



Halton with Aughton Parish Council

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07 July 2025

Re: Halton-with-Aughton Neighbourhood Development Plan Independent Examination –
Examiner Initial Letter

Dear Chris,

Thank you for the opportunity to comment on the Regulation 16 responses.

Firstly, we wish to correct a small inaccuracy in the following statement:

Page 8 of the pwa Planning: Representations on behalf of Applethwaite Homes Ltd
*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...***

As listed in the Consultation Statement (page 168), letters were sent to the legally registered landowners who may wish to comment on the flood zones identified in the Neighbourhood Plan. Obviously, if addresses were out-of-date on the Land Registry then those letters may have not arrived, but the Parish Council certainly attempted to contact relevant landowners.

Secondly, whilst the LLFA have commented at each stage, unfortunately they did not provide a response during the Regulation 16 consultation stage. Fiona suggested that highlighting their previous response would be worthwhile so I have included a copy with this letter.

We are happy to provide answers to the best of our ability during this examination. I will be away for 2 weeks from the 4th – 15th August. If you need an answer during that period, then please contact Carol Slinger, Chair of the Parish Council (carol.slinger@hotmail.co.uk).

Regards,

Luke Mills
Clerk to the Parish Council

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

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>



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,

Phil Wadley

Lead Local Flood Authority

