
POLICY WA1 - DEVELOPMENT AND FLOOD RISK
Written Statement Paragraphs 19.3 and 19.4

OBJECTIONS: 062/11 (part) Redrow Homes (Northern) Ltd¹
128/2, 128/3 National Rivers Authority

COUNTER-OBJECTIONS: 062/D, 062/F², 062/G Redrow Homes (Northern) Ltd
128/A, 128/AA National Rivers Authority

Summary of Objections

- 19.1 The area adjacent to the River Birkett identified as subject to flooding does not coincide with the results of investigation shown on the submitted map³. The land upstream of EM3/17⁴ described as an 'area at risk of flooding' should not be distinguished from the area downstream of EM3/4⁵ described as washland (floodwater storage). Both may require compensatory storage and flood protection. 'Washland' would be an appropriate description for the whole area (128/2).
- 19.2 The storage and protection elements of Criteria (i) and (ii) of Policy WA1 require incorporation, Criterion (iv) requires amendment and a new Criterion (v) should be added dealing with the effect of development on tidal and fluvial defences or on access for maintenance or emergency purposes (128/2).
- 19.3 Paragraphs 19.3 and 19.4 of the Reasoned Justification for Policy WA1 should be clarified to deal with the effects of development on washlands, with more explicit reference to works necessary to accompany development adjacent to Pasture Road and Reeds Lane, especially housing site HS1/1⁶ (128/3).
- 19.4 Policy WA1 as proposed to be amended ('the first alteration')⁷ is unclear and ambiguous. It should be reworded to bring it into line with national policy (062/D).

¹ As this Objection concerns land within the proposed Green Belt which the Objector wishes to have allocated for housing purposes, I deal with it in the Green Belt Section, on pages 132-135 of this report.

² This Counter-objection relates to land at the corner of Pasture Road and Leasowe Road, Leasowe, and is considered in the Housing Section of this report (pages 98-99).

³ Objector's Residual Floor Map '100 Year Event', Appendix 9 to the Objection documents.

⁴ Proposal EM3/17 is a land allocation for general employment use at the Tarran Industrial Estate.

⁵ Proposal EM3/4 is an allocation for general employment use on land west of Reeds Lane, Moreton.

⁶ Proposal HS1/1 - Land to the south of Ditton Lane, Leasowe.

⁷ ALT/WATER/002 (CD056, page 286).

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- 19.5 The boundary of the washland areas defined in the amended extracts from the Proposals Map ('first alteration')⁸ are wrongly drawn. They appear to coincide with the alignment of the improved flood defences provided by the Birkett and Fender Flood Alleviation Scheme. This does not accord with Criterion (ii) of Policy WA1; the protected area is still washland and should be defined as such (128/A).
- 19.6 The plan denoting the Birkett/Fender 1 in 100 year Flood Risk Area⁹ should be amended to reflect the effect of proposed flood relief measures (062/G).
- 19.7 Further amendments proposed to Paragraph 19.3 of the Reasoned Justification for Policy WA1 ('the second alterations')¹⁰, should be further amended (draft suggested) (128/AA).

Assessment and Conclusions

19.8 The first alteration to Policy WA1 responds to the detailed comments made in Objection 128/2, including clearer reference to 'washland', merging Criteria (i) and (ii), and adding the additional criterion requested. No change is made to Criterion (iv) (renumbered (iii)), but that criterion appears satisfactory. Counter-objection 062/D which is critical of this amended version of the Policy does not state how it should be further amended; the Council cannot in my view be criticised for paying close attention to the representations of the body with statutory responsibility for flood defence matters, and I find no reason to conclude that the proposed amendments are not in accordance with the guidance in Circular 30/92 *Development and Flood Risk*¹¹. The amended Policy seems to me to embody the appropriate degree of clarity to assist developers in understanding and responding to the flood risk circumstances of any piece of land. The reference to 'National Rivers Authority' should now be replaced by 'Environment Agency'.

19.9 The 'first alterations' include amendments to the Proposals Map relating to the Birkett/Fender drainage system drawn up in response to Objection 128/2. The Objector has in Counter-objection 128/A criticised these amended plans on the grounds that they appear to show areas of washland which are subject to the Birkett and Fender Flood Alleviation Scheme as not being within washlands. However, the Objector in further discussions with the Council has recognised why the Council wishes to distinguish between those areas of washland which the amended plan shows as being 'protected' by the flood alleviation measures, and those areas which may occasionally flood even after the defences have been completed¹².

⁸ ALT/WATER/009-013 (CD056, page 293 and maps following, and page 294 and map following).

⁹ Plan ALT/WATER/013 (CD056, following page 294).

¹⁰ ALT2/WATER/001 (CD057, page 37).

¹¹ Circular 30/92, especially paragraphs 6 to 10.

¹² These conclusions are expressed in a letter from the Objector to the Council dated 16 January 1996.

19.10 The Council have acceded to the Objector's request to make this distinction clear (Counter-objection 128/AA) by publishing a further change to Paragraph 19.3 of the Reasoned Justification for Policy WM1 which follows the draft of that paragraph suggested by the Objector¹³. This would replace the first or second alterations to that paragraph¹⁴, but the second alteration to Paragraph 19.4 would stand¹⁵.

19.11 So far as Counter-objection 062/G is concerned, Plan ALT/WATER/013 should be read in conjunction with the revised washland area plans proposed in the first alterations¹⁶. Plan ALT/WATER/013 shows the potential extent of flooding were flood alleviation measures not to be in place; there is no inconsistency between this plan and the 'washland' plans.

Inspector's Recommendation

19.12 I recommend that the UDP be modified:

(a) by the amendment of Policy WA1 in accordance with ALT/WATER/002, subject to the replacement of the reference to 'National Rivers Authority' in Criterion (ii) by 'Environment Agency';

(b) by the amendment of Paragraph 19.3 of the Reasoned Justification for Policy WA1 in accordance with ALT3/WATER/001;

(c) by the amendment of Paragraph 19.4 of the Reasoned Justification in accordance with ALT2/WATER/001 and

(d) by the amendment of the Proposals Map in accordance with ALT/WATER/009 to 013,

but that no modification be made in response to Counter-objections 062/D and G.

¹³ ALT3/WATER/001 (CD205, page 6).

¹⁴ See Footnotes 7 and 10 above.

¹⁵ See Footnote 10 above.

¹⁶ See ALT/WATER/009-012, details in Footnote 8 above.

Part II: *Policy WA2 - Development and Land Drainage*
 Policy WA3 - Development and Groundwater Protection
 Policy WA4 - Development within River Corridors (Supporting Text)
 Policy WA5 - Heswall Drainage Catchment Area
 Policy Omissions - Safeguarding Water Resources, Protecting Surface Waters

POLICY WA2 - DEVELOPMENT AND LAND DRAINAGE
POLICY WA3 - DEVELOPMENT AND GROUNDWATER PROTECTION
POLICY WA4 - DEVELOPMENT WITHIN RIVER CORRIDORS
(Written Statement Paragraph 19.14)
POLICY WA5 - HESWALL DRAINAGE CATCHMENT AREA
POLICY OMISSIONS - Safeguarding Water Resources, Protecting Surface Waters

OBJECTIONS: 036/1 NRA (Welsh Region) 070/123, 070/124 GO-M
 119/6 National Museums and Art Galleries on Merseyside
 128/4, 128/5 National Rivers Authority

Summary of Objections

- 19.13 The second sentence of Policy WA3 should be expanded to require consultation with the National Rivers Authority¹ with a view to the imposition of conditions and/or obligations directed at preventing derogation of the groundwater environment in terms of quality and quantity (036/1). The word 'normally' should be deleted from Policies WA2 and WA4² (070/123, 070/124). Paragraph 19.14 of the Reasoned Justification for Policy WA4 should be amended by the replacement of the term 'nature conservation' by the broader 'environmental conservation' (119/6).
- 19.14 The UDP should contain policies in support of Policy WAT2³, to ensure that the availability of water resources is maintained and that new development does not pose a risk to surface waters (drafts suggested) (128/4, 128/5).

Assessment and Conclusions

19.15 Published changes to Policies WA2 and WA5 omit 'normally'⁴. It is also proposed to insert into Policy WA3⁵ the additional text requested in Objection 036/1. A further change, to Paragraph 19.14 of the supporting text to Policy WA4⁶, would introduce the term 'environmental conservation'.

¹ This is now taken to mean the successor authority, the Environment Agency.

² 'Normally' does not occur in Policy WA4; Objection 070/124 will therefore be taken as a representation that this word be omitted from Policy WA5.

³ Policy WAT2 - Protection of the Water Environment.

⁴ ALT/WATER/003 (CD056, page 287) and ALT/WATER/008 (CD056, page 292).

⁵ ALT/WATER/004 (CD056, page 288).

⁶ ALT/WATER/007 (CD056, page 291).

*Part II: Policy WA2 - Development and Land Drainage
Policy WA3 - Development and Groundwater Protection
Policy WA4 - Development within River Corridors (Supporting Text)
Policy WA5 - Heswall Drainage Catchment Area
Policy Omissions - Safeguarding Water Resources, Protecting Surface Waters*

19.16 The Council have also published two new policies to meet the needs identified in Objections 128/4 and 128/5, with supporting text⁷. The text of the Policies does not adopt the negative construction favoured by the Objector, but otherwise meets the objectives of the representations made.

19.17 References to 'National Rivers Authority' in this part of the UDP should now be replaced by 'Environment Agency'.

Inspector's Recommendation

19.18 I recommend that the UDP be modified:

- (a) by the amendment of Policy WA2 in accordance with ALT/WATER/003, subject to the replacement of the reference to 'National Rivers Authority' by 'Environment Agency';
- (b) by the amendment of Policy WA3 in accordance with ALT/WATER/004, subject to the replacement of the reference to 'National Rivers Authority' by 'Environment Agency';
- (c) by the insertion of a new Policy (WA3a - Safeguarding Water Resources), in accordance with ALT/WATER/005;
- (d) by the insertion of a new Policy (WA3b - Protecting Surface Waters), in accordance with ALT/WATER/006;
- (e) by the amendment of the Reasoned Justification for Policy WA4 in accordance with ALT/WATER/007 and
- (f) by the amendment of Policy WA5 in accordance with ALT/WATER/008.

⁷ ALT/WATER/005 (CD056, page 289) and ALT/WATER/006 (CD056, page 290).