LEAD LOCAL FLOOD AUTHORITY RESPONSE

BURSCOUGH PARISH NEIGHBOURHOOD PLAN 2017 – 2027

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment. The Flood and Water Management Act 2010 sets out the requirement for LLFAs to manage 'local' flood risk within their area. 'Local' flood risk refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses.

Comments provided in this representation are advisory. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the document at the time of this response.

Section 3 - The Burscough Parish Neighbourhood Plan Area Issues and Considerations – Flood Risk

3.56 For clarification, the LLFA would like to point out that the Environment Agency is not responsible for designating Critical Drainage Areas (CDA). CDA's can be designated by a local authority for their own development management purposes. They do not trigger a statutory consultation with the EA. The EA have no responsibility for identifying these areas. This could relate to areas that have a high risk of localised flooding from, for example, watercourses, overland surface water flows, surcharging culverts or even the sewer network. Such a designation should be evidence based.

An Area with Critical Drainage Problems (ACDP) is designated by the EA. The purpose of the designation would be to trigger a statutory consultation with the EA for development located in Flood Zone 1 which they would otherwise not be consulted on. A site-specific FRA would be required.

Neither of these designations would necessarily preclude future development.

In addition, WLBC has been identified as having duties to investigate surface water flood risks. The LLFA would like to clarify that WLBC would only have this responsibility if the flooding problem relates to assets owned by the Council. Otherwise, WLBC acts as a Risk Management Authority Partner (RMA) in flooding investigations. The LLFA is the authority responsible for investigating flooding
incidents and will investigate, to the extent that it considers it necessary or appropriate, in accordance with the LCC Flooding Investigation Policy.

3.58 As stated above the LLFA is the authority responsible for investigating flooding incidents which meets LCC Flooding Investigation Policy.

3.59 For clarification, the Local FRMS identified in this paragraph is a County-wide Flood Risk Management Strategy. This document is currently undergoing a refresh. A further review is planned when the National Flood Risk Management Strategy is published in the near future as any Local FRMS should follow the principles of the National Strategy.

3.60 The objectives mentioned in this paragraph are currently being updated as part of the Local FRMS refresh. Future objectives could be captured within a Business Plan model.

3.61 The Local FRMS is a County-wide strategy. At present the LLFA has no capacity to develop a Parish specific FRMS mentioned in the referenced paragraph. However, we will be happy to comment on any Parish FRMS proposals and offer appropriate advice.

For clarification, LLFA and other Risk Management Authorities encourage direct reporting of flooding incidents to an appropriate RMA. The information collected by the BFG serves as a relevant and useful record of flooding in the area, however only incidents reported directly to an appropriate authority can be recorded and actioned efficiently by the responsible RMA’s. The LLFA in its overseeing role is interested in being informed about all flooding incidents, however for the reasons listed above prompt reporting of incidents directly to the responsible RMA is also encouraged.

Section 6 - Policies

Policy BPI1: Development and Infrastructure

The LLFA has no specific comments to make regarding the wording of this policy. However, in regards to Reasoned Justification 6.1.15, we would like to emphasise that as a statutory consultee, the LLFA already makes full assessments of new development applications based on current legislation, planning guidance and recognised best practice. It is worth highlighting that there are constraints to what statutory consultees can request from applicants.

Policy BPI2: Surface Water Drainage

The LLFA fully supports the wording of this policy and welcomes its recommendations. The policy could also include a request for consideration for climate change in designing drainage systems and include a request for urban creep allowance to be included in drainage system design for residential development. A recommendation could also be given for construction phase flooding mitigation plans, to ensure development does not increase the risk of flooding during its construction phase. The LLFA is willing to provide BPC with further information
regarding any of the above, should they wish to incorporate the above aspects into the Policy or its Reasoned Justification.

Similar to the wording included in paragraph 6.1.22 the LLFA recommends that Policy BPI2 Reasoned Justification includes information about the LFFA’s pre-planning application flood risk and land drainage advice service for planning applications. This is a charged for service and can be utilised by applicants to discuss the details of development surface water proposals prior to submitting a formal application. Further information regarding this service can be found on https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/.

**Policy BPI3: Foul Water Drainage**

The LLFA supports the wording of this policy.

We suggest that within Reasoned Justification 6.1.20 for this policy a clarification is made in the last sentence to read: "It is therefore of great importance that the Surface Water Hierarchy (see below) is followed to reduce the impact of new development in the area." This is to make it clear that the hierarchical approach should refer to surface water and not foul water proposals. The LLFA understands why the surface water hierarchy is mentioned in this section as poor management of surface water can impact on the foul water drainage systems.

In addition, in all of the sub-points of Reasoned Justification 6.1.20, approval from LLFA should be added to the list of necessary approvals. The LLFA is a statutory consultee on drainage for major planning applications and makes recommendations to the Local Planning Authority as to the surface water disposal method, rates and volumes. United Utilities or other body’s comments are considered by the LLFA however it is the duty of the LLFA as a statutory consultee to make the recommendation to the Local Planning Authority.

Similar to previous comments, Reasoned Justification 6.1.22 can include information about the LLFA pre-application advice for Flood Risk and Land Drainage Consents.

**Policy BPH1: New Residential Development**

This policy in sub-point 4 refers to Policy PBI1: Development and Infrastructure. Please see the LLFA comments referring to this policy above.

**Section 7: Plan delivery and implementation**

In sections 7.14 and 7.15: Flood Risk and Sewerage Infrastructure BPC states its intention to request a Surface Water Management Plan to be compiled and implemented for the Parish area. The LLFA would like to highlight that a SWMP has already been commissioned by the LLFA.
This concludes the LLFA’s comments on the Burscough Neighbourhood Plan 2017 - 2027.

Yours faithfully,

[Redacted]

Lead Local Flood Authority