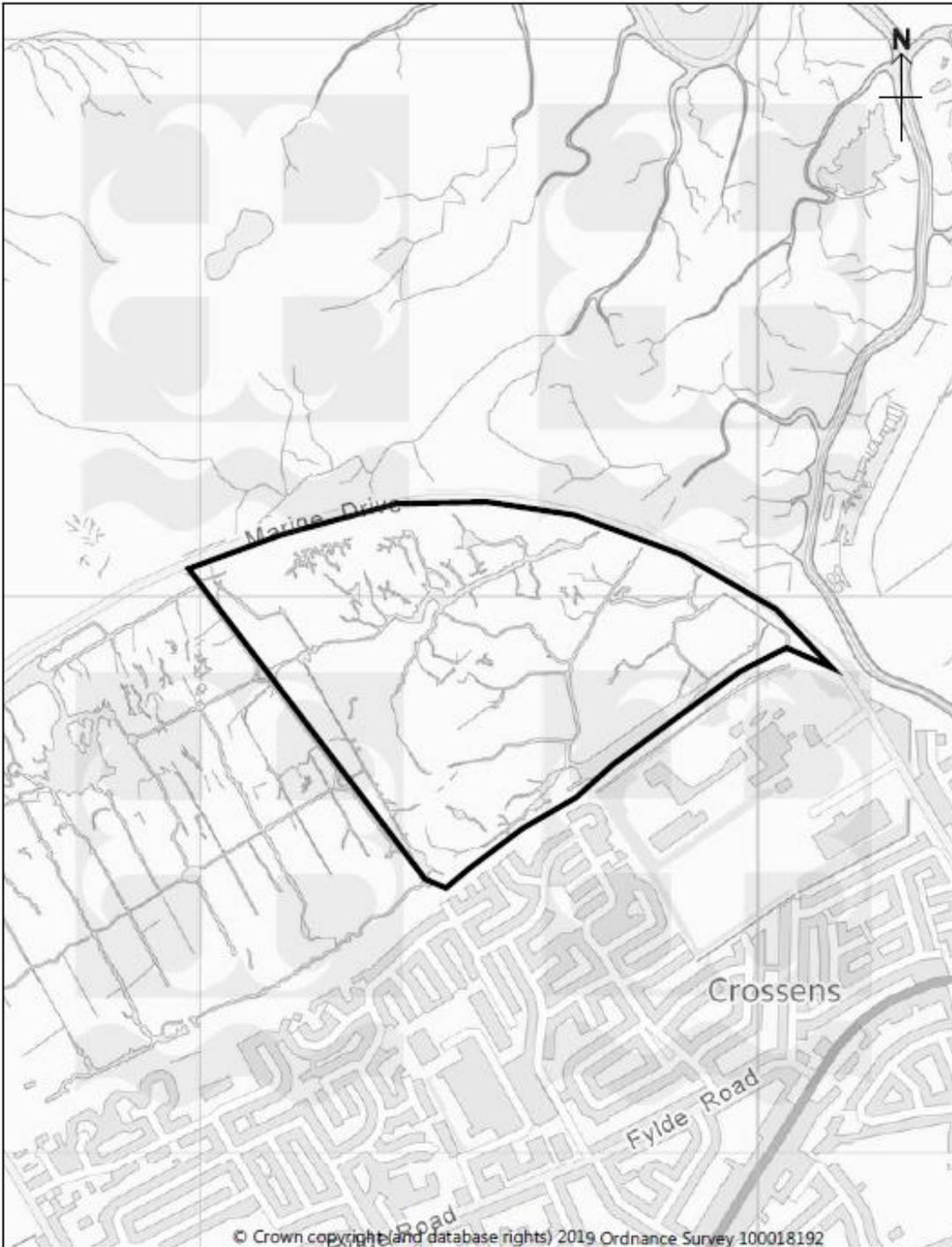


Site Location Plan



Sefton Council



Reference: Map reference
Date: 25/01/2019
Scale: Scale 1:10000
Created by: Initials

The Site

The Marshside RSPB nature reserve wetland site to the north east of Southport Town Centre. It is bordered by Marine Drive (oft referred to as the coast road) to the north and residential properties and waste water treatment works to the east and south. The site is designated as Green Belt and also for its nature importance.

History

The following applications are of relevance to this proposal:

S/2012/1006 - Variation of Condition number 2 pursuant to planning application S/2011/1104 approved 06/10/2011 - not to excavate pool 3 and to utilise the spoil removed from pool 2 to create access ramps to the sea embankment. Approved 23rd October 2012.

S/2011/1104 - Excavation of two pools and movement of spoil to areas within the nature reserve. Approved 6th October 2011.

N/2004/0804 - Excavation of pool and movement of spoil to existing spoil embankments along Hesketh Road. Approved 16th September 2004.

N/2003/0729 - Excavation of pool and movement of spoil to cattle race. Approved 8th August 2003.

Consultations

Flooding and Drainage Manager

No objection from the Lead Local Flooding Authority

Environment Agency

Initial objection due to the absence of a Flood Risk Assessment.

Following the submission of Flood Risk Assessment (FRA) (Tony Baker, Flood Risk Assessment. PP-07258200 - Crossens Inner Marsh Habitat Works, dated November 2018) received in this office 30th November 2018 we are satisfied the FRA demonstrates the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. We therefore withdraw our previous objection.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

Recommend that the information provided to the applicant in respect of an environmental permit and culverting consent, which has been done.

Merseyside Environmental Advisory Service

The application has not been supported by an Ecological Appraisal. In this instance, an Ecological Appraisal is not required for the following reasons:

- The site is within nature reserve, which contains a mosaic of habitats and a large number protected species. However, a wide range of information is already available for these sites from which accurate conclusions can be drawn; and
- The proposed works involve modifications to existing habitat features, which are designed to improve the functionality of the sites for the bird population, which are qualifying features of the designated sites.

The development site is within the following European sites and Local Plan policy NH2 applies:

- Ribble and Alt Estuaries SPA; and
- Ribble and Alt Estuaries Ramsar site.

On this occasion, the development is unlikely to harm the features for which the sites have been designated:

- The proposed development is unlikely to have a negative impact on the European sites. The Habitats Regulations 2017 require the planning authority to determine if the proposed development is connected to the conservation management of the site. If not, then undertake a Habitats Regulations Assessment screening for likely significant effects. As the proposed development is directly connected to the management of the site a HRA screening is not required.

Natural England

We have no objections to the proposals, the details of the application have been fully discussed with our site lead for the Ribble Estuary SSSI/Ribble & Alt Estuaries SPA & Ramsar and we are satisfied with all of the proposals.

Neighbour Representations

Letters of **objections received from four properties** on Exmoor Close, Truro Avenue and Bankfield Lane

Points of objection are:

- The houses in Exmoor Close flooded in 1980 due to a combination of high tide, heavy rainfall and inadequate drainage of the ditch that runs alongside the Water Treatment Works. This resulted in a premium on house insurance and fear that this could be increased. The ditch adjacent to Exmoor Close has had to be clear and drained by the Environment Agency as it was overflowing and flooding gardens. There does not appear to be any mention of past and current flooding or any consultation with the Environment Agency on the proposed application. Increasing the area of open water could make this existing problem worse.
- Potential for increased footfall along the back of the properties in Exmoor Close and Truro Avenue, which can be quite intrusive at times
- Potential for increase car parking in the area which is already problematic.
- The marsh in this area rarely now drains except in extremely hot weather (as the case for summer 2018), possibly arising from tracked JCBs blocking some streams and opening up others 3 to 4 years ago
- Pooling water has led to a mosquito/midge problem ensuring neighbours have to keep windows closed.
- The attraction of birds already causes issues in spring/early summer (houses, cars and washing plastered with droppings)
- Regular flooding of properties on Truro Avenue during periods of high rainfall and experience total ground saturation
- Assurance required confirming that these works will not have a detrimental effect upon properties
- Concerns raised regarding the maintenance of ditches, drains and pools at present

Objections also relate to the electrified fencing and the impact on domestic animals and pets which may venture into the area, but this is development that by virtue of its location and scale does not require planning permission as it can be carried out as 'permitted development'.

Objectors also raise the potential impact on the value of properties but this is not a material planning consideration.

On the 21st November a **petition objecting to the proposal containing at least 25 signatures** was submitted to the Council, endorsed by Councillor Dodd. The reasons for objecting are:

1. Potential for flooding. Gardens on Truro Avenue and Exmoor Close.
2. Electrifying the fence where children could potentially play.
3. Worries in regard to operation of the proposed Sluice Gates.
4. Potential for extra Mosquito infestation.
5. Worries that the Marsh could be altered and if problems persisted would be difficult to revert to its present position.

Ten letters of support from properties on Dunbar Road, Sandown Court, Hall Street and Padstow Close all Southport, Exwell Close Chorley, Oswald Close Kirkby, Coach House Drive Shevington, The Grove Penwortham, Sandford Close Harwood along with a professor at the University of Copenhagen.

Points of support are:

- Improvement work to one of this coast's most important ecological sites must be supported
- RSPB is doing a wonderful job managing the site and this will help that and help to put Southport on the map as a centre for wildlife conservation (reference to future projects)
- This supports a bird reserve with an international reputation and the RSPB are a professional organisation who know what is appropriate
- The proposals will be beneficial to the masses of wildlife that inhabit the area all year round and the many migrating birds that arrive every year
- This will improve the area even more for wildlife. The work that the RSPB have done over the years at Marshside has done much for wildlife on the Ribble Estuary and brought in an excellent free attraction for the town.
- This work is essential in order to better control the water levels for the resident and visiting birds to an area of national importance

Policy Context

The application site lies within an area designated as Green Belt in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

This proposal seeks consent for the following works as summarised within the submitted ecological statement:

"The main elements of the plan are all aimed at either providing new habitat or improving existing habitat for wintering and breeding waterfowl. They are:

- A new perimeter ditch
- Extensions to two existing pools
- Infilling of small areas of water and their replacement with equal-sized areas of new water in improved strategic locations
- The creation of a low berm at the base of the outer embankments along two of the three sides of the marsh

In addition, these works will facilitate the following (which do not require planning permission and so do not form part of the planning application):

- The installation of water control structures at two points of connection with the tidal marsh on the north side of the coast road
- The installation of a new electrified, fox-proof, cattle fence around the perimeter of the marsh.

The works as proposed and shown on the submitted information are appropriate in terms of land use policies within the Local Plan as they are in connection with an existing use. They will not materially alter the character or appearance of the area and will not affect the openness of this Green Belt site.

The proposed works will also be appropriate in the context of the site also being designated for its nature importance. As set out in the submitted ecological statement, the works to the reserve will be of benefit to a number of protected or qualifying species.

The main issues to consider in respect of this proposal, and as raised by objectors to this proposal is the impact on flooding and drainage with regard being had by objectors to the Government's long term flood risk map for England.

The Environment Agency (EA) were consulted as were the Council's drainage engineers (under their role as the Lead Local Flooding Authority) with a particular focus on surface water, tidal and fluvial flooding.

Following an initial objection from the EA the applicant submitted a site specific Flood Risk Assessment (FRA). The FRA states that the "primary aim of the works is to improve the conditions for the important wintering and breeding bird populations by:

- improving the effectiveness of the drainage system to prevent widespread surface water flooding in the winter months
- enabling water to be retained in ditches and pools through the birds' breeding season (April - July)."

The FRA notes that some of the works will take place adjacent to a flood bank and will require an environmental permit; a matter falling outside of this application for planning permission.

This document provides for the history of site and changing management and infrastructure as context for the proposals, and also makes clear the responsibilities within this area namely:

- Maintenance of the culverts under the highway is the responsibility of the Council
- Maintenance of the drainage ditches on the inner marsh is the responsibility of the landowners (RSPB for Sutton's Marsh)
- The main drainage culvert under Marine Drive and the connecting ditches at the north-eastern end of Crossens Inner Marsh were cleared by the Environment Agency and the Council in April 2011 and again in 2015.

In respect of any hydrological links with housing to Truro Avenue and Exmoor Close the FRA is unequivocal that the surface water flooding experienced within the housing estate is not connected to surface water flooding frequently observed on Crossens Inner Marsh quoting an Environment Agency officer who stated in 2018:

"As the Environment Agency understands it, contrary to the Main River map, Marshside Drain does not take flows from the estate (particularly Menivale Close, Truro Avenue and Exmoor Close). The open section of Marshside Drain has been drained in the past and inspected for a joining culvert from the estate, none have been found. In addition to this, at the downstream end, the Main River map does not accurately reflect the flow of water. There has been no structure observed that connects the downstream end of Marshside Drain (opposite the treatment works) and the other side of the road (or the Reserve for that matter) - although it is assumed there is a connection to the Reserve that ultimately leads to the known culvert through the road embankment. We see it as unlikely that the hydrology of the estate and Reserve are connected in a meaningful way."

The FRA contends that the proposal will result in:

- no change to the amount of surface water runoff as a result of the works
- no impact on the flood risk of the land on the inland side of the flood bank, and therefore no impact on the housing estate
- a reduction in the current level of flood risk by improving the drainage ditch network and connectivity of the drainage infrastructure on the marsh
- the reduction in the current level of flood risk by preventing any influxes of sea water from reaching the coastal grassland, thereby significantly reducing the number of frequency of occasions of surface water flooding
- the reduction in the current level of flood risk by significantly improving the drainage channel and infrastructure linking the marsh ditch network with the primary outfall culvert, thereby making the removal of surface water flooding more efficient
- the improvements of the inner marshes' ability to cope with future variations in seasonal rainfall and the wider impacts of climate change by making the removal of surface water flooding more efficient.

The FRA also highlights the potential for risks associated if the works are not approved.

Upon reviewing the FRA the EA removed their objection to the proposal, subject to the works adhering to the FRA and other submitted information. In the absence of any competing and corroborated technical information, along with the removal of the objection from the EA, the Council cannot find any reason to disagree with the findings of the submitted FRA.

As the proposal will not only not give rise to increased flood risk but will work towards reducing it is considered that the proposal is fully compliant with the aims and objectives of the Local Plan and all other material considerations including the National Planning Policy Framework.

It is therefore recommended that the proposal is granted consent with the standard time and compliance conditions only.

Recommendation - Approve with Conditions

Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2) The development hereby granted shall be carried out strictly in accordance with the following drawings and document:

- PP-07258200 Crossens Inner Marsh 2018 Site Plan
- PP-07258200 Proposed Perimeter Ditch: Typical Cross-Section
- PP-07258200 Section Through Pool 1 ('G') (SW to NE)
- PP-07258200 Section Through Pool 2 ('H') (SE to NW)
- PP-07258200 Section Through Pool 1 'E', 'F'
- PP-07258200 Section Through Typical Pools 'A', 'B', 'C', 'D'.
- PP-07258200 Crossens Inner Marsh Habitat Works Flood Risk Assessment

Reason: To ensure a satisfactory development.