On this point, the Neighbourhood Plan notes the presence of a footpath along the northern boundary of the Army Camp, which runs from the camp entrance to the M6 Bridge. It is the intention of the Neighbourhood Plan to safeguard the route by way of a conversion to a public right of way, as it provides a valuable pedestrian route between Lancaster and Halton (para 10.23); and also allow the path to be multi-use to allow horse riding and cycling (para 10.24).


The Neighbourhood Plan correctly draws reference to the Instrument of Dedicated (dated 8th of March 1988)¹ which was agreed with the Council and requires the footpath to remain for pedestrian access only, as a grassy rural path. As such we consider the proposed upgrade and intensification of use (including for horse riding and cycling) would pose a conflict with military activity on the camp and an increased security risk. As such, the MOD does not agree to this proposed amendment, as required by para 10.21 of the Neighbourhood Plan. As such, we advise that this recommendation is removed from the proposed submission draft, as it would represent a breach of the conditions set and agreed.

The wording of Draft Policy HA-2 'Protecting and Enhancing Wildlife and Geodiversity' is also noted; and sets out how such biodiversity net gains may be achieved on development sites, or if this is not possible within the Halton-with-Aughton neighbourhood plan area. Criterion (5) of Draft Policy HA-2 states that any offsite provision should prioritise biodiversity net gain within the Parish through habitat enhancements outlined.

As the Council will be aware, the requirement for 'biodiversity net gain' applies to major and minor development, as defined in the National Planning Policy Framework (NPPF), with a list of exemptions set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Exemptions includes proposals delivered under Crown Permitted Development and/or Urgent Crown Development. Whilst the MOD supports the ambition of Criteria (5); as a public body, ecological enhancements required to support defence operations (where planning permission is required) would be sought to be delivered on the MOD estate in the first instance, and any off-site BNG will be delivered within the county of Lancashire or the relevant National Character Area (Morecambe Coast and Lune Estuary) in line with BNG guidance.

We trust that the above comments will be considered, and should you require any further clarification on the points raised please do not hesitate to contact me in the first instance.

Yours Sincerely,



Rachel Reaney MRTPI

Senior Town Planner DIO Estates

¹ Also referred to at para 10.23 of the NDP.

Non-military or non-defence related development within or in the areas around the Site will not be supported, where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the Site'.

FAO
Lancaster City Council

Phone: 01772 539745
Email: schoolplanning@lancashire.gov.uk
Your ref: Halton-with-Aughton Parish
Council Neighbourhood Plan
Regulation 16 Consultation
Date: 2nd April 2025

Dear Sir/Madam

Lancashire County Council's School Planning Team welcome the opportunity to contribute to the Halton-with-Aughton Parish Council Neighbourhood Plan Regulation 16 Consultation. We recognise the value of engaging with local communities at the earliest stage of their own plans to ensure the future needs of education are highlighted and documented within the local plan policies. The value of local knowledge can help to define and shape and future of local communities, ensuring the right level of infrastructure is achieved to meet the growth of housing and employment.

Further information about school planning in Lancashire is provided in [The School Place Provision Strategy 2022-2025](#).

The School Planning Team has worked closely with colleagues at Lancaster City Council over a number of years as they develop Local Plans and development plans to ensure the infrastructure requirements are included within the policies to support the successful delivery of sustainable housing development, including the allocation of land for new school provision.

LCC produce pupil projections that can assist local planning authorities, both in terms of long-term planning and securing education contributions from developers. We will continue to work with, and advise, the local planning authority of the pupil projections taking into account planned housing development. This data is applied to the Pupil Forecast Methodology which enables LCC to forecast the 5 years position, for further detail of this process please refer to the methodology.

link below. <https://www.lancashire.gov.uk/media/919265/pupil-forecast-methodology.pdf>

Although there is not a direct reference to educational impacts within the report we ask that it is recognised that school place provision is a key element of delivering sustainable communities. The DFE guidance '[Securing Developer Contributions for Education](#)' advises that housing development should mitigate its impact on school provision.

LCC's [Education Contribution Methodology](#) provides details of how developer contributions are sought

The School Planning Team work with local planning authorities to identify where development will result in a shortfall of school places and to secure contributions to mitigate the impact of development.

Further information about future demand for school places and plans to address projected shortfalls can be viewed at: <https://www.lancashire.gov.uk/council/performance-inspections-reviews/children-education-and-families/school-organisation-reviews/>

Lancashire County Council's School Planning Team wish to thank Lancaster City Council for the opportunity to engage in this process and we look forward to further engagement in the future.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

Martyn Ball

School Planning Principal – Lancaster and East Lancashire

Lancashire County Council





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avisonyoung.co.uk

Our Ref: MV/ 15B901605

14 April 2025

Lancaster City Council
planningpolicy@lancaster.gov.uk
via email only



Dear Sir / Madam

**Halton-with-Aughton Neighbourhood Plan - Regulation 16 Consultation
March – April 2025
Representations on behalf of National Gas Transmission**

National Gas Transmission has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Gas Transmission

National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

Proposed sites crossed or in close proximity to National Gas Transmission assets:

An assessment has been carried out with respect to National Gas Transmission's assets which include high-pressure gas pipelines and other infrastructure.

National Gas Transmission has identified that no assets are currently affected by proposed allocations within the Neighbourhood Plan area.

National Gas Transmission provides information in relation to its assets at the website below.

- <https://www.nationalgas.com/land-and-assets/network-route-maps>

Please also see attached information outlining guidance on development close to National Gas Transmission infrastructure.

Distribution Networks

Information regarding the gas distribution network is available by contacting:
plantprotection@cadentgas.com

Further Advice

Please remember to consult National Gas Transmission on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:



Matt Verlander, Director

nationalgas.uk@avisonyoung.com

Avison Young
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Forth Street
Newcastle upon Tyne
NE1 3PJ

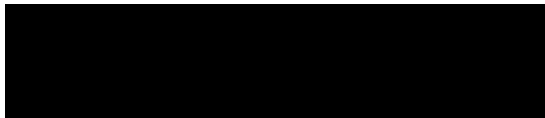
Kam Liddar, Asset Protection Lead

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National Gas Transmission
National Grid House
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Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



Matt Verlander MRTPI

Director

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For and on behalf of Avison Young

National Gas Transmission is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Gas Transmission's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Gas Transmission have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Gas Transmission's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Gas Transmission's '*Guidelines when working near National Gas Transmission assets*' can be downloaded here: <https://www.nationalgas.com/document/82951/download>

How to contact National Gas Transmission

If you require any further information in relation to the above and/or if you would like to check if National Gas Transmission's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: nationalgas.uk@avisonyoung.com

Our Ref: 105181-024
23 April 2025

Lancaster City Council
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Dear Sir /Madam,

Halton-with-Aughton Parish Council Neighbourhood Plan Regulation 16 Consultation Representations on behalf of National Grid Electricity Transmission (NGET)

National Grid Electricity Transmission (NGET) has appointed Fisher German LLP to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid Electricity Transmission (NGET)

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. NGET manage not only today's highly complex network but also to enable the electricity system of tomorrow. Their work involves building and maintaining the electricity transmission network – safely, reliably and efficiently. NGET connect sources of electricity generation to the network and transport it onwards to the distribution system so it can reach homes and businesses.

National Grid Electricity Distribution (NGED) are the electricity distribution division of National Grid, and are separate from National Grid Electricity Transmission's core regulated businesses. Please also consult with NGED separately from NGET.

National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.

National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid's core regulated businesses. Please also consult with NGV separately from NGET.

National Energy System Operator (NESO) has taken over the electricity and gas network planning responsibility from National Grid Electricity System Operator Limited (NGESO) as of 1st October 2024. Please also consult with NESO separately from NGET.

NGET assets within the Plan area

Following a review of the above Neighbourhood Plan, we have identified one or more NGET assets within the Plan area. Details of NGET assets are provided below.

Asset Description
ZX ROUTE TWR (248R - 444R): 400Kv Overhead Transmission Line route: HEYSHAM- HUTTON - PENWORTHAM 1 & 2

A plan showing details and locations of NGET's assets is attached to this letter. Please note that this plan is illustrative only. NGET also provides information in relation to its assets at the website below.

<https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/network-route-maps>

New Infrastructure

Currently there are no known new infrastructure interactions within the area, however demand for electricity is expected to rise as the way NGET power our homes, businesses and transport changes. As the nation moves towards net zero, the fossil fuels that once powered the economy will be replaced with sources of low-carbon electricity, such as offshore wind farms.

The UK Government has committed to reach net zero emissions by 2050. This means achieving a balance between the greenhouse gases put into the atmosphere and those taken out. Decarbonising the energy system is vital to this aim.

NGET's infrastructure projects in England and Wales will support the country's energy transition and make sure the grid is ready to connect to more and more sources of low carbon electricity generated in Britain.

The way NGET generate electricity in the UK is changing rapidly, and NGET are transitioning to cheaper, cleaner and more secure forms of renewable energy such as new offshore windfarms. NGET need to make changes to the network of overhead lines, pylons, cables and other infrastructure that transports electricity around the country, so that everyone has access to clean electricity from these new renewable sources. These changes include a need to increase the capability of the electricity transmission system between the North and the Midlands, and between the Midlands and the South. It is also needed to facilitate the connection of proposed new offshore wind, and subsea connections between England and Scotland, and between the UK and other countries across the North Sea.

Accordingly, we request that the Neighbourhood Plan Group is cognisant of the above.

Further Advice

NGET is happy to provide advice and guidance concerning their networks. Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGET on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.

We would be grateful if you could add our details shown below to your consultation database, if not already included:

Angela Brooks MRTPI, Partner

ngplanning@fishergerman.co.uk

Fisher German LLP
The Estates Office
Norman Court
Ashby de la Zouch
LE65 2UZ

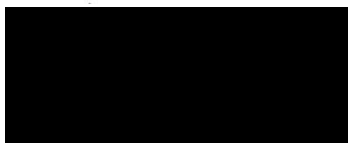
Tiffany Bates, Development Liaison Officer

box.landandacquisitions@nationalgrid.com

National Grid Electricity Transmission
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



Angela Brooks MRTPI
Partner

For and on behalf of Fisher German LLP

National Grid Assets Interacting with Neighbourhood Plan Area



Asset illustrated as blue line on above plan

Further Guidance

NGET is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Developers of sites crossed or in close proximity to NGET assets should be aware that it is NGET policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

NGET's 'Design guidelines for development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgrid.com/electricity-transmission/document/145326/download>

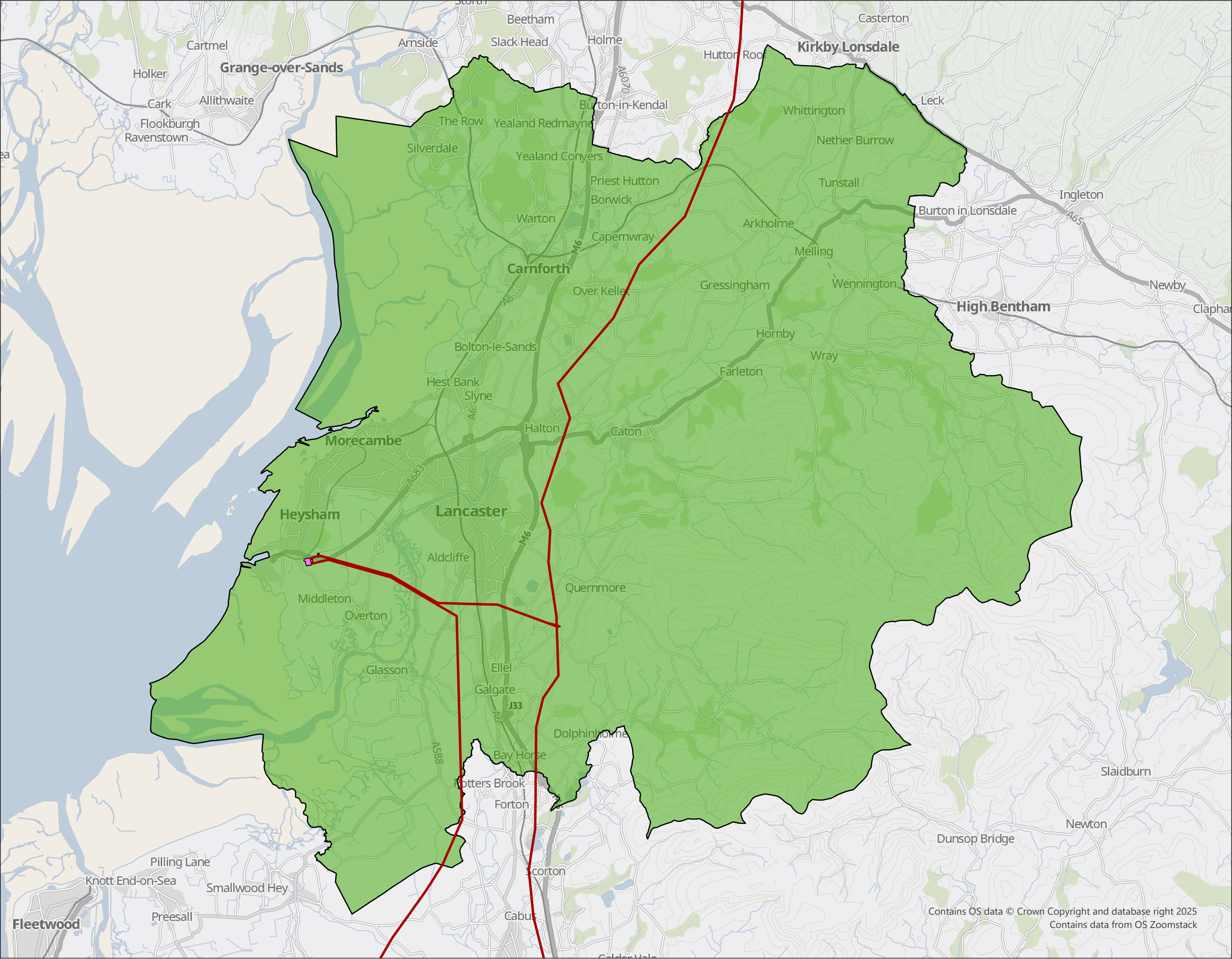
The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

NGET's statutory safety clearances are detailed in their Technical Guidance Note 'Third-party guidance for working near National Grid Electricity Transmission equipment', which can be downloaded here: <https://www.nationalgrid.com/electricity-transmission/document/149291/download>

How to contact NGET

If you require any further information in relation to the above and/or if you would like to check if NGET's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: ngplanning@fishergerman.co.uk



01234

Kilometers

OVERVIEW WINDOW

LEGEND:

Cable

OHL

Substation

LPA Area

REVISION: A

CLIENT: **nationalgrid**

SCHEME: PLANNING INTERACTION

TITLE: LPA ASSET INTERACTION

FP: 105181-024

SCALE: 1:125,000 @ A3

DATE: 05/03/2025

Ordnance Survey

Licensed Mapping

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Organisation (if applicable)

Applethwaite Homes Ltd

Agent's Details (if applicable). Please provide Name, Address and Contact details

Lydia Gallagher, 2 Lockside Office Park, Lockside Road, Preston, PR2 2YS

Do you support the Halton-with-Aughton Neighbourhood Plan in meeting the following basic conditions?

Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make [the plan] No

The making of [the plan] contributes to the achievement of sustainable development
No

The making of [the plan] is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) No

The making of [the plan] does not breach, and is otherwise compatible with, EU obligations Yes

Prescribed conditions are met in relation to [the plan] and prescribed matters have been complied with in connection with the proposal for [the plan] No

To help the examiner consider your representation, please specify which part of the plan you are commenting on, using the page number, chapter, paragraph, policy or map. Put your comments below.

Policy HA-5 (Page 27-28) and the safeguarding of land for flood mitigation (referred to as 'Do-Something' Options) (Maps 15, 16 and 17 and supporting text at pages 25/26).

Please tick the box if you would like to be notified whether the plan proposal is made (adopted) by the Council

Yes

Halton-with-Aughton Neighbourhood Development Plan Regulation 16 Consultation

**Representations on behalf of
Applethwaite Homes Ltd**

April 2025

REPORT CONTROL

Document type	Halton-with-Aughton Neighbourhood Development Plan Representations
Project	Low Road, Halton
Client	Applethwaite Homes Ltd
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Appendices

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Appendix 02 Proposed Drainage Layout technical drawing
Appendix 03 Halton Initial Assessment 'Do-Something' Option 1 Site Plan
Appendix 04 LLFA Regulation 14 Consultation Response dated 22nd August 2024

/1 INTRODUCTION

- 1.1. This is a consultation response by PWA Planning on behalf of Applethwaite Homes Ltd to the Halton-with-Aughton Neighbourhood Plan Regulation 16 Consultation. This representation identifies policy and supporting text within the draft Neighbourhood Plan which does not meet the basic conditions of soundness, and other issues with the Neighbourhood Plan's evidence base.
- 1.2. This statement is supplemented by a technical note prepared by Betts Hydro. The note provides a review the Halton Initial Flood Risk Assessment from a technical perspective, outlining any weaknesses in the study and therefore implications of the proposed safeguarded sites.
- 1.3. Applethwaite / PWA are currently progressing a live planning application to bring forward much-needed residential development on land south of Low Road, Halton.
- 1.4. Planning application Reference 23/01327/OUT, seeks outline planning permission for up to 80 dwellings, with all matters reserved save for access. Figure 1 provides the site location and boundary.



Figure 1 Site Location for application ref. 23/01327/OUT outlined in red (Source: BING Maps)

- 1.5. The Neighbourhood Plan does not appear to have had regard to this planning application, nor the wider evidential issues explored in the application.
- 1.6. In particular, the Neighbourhood Plan's Policy HA-5 takes an approach to flood mitigation and reducing flood risk which is not in line with national policy and does not have a robust evidence base. The Policy should therefore be deleted.

/2 NEIGHBOURHOOD PLAN CONTEXT

- 2.1. The Parish Council began preparing the Halton-with-Aughton Neighbourhood Plan in 2015. The first draft of the Neighbourhood Development Plan (NDP) was published in October 2018.
- 2.2. The publication of the first Draft in 2018 discussed a number of development sites which were strongly objected to by locals on drainage and flood risk grounds. This includes housing allocations HS2.9, HS2.10 and HS2.11. As a result, these developments made improvements to their flood risk management. However, it was the view of the parish council that these were not sufficient improvements. Consequently, the Flood Action Group (FLAG) was set up.
- 2.3. While also liaising with statutory consultees, the aim of FLAG was to require and incentivise developers to carry out the more sophisticated site Flood Risk Assessments that are required, right at the start of their site planning process; so that flood risk management requirements can be considered from the beginning, therefore informing the layout, housing numbers and land price calculations.
- 2.4. In February 2018, Lancashire County Council commissioned Jacobs UK to undertake an initial assessment of flood risk management covering Halton. The report was eventually published in February 2020 which has subsequently been used to inform the NDP.
- 2.5. The latest Draft NDP was published in December 2024. Regulation 15 was submitted to the Local Planning Authority in January 2025 and a consultation statement was also published which provides an overview of all consultation findings throughout the Neighbourhood Plan process to date.
- 2.6. The Regulation 16 consultation is now underway, which is the final opportunity to make representations before the neighbourhood plan documents and representations will be submitted for examination by an independent planning examiner.

Flooding Policies

- 2.7. Within the latest version of the NDP, from paragraph 4.38-4.45, the issues of flooding within the Plan area are discussed.
- 2.8. **Policy HA-5** relates to Flooding within the Plan Area. The policy requires all development proposals to be designed to minimise and take opportunities to reduce flood risk. It also requires the safeguarding of 'Do-something' options 1 to 3 from development to ensure they are available for future potential flood mitigation schemes *"when and if funding becomes available"*.
- 2.9. In comments received in the January 2025 consultation statement, it was agreed by the Neighbourhood Plan Group that Policy HA-5 should be amended so that it only applies to sites identified by the Flood Risk Management Study Initial Assessment, rather than the whole neighbourhood plan area.
- 2.10. In the same consultation statement, Policy HA-5 acknowledges that there was a lack of funding and action in response to the Jacobs report commissioned in 2020. The recommended strategy therefore cannot be implemented, and this is a central flaw of the draft NDP.
- 2.11. Similarly, the NDP recognises that the property values affected by flooding in Halton are not high enough to justify the national 'partnership' funding needed for solutions. As such, Lancashire County Council is required to identify potential alternative funding sources. However, there is no evidence of this having been done.
- 2.12. Whilst Policy HA-5 is prescriptive in requiring certain sites to be protected from development, there is no clear guidance within either the NDP or Flood Risk Management Study as to what measures should be provided at the Do-Something sites to minimise flood risk.
- 2.13. Whilst PWA Planning agrees that action needs to be taken to address long-term flood risk at Halton, it is clear that the detail contained within the planning strategy, draft policies and approach towards allocations could ultimately act as a barrier to sustainable growth, wholly contrary to Government policy and basic conditions (a) and (d). In the long-term this will undermine the future vitality and viability of Halton, which is recognised within the Development Plan for the Lancaster District as a "Sustainable Rural Settlement" and a focus for growth over the course of the plan period.

Flood Risk Management Study, Halton Initial Assessment, Jacobs UK

- 2.14. This study was commissioned by Lancashire County Council in 2018.
- 2.15. The NDP states that the aim of the report was *"to establish whether a workable, sustainable, and justified solution to reduce the risk of flooding can probably be found, or whether the project should take a different course or be stopped."*
- 2.16. Consequently, the 'Do-Something' options were coined by the Initial Flood Risk Management Study which sought to identify indicative sites that could be used to minimise flood risk. It has not been specified exactly what these sites would be required to provide, only it has been suggested that *"attenuation could take the form of formalised storage areas with a controlled outlet as required, or SuDS"*.
- 2.17. Do-Something Option 1 was identified as East Halton, which includes a small parcel to the south of Low Road and an area to the north. The report clearly identifies these as "indicative" locations and does not prescribe specific flood mitigation requirements. The report repeatedly describes this option by what it "could" achieve, implying its potential as opposed to a necessity. For example, *"A SuDS design **could** utilise a swale to collect water along the field border and convey it to storage. Storage **could** take the form of a wetland, pond or detention basin."*
- 2.18. By bringing forward Do-Something Option 1, the predicted number of properties affected by surface water runoff would be reduced from 104 to 95, which is marginal. Likewise, given there is no detail on how this site should be brought forward (i.e. what type of mitigation would be required) it is difficult to understand how such a precise result/figure has been calculated.
- 2.19. The report acknowledges that landowner consent would be required to realistically bring forward these sites, however the assessment conducted by Jacobs UK did not include any engagement with landowners. More importantly, the Parish Council neighbourhood plan group has also failed to make contact with landowners at any stage – contrary to the clear expectation in PPG 41-048: *"Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development"*. There has also

been a failure to recognise the importance of deliverability, contrary to PPG 41-005: *"Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy."*

- 2.20. Estimated costs associated with Option 1 have been calculated within the Jacobs report as follows:

Item	Option 1 (£k)
Enabling costs (professional fees, consultation, land acquisition etc.)	27
Capital costs (including 10% risk contingency)	193
Maintenance costs	419
Replacement costs	10
Total real cost	650
PV Costs	345
PV Costs plus optimism bias	551

- 2.21. However, it is unclear again how such costs have been calculated when there is limited information available relating to the type of infrastructure which would be involved.
- 2.22. The report proposed three Do-Something options which are described as each having their own merit. However, upon assessing the benefits of implementation, the report concludes that that Do-Something Option 3 is the preferred option, as it is the most cost beneficial, while also delivering the most significant reduction in the number of residential properties at risk of flooding and reducing the maximum flood depths by almost half.

/3 APPLICATION SITE BACKGROUND

- 3.1. Applethwaite Homes is promoting land south of Low Road for residential development through a live application for Outline Planning Permission (LPA Ref. 23/01327/OUT) for:
- "Outline application for the erection of up to 80 dwellings with associated access".*
- 3.2. A site-specific Flood Risk Assessment (FRA) and Drainage Strategy was prepared by Sutcliffe in November 2023 which accompanied the submission. The report principally identified that the site is located entirely within Flood Zone 1, whereby all risks of flooding are at their lowest. The proposals were created to manage surface water runoff up to the 100-year plus 45% climate event.
- 3.3. The proposed outline layout accounts for two areas where Sustainable Urban Drainage Systems (SuDS) would be provided. These are both within the northern part of the site, one along the western boundary and the other adjacent to Low Road in the northeastern part of the site. This has been designed to incorporate SUDS principles and techniques to limit or prevent an increase in surface water discharge from the site. As a result of the proposed drainage strategy, the report confirms that *"the site does not increase flooding within or downstream of the catchment including an allowance for climate change."*



Figure 2 Indicative Framework Plan, Rev C submitted November 2024

- 3.4. The Proposed Drainage Layout technical drawing is contained at Appendix 2.
- 3.5. There are ongoing discussions and negotiations with the LPA for this development proposal to provide the best flood mitigation for the site, therefore the scheme is ever evolving in line with consultee feedback.
- 3.6. The latest consultee comments received by Lancashire County Council Lead Local Flood Authority (LLFA) in relation to the application were dated 2nd August 2024. At this time, the LLFA confirmed that there was no objection to the proposal.

/4 BASIC CONDITIONS ASSESSMENT

- 4.1. Given the context set out above, this chapter discusses how the Neighbourhood Development Plan (NDP) flood storage allocations (Do-Something Options), and Policy HA-5 are unclear and unnecessary, and accordingly do not meet the basic conditions at Paragraph 16 of the NPPF and Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The NDP therefore requires modification through the deletion of this policy, before the NDP can proceed to referendum.
- 4.2. Principally, the NDP makes provision for the safeguarding of Do-Something Options 1-3 in accordance with the Flood Risk Management Study (2020). This will unacceptably restrict development in a manner wholly contrary to national policy.
- 4.3. Safeguarding land is not an approach which is endorsed anymore in modern planning. The NPPF's use of the term "safeguard" as an action is extremely specific (e.g. Minerals, Green Belt, Health and Safety, etc.), however the contemporary NPPF does not support the approach to safeguard land the way in which the NDP suggests.
- 4.4. The retention of these allocations will simply delay the delivery of much-needed development. Do-Something option 1 is used below as an example, due to the current live application associated with the land.

Lack of Control / Feasibility

- 4.5. NDP Policy HA-5 requires the safeguarding of all Do-Something options 1-3 for flood mitigation "*when and if funding becomes available*". This policy has no robust evidence and is contrary to national policy as follows:
 - No landowner consent;
 - No funding is available.
- 4.6. These both make the policy undeliverable.
- 4.7. Paragraph 048 of the NPPG (Reference ID: 41-048-20140306) requires the involvement of landowners and other public bodies in the preparation of neighbourhood plans where it is considered they may be affected by the proposals. However, in this instance, the Parish Council have not consulted with landowners affected by the proposed safeguarding of land

for flood mitigation. Certainly, this has not occurred in respect of land south of Halton Road, even though a planning application was submitted in 2023.

- 4.8. The NDP contains minimal recognition that parts 3 and 6 of Policy HA-5 impose constraints on possible development sites (para 4.44). It also acknowledges that *"If such sites were to be developed, leaving space for these possible interventions will reduce the layout space available for homes, site value and viability"*(para 6.29 of the NDP).
- 4.9. There is a strong focus throughout the NDP to safeguard sites for flood mitigation, further protected by the inclusion of Policy HA-8 (Halton Urban Development) which states *"Proposals should not conflict with or adversely impact on future flood risk control sites"*.
- 4.10. However, protection of sites which have not been demonstrated to be feasible or viable, which do not have financial security or landowner consent, would consequently risk any form of development coming forward.
- 4.11. The Neighbourhood plan group have taken no steps to identify or understand how proposals such as those put forward by Applethwaite Homes could provide equally appropriate mitigation, without the need to restrict the site by imposing a designation. The proposal put forward is with the landowner's consent, with secured funding to ensure that it is viable to come forward and enables the most effective use of the wider site – enabling sustainable development as well as flood mitigation. This is a realistic and deliverable option, contrary to the flood mitigation allocation concept. The NDP's approach would mean that the extent of the developable area would be impacted thus having implications for the developer and viability of the proposal. As such, there is a risk that no development would come forward as funding and landowner agreement may never be secured to implement the flood mitigation alone.
- 4.12. One of the outcomes of the January 2025 consultation statement was that the Parish Council have agreed to amend Policy HA-5 so that it only applies to the identified sites rather than the whole neighbourhood plan area. Our concern is that this will unfairly restrict the three Do-Something options for reasons discussed in this chapter, with a concerning lack of clarity of what is expected to be delivered and what mitigation is going to come forward elsewhere. Consequently, developers will be discouraged from promoting windfall applications on sustainable sites, that represent logical places for growth.

- 4.13. We therefore request that the do-something options are all removed from the Neighbourhood Development Plan through the Examiner's recommendation to delete.

Ambiguity

- 4.14. NDP Policy HA-5 and the Flood Risk Management Study do not clearly set out what flood interventions are required of the Do-Something options. This directly conflicts with the requirements of NPPF Paragraph 16(d) which requires plans to *"contain policies that are clearly written and unambiguous"*.
- 4.15. It is appreciated that indicative costs have been set out by Jacobs UK, however there is no clear direction as to what methods of flood storage/mitigation would be suitable or expected. There is a concern that should these allocations be adopted, that neither the developers/landowners, neighbourhood plan group or Council will be certain as to what type, quantity or quality of flood mitigation would be acceptable, thus the allocation may never be satisfied.
- 4.16. As discussed in paragraph 2.16-17 above, the precise location and plotting of the proposed options is only indicative. There is therefore an unacceptable and inappropriate vagueness regarding the definitive extent of the allocations.
- 4.17. The Parish Council have already been warned about this. Comments set out in the January 2025 consultation statement (24c) clearly urge the neighbourhood plan to reconsider the approach of designating sites as they are identified only as *"indicative and not a commitment to pursue any action requiring the land identified"*. This suggestion was not accepted by the Parish Council and hence the policy will not be reviewed or amended in accordance. It is our view that this suggestion was entirely reasonable and necessary to provide clarity to landowners, potential funders, and developers as to what is required of these parcels of land.
- 4.18. Above all, the policy text is very vague and contains multiple terms that add an inappropriate level of complexity and uncertainty, notably:

Policy HA-5, Part 1.

Be designed to minimise flood risk and take opportunities to reduce flood risk;

Comment: This duplicates the expectations set by national policy; therefore, it adds no unique local requirement. Also, the term “take opportunities” is unhelpfully vague in this context.

Policy HA-5, Part 2.

Avoid areas at risk of flooding in the design flood event;

Comment: This again essentially duplicates national policy.

Policy HA-5, Part 3.

Safeguard the sites of the 'Do something' Options 1 to 3 from development identified in the Jacobs Flood Risk Management Study 2020 (see maps 15, 16 & 17 in Appendix 4: Halton's Recent Flooding History and Responses) to ensure they are available for future potential flood mitigation schemes when and if funding becomes available for implementation;

Comment: This part of the policy has been addressed in detail above, but fundamentally is flawed by the uncertain funding expectations, resulting in a policy which is not deliverable.

Policy HA-5, Part 4.

Take opportunities to support the delivery of one or more of the 'Do something' options in the Flood Risk Management Study where they are located in areas which would benefit from improved flood management schemes, including those areas identified on maps 15, 16 & 17 in Appendix 4: Halton's Recent Flooding History and Responses. This support may for example, consist of privately funding and delivering one or more of the 'Do something' options, or contributing towards the 'Do something' options. Such opportunities must be considered in addition to the incorporation of sustainable drainage systems to manage the runoff generated by new development;

Comment: This policy does not clearly set out how it would be measured or monitored. It is also a disproportionate and onerous expectation for all development proposals should contribute to off-site flood mitigation.

Policy HA-5, Part 5.

Recognise that development can provide opportunities for the provision of flood risk mitigation. This could include, for example, the use of natural flood management measures

in addition to sustainable drainage systems to manage the runoff generated by new development. Proposals should seek to ensure that such opportunities are taken and delivered;

Comment: this policy requires proposals to “recognise” opportunities, however the NDP does not generally support development across the plan area, raising the question when there would be a time to recognise opportunities for the provision of flood mitigation. Policy HA-8 states that development will only be supported within the built-up area, there is no consideration for the development of windfall sites. The NDP effectively prevents any development from proceeding, making it difficult to even “recognise opportunities”. Consequently, this part of the policy conflicts with basic condition (d) as it does not support the delivery of sustainable development. Similarly, as mentioned above, there are already national policy requirements for development proposals to mitigate flood risk, therefore this policy is abortive.

Policy HA-5, Part 6.

Not contribute to further surface water flooding by avoiding discharging any flows into the existing overloaded network of surface water drains and culverts (see Map 14 – Drainage Network Capacity during 1.33% AEP rainfall event and Jacobs Flood Risk Management Study 2020). Developments must dispose of surface water only by: (a) either infiltration into the ground, or (b) discharging directly, through new drains, into a watercourse with sufficient capacity [to be demonstrated]. To assist this, developments may also take measures to reduce the causes and impacts of flooding, such as through over-attenuation and restricted discharge rates below the minimum standards set out in the Defra Technical Standards for SuDS and paragraphs 055, 056 & 063 of Planning Practice Guidance - Flood risk and coastal change;

Comment: This part of the policy mirrors overarching concepts of the Lancaster Local Plan Part Two (Development Management), where Policy DM33 (Development and Flood Risk) and DM34 (Surface Water Run-off and Sustainable Drainage) clearly set out the sustainable drainage hierarchy. Likewise, there is some ambiguity in defining the “overloaded network”, this was also picked up on by the LLFA in their Regulation 14 consultation response (see appendix 4). The LLFA also recommended the policy be amended to “avoiding discharging

any additional flows...” however the Parish Council appear to have not followed the advice of their technical advisor in this instance.

Policy HA-5, Part 7.

Demonstrate, e.g. by means of a drainage analysis, how 'exceedance flows' (runoff flows that exceed the design capacity of the development's drainage system, so flow off the site over the surface) will not cause increased off-site flooding by tracking excess surface water flow routes all the way through the village, down to the River Lune discharge point, and showing how they will not cause flooding to any properties on the way;

Comment: This is a basic requirement of national planning policy. NPPF Paragraph 181 requires development proposals to demonstrate that flood risk is not increased elsewhere.

Policy HA-5, Part 8.

Minimise rainfall runoff from sites by, for example, using SuDs, avoiding non-permeable surfacing of gardens, driveways and highways, providing water butts, and where practicable incorporating green and blue roofs;

Comment: This policy repeats the requirements of national planning policies, for example NPPF Paragraph 164 requires new developments to be planned for in ways that avoid increased vulnerability from the effects of climate change in areas which are vulnerable, for example through the use of sustainable drainage systems. Also, NPPF paragraph 182 requires proposals which could affect drainage around the site to control flow rates and reduce volumes of runoff by use of SUDS for example.

Policy HA-5, Part 9.

Proposals will be expected to give consideration to the impacts of climate change on all sources of flooding in accordance with most up to date Government Guidance

Comment: Again, this is a fundamental requirement set out by national policy for all development proposals.

- 4.19. Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 clearly sets out 7 basic conditions which must be adhered to for the preparation of a Neighbourhood Plan to proceed to referendum. Critically, parts (a), (d) and (e) are of relevance here.

- Condition (a) requires neighbourhood plans to have regard to national policies,
- Condition (d) requires neighbourhood plans to contribute to the achievement of sustainable development,
- Condition (e) requires neighbourhood plans to be in general conformity with strategic policies of the development plan for that area.

4.20. Following the above assessment of Policy HA-5, it is clear that:

- a) the policy's ambiguity making it undeliverable may constrain housing delivery and thus is directly in breach of national policy.
- b) the policy puts unnecessary constraints on the ability to bring forward much needed housing developments, restricting the achievement of sustainable development.
- c) the policy repeats the aspirations of the development plan, adding no specific neighbourhood plan level value.

The Need for Do-Something Options

- 4.21. Lancaster Council have most recently adopted the Local Plan Part One: Strategic Policies & Land Allocation (climate emergency review) DPD in January 2025. If allocations such as the 'Do-Something' sites had been considered critical for the wider mitigation of flooding across the borough, they would have been considered and adopted under this plan. The Jacobs report had been published in 2020 which was in advance of the preparation of the latest development plan document, hence this evidence was available for consideration.
- 4.22. As part of the Local Plan Review, a Lancaster District Level 1 Strategic Flood Risk Assessment (SFRA) has been published. The SFRA mapping will be used to inform new site allocations when the Council come to draft new planning policies. The absence of flood mitigation allocations within the Local Plan indicates that safeguarding land for mitigation is not at the forefront of the authority's strategic planning priorities.
- 4.23. The SFRA at section 8.8 discusses safeguarding land for flood storage, in accordance with NPPF paragraph 172. Paragraph 8.8.1. states "*Where possible, LCC may look to allocate land designed for flood storage functions through the local plan. Such land can be explored by using this Level 1 SFRA to assess the flood risk within areas of open space and to ascertain what benefit could be gained by leaving at risk areas undeveloped.*" NPPF

paragraph 172 is however concerned with a very different approach than what has been carried out here for the NDP – properly evidenced, consulted upon, viability-tested and clearly worded.

- 4.24. The NDP is simply providing a high-level indication of potential areas which should be safeguarded, however further investigation would be required to determine their suitability. This plan does not adequately evidence that Do-Something Option 1 would be a potential area for safeguarding. As such, there is no firm evidence to indicate either on a borough wide scale or local neighbourhood plan level that Do-Something option 1 is essential to be safeguarded for flood storage.
- 4.25. In light of the lack of evidence to support the Do-Something allocations, the sites should not be subjected to such restrictions.
- 4.26. Given the lack of clarity on what is required of the Do-Something options and financial uncertainty to support the allocations coming forward, the current proposal by Applethwaite Homes is a far more appropriate way to address flood risk matters and goes beyond the requirements of the NDP policy/allocation. The adoption of such allocations would limit the development potential, risking any form of development or flood mitigation coming forward.
- 4.27. Looking at the surrounding context of Do-Something option 1, at Low Road, since the Flood Risk Management Study was undertaken, the environment has evolved. A drainage basin has now been constructed which was part of the approved drainage layout for the adjacent site to the west, principally approved by application ref. 14/01344/OUT, then details approved by planning application ref. 17/01423/REM, in March 2018 (Forge Wier View, off Forest Heights). Given the timescales, it is unlikely that this had been constructed and was in effect at the time of the publication of the Jacobs report, therefore it's flood mitigation value will not have been factored in.
- 4.28. The presence of this basin is assumed to provide a betterment in terms of flood risk management to Halton, therefore lessening the overall need for further flood mitigation on the Do-Something Option 1 site, south of Low Road.
- 4.29. While it is accepted that this drainage basin will to some extent be mitigating the effects of the new residential development constructed on its associated site, it will also provide benefits to the local surface water flood risk. This adjacent basin accompanied by the SUDS proposed by the current outline application would in combination provide a greater benefit

in total than could be achieved by Do-Something Option 1, while allowing for sustainable residential development to also come forward.

4.30. Paragraph 32 of the NPPF states:

*"The preparation and review of all policies should be underpinned by **relevant and up-to-date evidence.**"*

4.31. In this regard, the evidence being used to inform the NDP is dated 2020, with our understanding being that the modelling and investigation was conducted in 2018/2019. The report acknowledges its limitations, which includes using hydrology and fluvial baseline data from 1961-1990 which would require further investigation to ensure climate change estimates are not over-estimated. As the Environment Agency have recently updated their data in early 2025 to include climate change predictions, the evidence being used is not up-to-date and should be reviewed to take into consideration recent data available, as well as on site changes such as the construction of the adjacent infiltration basin.

/5 CONCLUSION

- 5.1. These representations have been made on behalf of Applethwaite Homes with regards to the Halton-with-Aughton Neighbourhood Development Plan Regulation 16 Consultation. Our comments focus specifically on the significant shortcomings in the Neighbourhood Plan's approach to flood mitigation, and the implications this has for the sustainable development of land south of Low Road, as illustrated in Figure 1.
- 5.2. Paragraph 23 of the NPPF clearly states that strategic policies must provide a clear and effective strategy for bringing forward sufficient land to meet identified development needs, in line with the presumption in favour of sustainable development. The Neighbourhood Plan, as currently drafted, fails to comply with this directive.
- 5.3. The flood mitigation provisions within Policy HA-5 are not supported by robust or up-to-date evidence. Nor are they deliverable, owing to the absence of landowner engagement, confirmed funding, or technical clarity on what is actually required. As a result, the policy directly conflicts with several key basic neighbourhood plan conditions, particularly:
- Condition (a): A failure to have proper regard to national policy.
 - Condition (d): A failure to enable the delivery of sustainable development.
 - Condition (e): A lack of conformity with the strategic policies of the adopted Lancaster Local Plan.
- 5.4. While a neighbourhood plan is not required to be examined against exactly the same tests as a local Plan, the PPG makes clear that it must be deliverable and robustly evidenced. The policy is not consistent with the tests of soundness as set out in Paragraph 36 of the NPPF:
- **Justified:** The evidence base underpinning the Do-Something options is over five years old, based on preliminary assessments, and has not been updated to reflect current flood modelling, climate projections, or local infrastructure changes.
 - **Effective:** The policy lacks a coherent delivery mechanism. There is no indication of secured funding, infrastructure specification, or landowner support to implement the proposed mitigation sites. This makes the safeguarding approach wholly unrealistic and undeliverable.

- 5.5. Policy HA-5, as currently written, duplicates existing national policy in several areas, while introducing additional ambiguities that undermine certainty for developers, landowners, and the local authority.
- 5.6. Given these critical weaknesses, it is our firm view that Policy HA-5 cannot be retained. The Do-Something allocations should be deleted in full. The retention of an ambiguous, unjustified, and ineffective flood mitigation strategy would not only constrain the delivery of much-needed homes but also conflict with the broader planning objectives of the Lancaster District.

APPENDIX 01

Betts Hydro Technical Note – Review of Halton Initial Assessment

LOW ROAD, HALTON

TECHNICAL NOTE 001 – REVIEW OF HALTON INITIAL ASSESSMENT

The Halton Initial Assessment (ref.: 2327FF1-JUK-ZZ-HA-RP-Z-1201 Rev P02) dated February 2020 was commissioned in 2018 following flooding that affected Halton in December 2015 and November 2017. The aim was 'to establish whether workable, sustainable and justified solution to reduce the risk of flooding can probably be found, or whether the project should take a different course or be stopped.' The project focuses on surface water and smaller 'Ordinary' watercourses as sources being investigated.

It should be noted that the proposed development area is not one of the four areas identified to be 'at risk' in Figure 2-4.

One of the project objectives listed in §1.4.2 is 'Define the flooding problem through hydraulic modelling, flood mapping and economic flood damages estimation over a 100-year appraisal period;'. Whilst there are some low-resolution maps E.g. Figure 2-4 Areas at risk of flooding during a 1.33%AEP rainfall event and within Appendix C there are not sufficiently detailed mapping outputs included in the report for analysis nor are there sufficiently detailed plans of the existing below ground drainage systems that have been included in the subsurface hydraulic modelling.

There are some serious limitations to the existing modelling work that has been undertaken and whilst these are in part recognised in the report it does mean the findings carry limited weight and value.

Limitations

The sizes of sections of the culverted watercourse (Arrow Lane) are based on the best available information from local operations staff and have not been verified (this includes size) and the invert levels are based on available LiDAR estimates. LiDAR is not sufficiently accurate to define watercourse levels due to the resolution of the information available (E.g. 1 or 2m grid size). Minor levels differences on small ordinary watercourse can greatly underestimate capacity of an open-channel. The invert also levels inform the gradient of the system being modelled and need to be combined with size/diameter to establish the capacity of a culvert, if both parameters are assumed then this is a potentially significant limitation, and the culvert should be surveyed (recommended in the report).

Another important limitation that has the potential to affect the proposed development area is the use of a technique called glass walling; this is often used to limit the extent of the model but essentially constrains flow within the study area, the report states 'The glass walling effect visible near the east of the model domain does not occur in reality with the water draining into a neighbouring catchment (Monkley Gill Beck). This may impact upon the flood depths predicted around Forgewood Drive/Low Road.' This means that surface water flood risk in the Low Road area might be misrepresented.

The lack of survey of the watercourse and the assumptions made would suggest that it is unlikely that regular and routine maintenance of the watercourse are being undertaken. These



are riparian assets so the LLFA should liaise with the landowners to make sure that this is taking place. Although higher rainfall intensities are resulting in more frequent flooding events it is often a combination of factors that results in surface water flooding and the first step is not to propose alleviation measures until existing systems are surveyed both in terms of capacity and also condition. There are also often localised constraints on a culverted watercourse that give rise to flooding such as bottle-necks or crossing services and surveying to alleviate these issues should be explored before exploring offsite potential mitigation options on third party land.

The 'do-something option 1: East Halton' aims reduce the amount of surface water flowing onto, and down, Low Road towards Forgewood Drive. The report indicates a couple of potential of potential locations where storage could be provided, however there are no plans detailing how this would be achieved or how the stormwater would be subsequently disposed of, such as infiltration or if being positively connected back into the drainage system, whether that could be achieved from a levels perspective. In view of the fact that these prospective 'solutions' to mitigate the surface water flood risk have estimated costs I would expect more information such as a preliminary design solution to demonstrate feasibility.

A significant limitation of the modelling work is that the piped systems indicated in Figure 2-2: 'Halton sewer system' are understood to have been modelled, however there are no highway drainage systems accounted for. Having no drainage systems in the model for Low Road will inherently increase the amount of flood water on the surface of Low Road and will misrepresent the flood risk across the study area.

Rainfall depths are based on the FEH 2013 depth duration frequency (DDF) model extracted from FEH Web Service rather than gauged data. Gauged data is preferable for accuracy, but it is noted this is unlikely to be available, however there is more up to date FEH 2022 data now available.

I trust you will find the above of assistance, however, if you have any queries or require further information, please do not hesitate to contact me.

Yours sincerely,

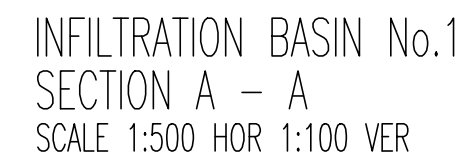
Richard Nicholas

Richard Nicholas BEng(Hons) MSc MBA GMICE MCIWEM
Director
BETTS HYDRO LIMITED



APPENDIX 02

Proposed Drainage Layout technical drawing



KEY

F1 ——— MANHOLE REF
 01.4000 — COVER LEVEL
 1.1300 — FLOOR LEVEL

FOUL SEWER

S11 ——— MANHOLE REF
 01.4000 — COVER LEVEL
 11.1300 — WATER LEVEL

SURFACE WATER SEWER

SW SEWER >375mm DIA.

WATER CONDUIT
 900ø / 1/398

PIPE DETAILS

1.000 CONC / CLAY PIPE 15.12mm
 100% WATER TIGHT

GULLY

— — — — — SURFACE WATER CHAMBER (DRAGOUT)

— — — — — FOUL CHAMBER (DRAGOUT)

INFILTRATION BASIN INFORMATION KEY

INWERT LEVEL

TBL TOP OF BASIN LEVEL (100%+45% CLIMATE CHANGE EVENT)

TBL TOP OF BANK LEVEL

C&C

P06	HOUSING LAYOUT OMITTED	08.04.24	MG	AD
P05	AMENDED TO LATEST LAYOUT	04.04.24	MG	AD
P04	LAYOUT OMITTED	09.11.23	MG	AD
P03	FOUL OUTFALL AMENDED	02.11.23	MG	AD
P02	BASIN No 2 LAYOUT AMENDED	04.10.23	MG	AD
P01	PRELIMINARY ISSUE	22.09.23	MG	AD
Rev	Description	Date	By	Chk

FOR INFORMATION ONLY



Client
APPLETHWAITE HOMES LIMITED

Project
LOW ROAD
HALTON
LANCASTER

Drawing Title
PROPOSED DRAINAGE LAYOUT

Date AUGUST 2023	Drawn By MG	Checked By AD
Scale at A0 1:500	Project Number 33483	
Sheet Number 33483-SUT-ZZ-XX-DR-C-6550		Revision P06

APPENDIX 03

Halton Initial Assessment 'Do-Something' Option 1 Site Plan

3.3.3 Do-Something Option 1: East Halton

- Flood storage or Sustainable Drainage Solutions (SuDS)

Do-Something Option 1 aims reduce the amount of surface water flowing onto, and down, Low Road towards Forgewood Drive. This can be achieved by capturing and attenuating surface water flow paths either side of Low Road. Attenuation could take the form of **formalised storage areas** with a controlled outlet as required, or **SuDS**. Indicative locations as to where these options may be constructed are shown in Figure 3-1.



Figure 3-1: Indicative location of Do-Something Option 1 components

A SuDS design could utilise a swale to collect water along the field border and convey it to storage. Storage could take the form of a wetland, pond or detention basin. The option was modelled based on the components shown in Figure 3-1, and was shown to reduce peak surface run off along Low Road from 0.8m³/s to 0.05m³/s during a 1.33% AEP event. Maximum flood depths also decrease 0.9m to 0.6m, with the number of properties at risk of flooding reduced from 104 to 95 during the same AEP event.

The advantages of a formal storage area are that they can be designed to provide a specific standard of protection (SoP), making benefits easier to quantify. The disadvantages of a storage area are that it would require acceptance by the landowner/compensation for loss of land. Maintenance would also be required to ensure that the design SoP is maintained and may involve removing sediment and/or vegetation management.

The advantages of a SuDS design are that they work with existing natural processes and may take up less space, potentially making landowner acceptance easier. This approach would also fit with Lancashire and Blackpool FRMS regarding use of SuDS and may provide additional environmental and societal benefits. Disadvantages of SuDS are that land owner acceptance would be required, as would maintenance to ensure the design SoP is maintained. Environmental and societal benefits can also be difficult to quantify.

APPENDIX 04

LLFA Regulation 14 Consultation Response dated 22nd August 2024

Response reference: 23



Contact: suds@lancashire.gov.uk

Date: 22 August 2024

Dear Halton with Aughton Parish Council,

Thank you for inviting the Lead Local Flood Authority to comment on the below consultation.

Halton with Aughton Neighbourhood Development Plan 2024-2031 – Regulation 14 Consultation

Lancashire County Council is the Lead Local Flood Authority for the county council's administrative area. The Flood and Water Management Act sets out the requirement for the Lead Local Flood Authority to manage 'local' flood risk (flooding from surface water, groundwater, and ordinary watercourses) within its area. In the planning process, the Lead Local Flood Authority is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Comments provided in this representation are advisory and it is the decision of the parish council whether any such recommendations are acted upon. The comments given have been composed based on the extent of the knowledge of the Lead Local Flood Authority and information provided at the time of this response.

The Lead Local Flood Authority has reviewed the consultation details and has the following comments to make:

We are concerned that many of our comments provided in response to the draft Neighbourhood Plan Consultation (points (d) to (i) of our response dated 30 April 2024) appear to have been missed when preparing the revised plan for the Regulation 14 Consultation, as these have not been included within the "Informal Consultation 2024 – Responses and Actions.pdf" document and do not appear to have been reflected in the revised wording of Policy HA-5. These comments are repeated here.

Policy HA-5 Flooding

The Lead Local Flood Authority generally support the principles contained within the policy to manage specific flooding issues in the neighbourhood plan area, which go beyond the adopted policies within Lancaster City Council's Local Plan, and we are pleased to see that some of our comments on the draft plan have been taken on board to provide additional clarity to the policy. However, we would urge the parish council to consider the following amendments to make the policy more robust and unlock some

Lancashire County Council
PO Box 100, County Hall, Preston, PR1 0LD



lancashire.gov.uk

of the opportunities presented by new development in the neighbourhood to deliver the measures contained within the Halton Initial Assessment Flood Risk Management Study¹ (B2327FF1-JUK-ZZ-HA-RP-Z-1201, P02, February 2020, Jacobs) (hereafter referred to as the 'flood risk management study').

- a) Points 3 and 4 of Policy HA-5 – We support the inclusion of point 4 within the revised policy to encourage new development in areas identified to support the delivery of the 'do-something' options identified, in line with paragraph 167c of the National Planning Policy Framework, where the parish council consider this appropriate, reasonable and justified. The parish council may wish to make the policy more explicit to define what is considered by this 'support', for example, to privately fund and deliver, or contribute towards the options. However, the parish council should satisfy itself that there are no conflicts between points 3 and 4 of the policy to avoid any ambiguity regarding the delivery of the plan.

While we support the principle of safeguarding land for current or future flood risk management, in line with paragraph 167b of the National Planning Policy Framework, we would urge the parish council to consider if this is a reasonable approach. The parish council should account for the fact that the options identified would currently not attract 100% funding through national Flood and Coastal Erosion Risk Management Grant-in-Aid², which is available to the flood risk management authorities to take the options forward, and that the options identified within the flood risk management study are only indicative, not a commitment to pursue any action requiring the land identified.

- b) Point 5 of Policy HA-5 – The parish council may wish to expand on this to identify such opportunities for flood risk mitigation measures, for example, the use of natural flood management measures³ in addition to the inclusion of sustainable drainage systems to manage the runoff generated by new development.
- c) Point 6 of Policy HA-5 – The parish council should clarify the areas meant by the "existing overloaded network of surface water drains and culverts" and the basis on which this has been identified. For example, the drawing contained within Appendix E of the flood risk management study (Halton drainage network capacity during 1.3% AEP event)? This may need to be included as a map within the neighbourhood plan.

This point should also be changed to "...avoiding discharging any *additional* flows...". In some instances, it may not be reasonably practicable for new development to avoid discharging any flows into the network identified, for example, to comply with the hierarchy of drainage options set out in the Planning Practice Guidance and Policy DM34 of the adopted Lancaster Local Plan, where the alternative options are less sustainable (e.g., combined sewer). There is a risk with the proposed wording that new development will instead be encouraged to

¹ Halton Initial Assessment Flood Risk Management Study <https://www.haltonwithaughton-pc.gov.uk/wp-content/uploads/NP/Supporting/Jacobs%20Flood%20Risk%20Management%20Study.pdf>

² Refer to section 2.10 of the Local Flood Risk Management Strategy for more information - <https://www.lancashire.gov.uk/media/928565/lancashire-flood-risk-management-strategy-2021-2027-final-v2.pdf>

³ Further information on Natural Flood Management is available at <https://thefloodhub.co.uk/nfm/>



discharge flows into other systems which did not previously receive it, potentially generating new and unknown issues.

In these cases, the parish council may wish to expand on point 4, insofar that where a discharge into the "existing overloaded network of surface water drains and culverts" cannot be avoided, development discharging into this network must take measures to reduce the causes and impacts of flooding, such as through over-attenuation and restricted discharge rates below the minimum standards set out in the Defra Technical Standards for SuDS. Further examples of such measures are included within paragraph 063 of the National Planning Practice Guidance.

- d) Point 7 of Policy HA-5 – The parish council should amend the language 'excess flows' to 'exceedance flows' for consistency with The SuDS Manual (C753)⁴ and the national Defra Technical Standards for SuDS⁵ (standard S9). This point should also be changed to "...will not cause increased off-site flooding..." in line with paragraph 173 of the National Planning Policy Framework.
- e) Point 8 of Policy HA-5 – We fully support the inclusion of interception and source control SuDS components to minimise runoff from sites during everyday rainfall events (e.g., permeable paving, water butts and blue roofs) on new development.

The parish council should be aware that the Lead Local Flood Authority does not consider source control components towards the overall attenuation volume on proposed developments required to manage the design flood (1% annual exceedance probability + climate change, as defined by the Planning Practice Guidance), as there is no guarantee that such components will remain in place over the lifetime of the development where they could be removed or replaced by private property owners, and such components are frequently saturated during extreme rainfall events.

Other

- a) Policy HA-2 Protecting and Enhancing Wildlife and Geodiversity – We support point 5e of this policy which aims to re-naturalise culverted watercourses. This is consistent with the county council's ordinary watercourse regulation policy OWC2⁶ and will enable the development of improved blue-green corridors within the neighbourhood.
- b) In every instance, the parish council must minimise the risk of individual people (particularly private landowners) being identifiable through reference to the flood risk management study, in order to comply with the obligations of the county council and the parish council set out in the Data Protection Act 2018.

⁴ https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753F

⁵ Non-statutory technical standards for sustainable drainage systems -

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

⁶ Ordinary Watercourse Regulation - Consenting and enforcement of ordinary watercourses in Lancashire <https://www.lancashire.gov.uk/media/950248/ordinary-watercourse-regulation-policies-adopted-1-march-2024.pdf>



4

I trust that you find these comments valuable. Should you wish for further information or clarification on the contents of this letter please contact us at the email address provided.

Yours faithfully,

A black rectangular box redacting the signature of the Lead Local Flood Authority.

Lead Local Flood Authority





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