



WARRINGTON

Borough Council

**APPEAL BY THOMAS SMITH AGAINST THE REFUSAL OF PLANNING PERMISSION BY
WARRINGTON BOROUGH COUNCIL**

LAND AT THE SPRING LANE NURSERIES, SPRING LANE, CROFT, WARRINGTON, WA3 7AS

LPA REF (2024/00668/FUL)

Planning Inspectorate Reference:

APP/M0655/W/25/3367247

Proof of Evidence for matters of Jonathan Dawson-Parry

On Behalf of Warrington Borough Council

Date: Friday, 03 October 2025

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1.0 Introduction

My name is Jonathan Dawson-Parry and I am a Principal Asset and Flood Risk Engineer within the Asset Management Delivery Department within the Place Directorate of Warrington Borough Council. I have 16 years experience at the Council specialising in flood risk matters under Lead Local Flood Authority duties including assessing planning applications for flood risk impacts. I hold a BSc (Hons) in Geography and FdSc in River and Coastal Engineering.

My Proof of Evidence concerns the flood risk information submitted as part of the original application and the acceptability of the proposed development.

Reason for refusal. The planning application was refused, under reason 2, on 19 March 2025 due to it not being demonstrated that adequate drainage would be provided on the site and that the proposal would not increase the risk of flooding on the site and in the local area. The Developer / Appellant has also not demonstrated that the proposed caravans would not be adversely impacted by flooding either on the site, at the entrance to the site or on the highway adjacent to the entrance. Therefore the proposal would not be acceptable in terms of flood risk and drainage in accordance with the relevant national and local policies.

A robust flood risk assessment and drainage strategy is essential evidence to evaluate measures to ensure that new developments are safe from flooding for future occupiers, do not worsen flood risk to other areas, and manage surface water runoff sustainably in accordance with the NPPF.

2.0 The Site and the Surroundings

- 2.1 The proposal seeks a change of use of land to use as a residential caravan site for 5 gypsy/traveller families, each with up to two touring caravans and no more than one static caravan/mobile home, together with the laying of hardstanding and erection of a communal amenity building and internal access road.
- 2.2 The application site consists of the southern portion of a larger site within the same ownership, as indicated by the submitted blue line boundary, located to the east of Spring Lane and just to the north of the M62 motorway embankment. The application site is a former horticultural nursery and yard. Prior to 2015, the northern half adjacent to the application site contained planted woodland however this has since been removed and this area appears to have been used for grazing since. The application site comprises some 0.42ha of relatively flat terrain which has an area of hardstanding / gravel near to the entrance gates on Spring Lane.

3.0 Relevant legislation and guidance

3.1 National Policies

- 3.1 The National Planning Policy Framework is the overarching planning policy and includes flood risk.
- 3.2 Paragraph 170 states
“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 3.3 Paragraph 182 states
“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:
a) take account of advice from the Lead Local Flood Authority;
b) have appropriate proposed minimum operational standards; and
c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.”
- 3.4 Additionally, it is acknowledged that the change of use would result in highly vulnerable Flood risk vulnerability classification in accordance with Annex 3 of the National Planning Policy Framework.

Policy Paper - Planning policy for traveller sites (Updated 12 December 2024)

3.5 This document sets out the government's planning policy for traveller sites. (Copy is included within the core documents provided).

Paragraph 13 point g states:

"13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans"

3.2 Local Policy

3.6 Policy ENV2 within the Local Plan Core Strategy sets out a clear approach and gives guidance on how development should respond to flood risk and water management issues across the Borough.

3.7 Local Plan policy ENV2 (Flood Risk and Water Management) point 5 sets out that the Council will only support development proposals where the risk of flooding has been fully assessed, understood and justified, with the implementation of appropriate mitigation measures where necessary.

3.8 Point 6 states that a site-specific Flood Risk Assessment is required for any development proposals within Flood Zone 1, which has critical drainage problems (as notified to the Local Planning Authority by the Environment Agency); and development proposals or a change of use to a more vulnerable class that might be susceptible to other sources of flooding. This is consistent with the requirements of the NPPF.

4.0 Reason for Refusal and Evidence

4.1 Reason 2 of the Decision Notice (dated 09 December 2024) states:

"It has not been demonstrated that adequate drainage would be provided on the site or that the proposal would not increase the risk of flooding on the site and in the local area. It has also not been demonstrated that the proposed caravans would not be adversely impacted by flooding either on the site, at the entrance to the site or on the highway adjacent to the entrance."

4.2 The above reason for refusal is predicated on issues associated with:

- Existing Surface Water Flood Risk.
- Surface Water Drainage.

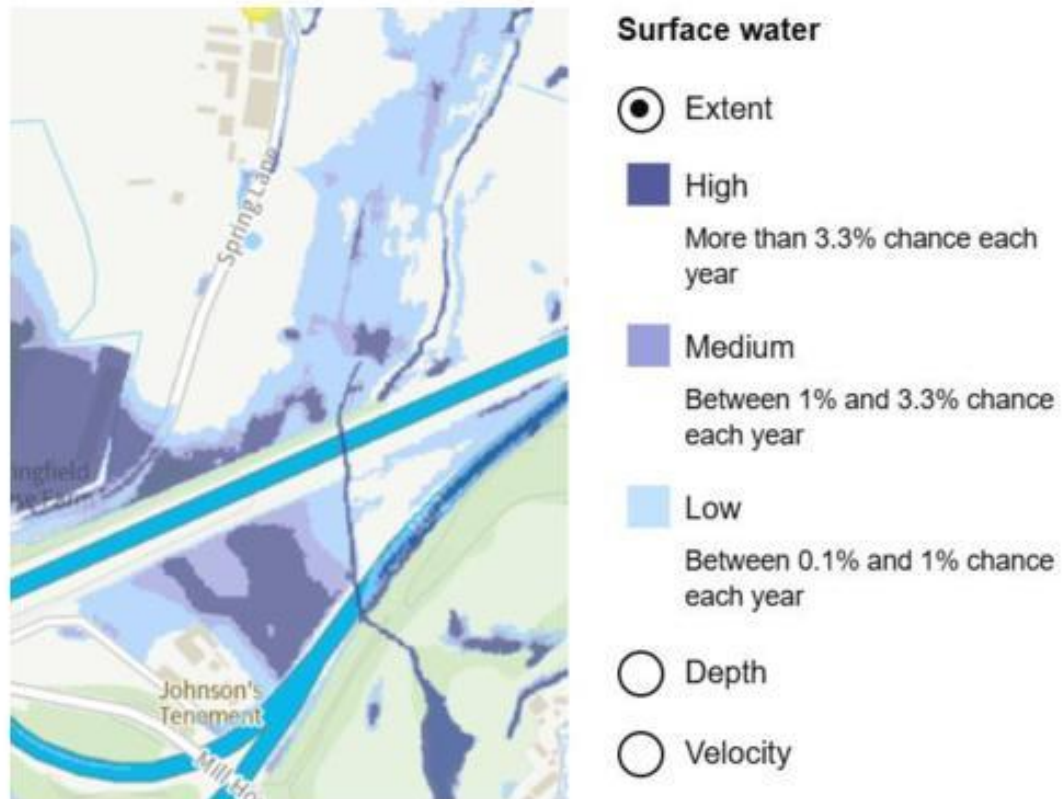
4.3 A Flood Risk Assessment was provided with the original application. However, given the level of risk to the site, I am of the opinion on behalf of the Lead Local Flood Authority that the flood risk assessment provided by the appellant is inadequate and lacks sufficient assessment of risk to enable a determination as to whether the proposed development would be safe from flooding.

Existing Surface Water Flood Risk Matters

a. Environment Agency Surface Water Flood Mapping

4.4 At the time of original application and when comments were provided by the Lead Local Flood Authority (Friday, 13 December 2024 – Appendix C) to the Local Planning Authority, the site was shown as being at risk of surface water flooding to varying degrees. Refer to Figure 1 below.

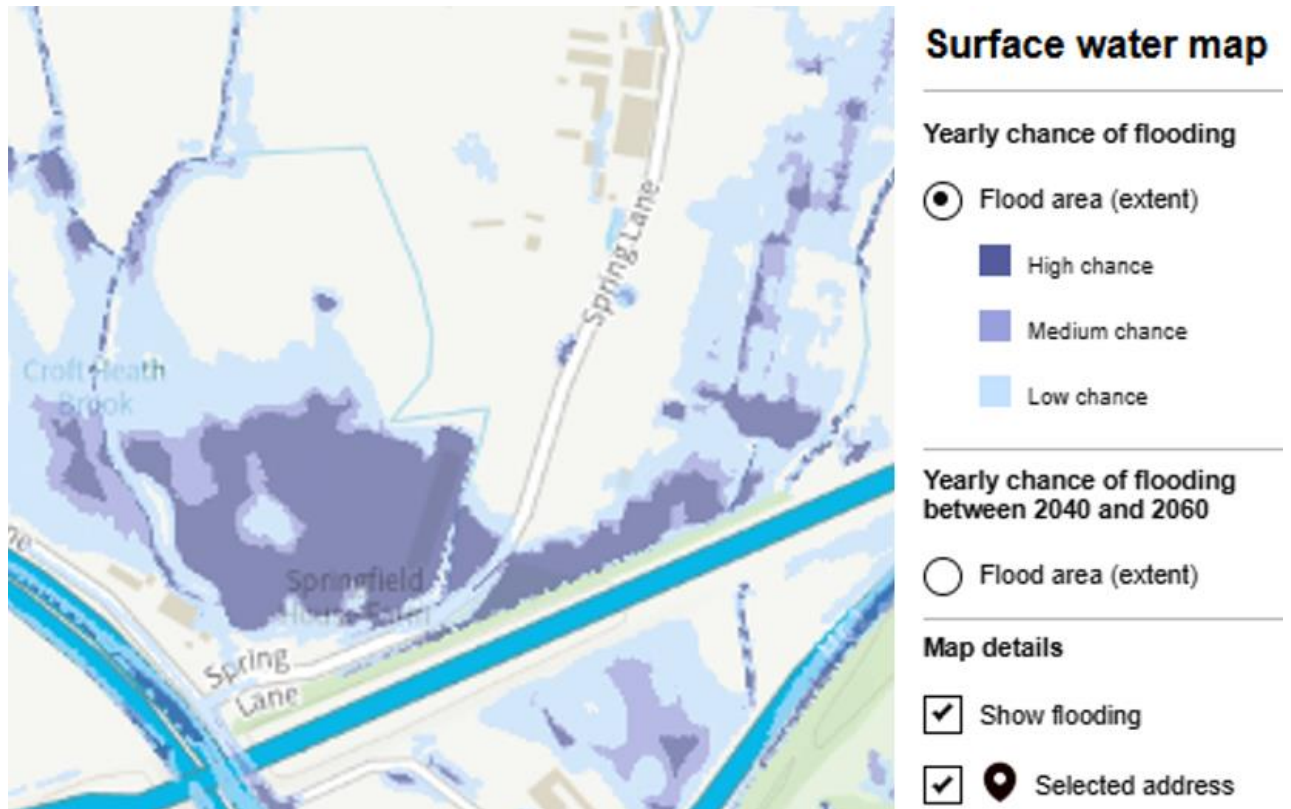
Figure 1: Extract from Environment Agency Surface Water Flood Map (Friday 13 December 2024)



4.5 On 28 January 2025, Environment Agency published their New National Flood Risk Assessment (NaFRA) 'Risk of flooding from rivers and sea' and 'Risk of flooding from surface water' data.

4.6 In relation to surface water flood risk and to the amendments made by EA to their surface water flood mapping, the area of the development site shown as being at high risk of surface water flood risk increased when compared to the earlier mapping. The original concerns raised at the time of the Lead Local Flood Authority comments (Friday, 13 December 2024 – Appendix C) are reinforced by the updated mapping and our position is as it was at application stage that surface water flood risk at the site is unacceptable for highly vulnerable end use based upon the proposals presented.

Figure 2: Extract from Updated Environment Agency Surface Water Flood Map (Friday, 03 October 2025)

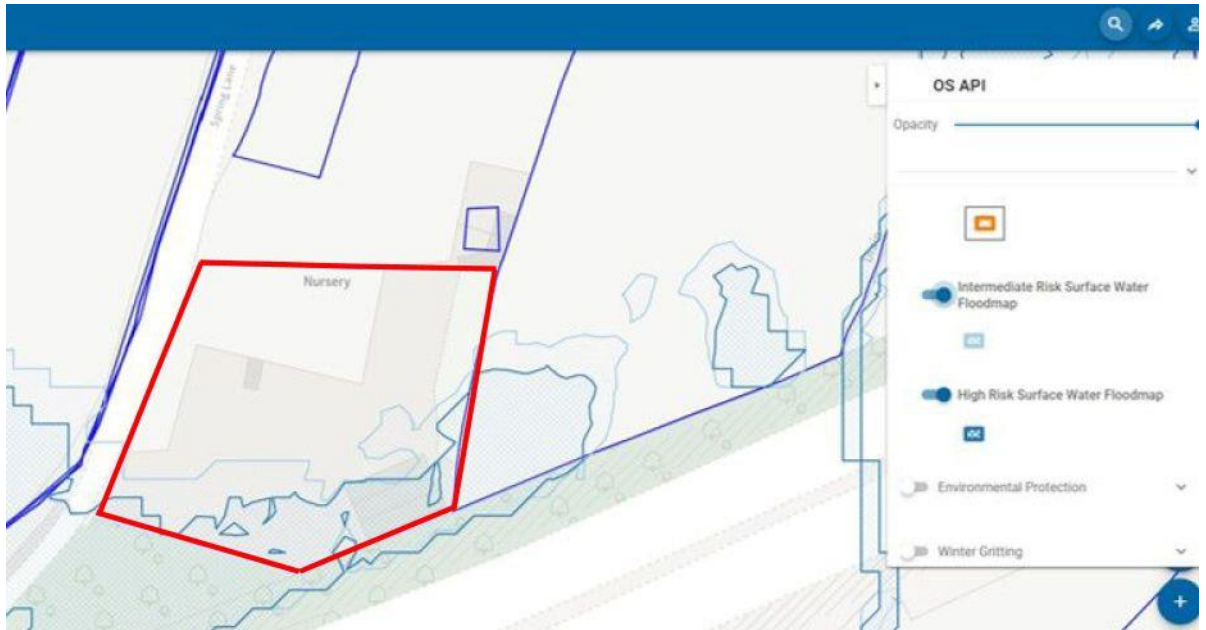


4.7 Weblink to above flood mapping is contained in Appendix D.

4.8 To assist to better understand the flooding envelope in relation to the proposed development and for clarity, the datasets upon which the above Environment Agency mapping is based have been overlaid onto Ordnance Survey Mapping using the Warrington Borough Council Public Planning Interactive Mapping as shown on Figures 3 and 4 below. (Weblink contained in Appendix D)

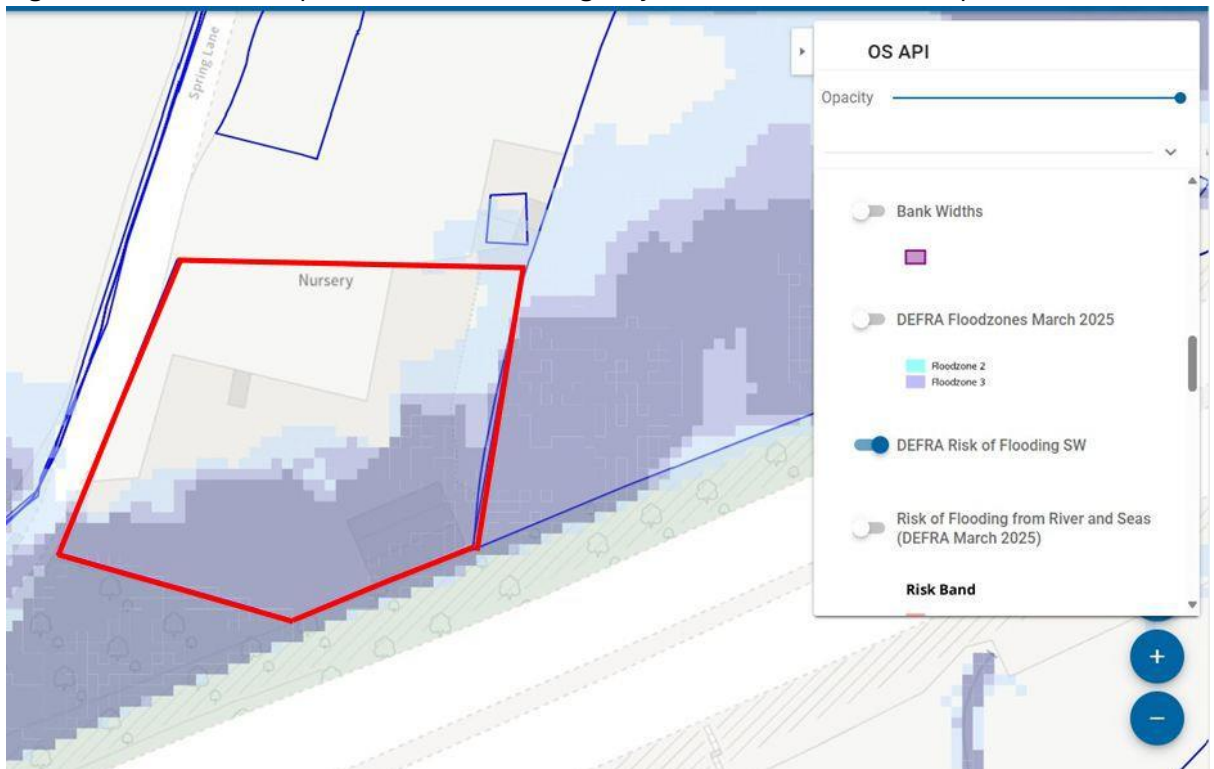
4.9 The original EA surface water flood map showed part of the access to the site and the amenity block as being at high risk of surface water flood risk and a larger part of the site is shown as being at intermediate risk of surface water flooding. Refer to Figure 3 below.

4.10 Figure 3: Extract of Original EA Surface Water Flood Map



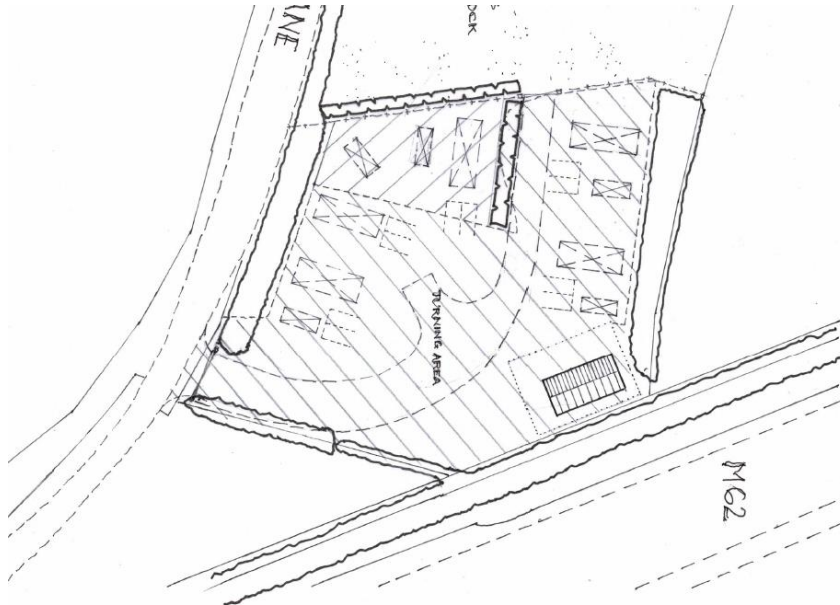
- 4.11 The above mapping contradicts the appellant's Flood Risk Assessment submitted at application stage which states *"The site is primarily located outside of an area shown as being at risk from surface water flooding. The southern fringe of the site is shown as being at "Low Risk" from surface water flooding, with between a 0.1% and 1% chance of flooding in any one year. Even in a 1% event, the depth of flooding would be less than 30cms. Neither the residential accommodation or access driveway would be affected by surface-water flooding."*

Figure 4: Extract from Updated Environment Agency Surface Water Flood Map



- 4.12 The Updated Environment Agency Surface Water Flood Map (Figure 4) when compared with the proposed site layout plan (extract below – Figure 5) shows key points such as the amenity block, access and possibly some of the proposed tourer and mobile home plots would be at high risk of surface water flooding.

4.13 Figure 5: Appellant's proposed site layout plan



- 4.14 Furthermore, the flood risk assessment presented at the application stage does not consider climate change and how this may affect future surface water flood risk to the site.
- 4.15 Based upon the above, the proposals are contrary to the following elements of Policy ENV2 within the Local Plan:

1. Development should be focused towards areas at the lowest risk of flooding from all sources.
5. The Council will only support development proposals where the risk of flooding has been fully assessed, understood and justified, with the implementation of appropriate mitigation measures where necessary.
8. The Council will require development proposals to:
provide safe and clear access and egress routes in the event of a flood
8. The Council will require development proposals to:
 - a. e. ensure that the layout and design of a site is considered to provide the opportunity to provide flood resilience measures and reduce flood risk within the development;
8. The Council will require development proposals to:

- i. ensure that developers have considered the impacts of climate change to ensure that the future users of the development are not put at additional danger of flooding, which may be exacerbated by climate change over the lifetime of the development. Climate Change allowances should be in accordance with the latest Government guidance;

Flood History

- 4.16 I have checked the Councils Highway Customer Relationship Management System (Mayrise) and records obtained of flooding in the vicinity of Spring Lane and the development site. Copies of images are contained within Appendix B as follows:

Flood Image 1: 12 January 2023

Flood Image 2: 16 March 2019

Furthermore, Google Street View for March 2019 (Flood Image 3, Appendix B) shows an area of standing water near to the site entrance.

- 4.17 The images do not show the development site itself or confirm whether it was flooded on the dates above but are a clear demonstration that there are flood risk issues in the locality to the development site.

Risk to Future Occupants

- 4.18 The risks to future occupants include but not limited to the following:
- 4.19 Immediate physical health risks: water may be contaminated and can cause infections and disease - We do not know how fast the water will drain away following a flood event or whether once flooded, it will remain so for some time.
- 4.20 Long term physical health risks: Water damage may lead to mould and damp issues which can increase risk of respiratory issues.
- 4.21 Mental health trauma: Experiencing a flood can lead to anxiety, depression, and other stress-related conditions.
- 4.22 Damage to property, possessions and vehicles.
- 4.23 General uninsured losses - It may be difficult for the future residents to obtain appropriate insurance against flooding due to the risk.
- 4.24 Furthermore, the Design and Access Statement dated 24 May 2024 states the following on page 5 of 9:

Figure 6: Extract from Design and Access statement dated 24 May 2024:

f. The site is served, or could readily be provided with, electricity, mains water, drainage, sewage and waste disposal facilities;

The site already benefits from mains water and electricity, and the intended means of foul drainage is by installing a package sewage treatment plant.

and for permanent sites

4.25 Although foul flooding is outside the remit of the Lead Local Flood Authority, I would point out that should surface water flood the site, it is possible that the foul drainage system could be overloaded mixing surface water with foul effluent which may have health implications for the residents as well as impacting sanitation and hygiene.

Surface Water Flood Risk Summary

4.26 My opinion is that a detailed site-specific flood risk assessment is required in accordance with Local Plan Policy ENV2 Point 6 due to:

- Environment Agency flood mapping showing the site is at high risk of surface water flooding.
- Caravans, mobile homes and park homes intended for permanent residential use being classed as ‘highly vulnerable’ according to Annex 3: Flood risk vulnerability classification.
- It is considered that the applicant has not supplied robust evidence to be able to determine the flood risk and drainage aspects associated with the development.
- Due to the lack of information there is a possibility that the omissions could lead to an under prediction of impacts and that the development could cause harm in terms of flood risk / drainage.
- Having regard to the flood risk presented on the Environment Agency surface water mapping, flood history within the vicinity together with the change in use resulting in a highly vulnerable classification. I advocate a policy approach that the development is not appropriate.

4.27 I am of the opinion that the risk of flooding has not been fully assessed, understood and justified and as such the proposed development is contrary to the following as set out in section 3.0 above

- NPPE,
- Policy Paper - Planning policy for traveller sites,
- Policy ENV2 of the Warrington Local Plan.

4.28 It is my opinion that there is no obvious solution to the surface water flood risk issue based upon the current site layout which could be secured by condition.

Surface Water Drainage matters

- 4.29 In respect of drainage of the site itself, the applicant provided a written drainage strategy under the heading “mitigation” within the Flood Risk Assessment as follows:

“The use of permeable paving for the caravan pitches, vehicular/pedestrian circulation areas and, vehicle parking areas, would intercept rain where it falls, with water passing through the surface to voided stone. Filter drains (linear trenches filled with stone) would be provided along the southern and northern boundaries of the proposed caravan site, in order to intercept any excess surface water run-off, provide on-site storage of rainwater, and assist the infiltration of surface water into the ground.

The discharge of roof drainage from the proposed mobile homes, tourers and dayroom to the filter drains along the northern and southern boundaries would intercept any excess surface water runoff.

A 30-metre-long trench, one metre wide and one metre deep, with a gravel porosity of 30% would provide an available storage volume of 9.0m³” and goes on to state “The proposed filter drains would have more than adequate capacity to cope with surface water run-off even during an extreme rainfall event and, would not result in flooding off-site.”

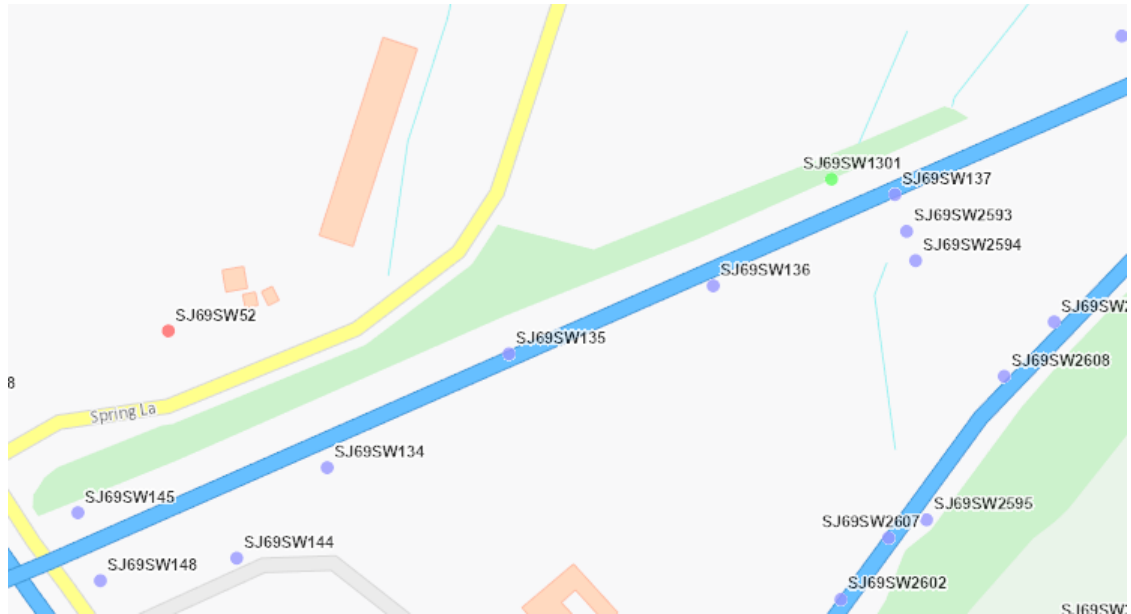
- 4.30 I agree that the use of infiltration drainage should be the first option considered in respect of the disposal of surface water in accordance with the hierarchy of drainage options presented in the NPPF Guidance (Flood risk and coastal change). However, information is required in the first instance from the applicant to demonstrate whether the ground is suitable for infiltration drainage and hence substantiate the selection of infiltration drainage.

- 4.31 If the ground conditions are suitable for infiltration, detailed drainage design for the site itself could have been conditioned.

- 4.32 No information has been provided as part of the application documents (or appeal submission) to demonstrate that infiltration drainage is appropriate. On this basis, I cannot determine whether the site can be drained adequately by infiltration drainage on behalf of the Lead Local Flood Authority.

- 4.33 Furthermore, I have consulted the British Geological Survey GeoIndex Onshore website (Weblink provided in appendix A). The website is free for public use and contains records of borehole logs. There are a number of borehole logs in the vicinity of the proposed development most likely associated with the construction of the M62 which can be used to provide a general indication of ground conditions in the vicinity.

Figure 7: British Geological Survey GeoIndex Onshore website showing Borehole Locations.



- 4.34 Borehole log reference SJ69SW135 (extract and weblink contained in Appendix A) is located near to the site and indicates the ground conditions are predominantly clay – this borehole log is publicly available via British Geological Survey GeoIndex Onshore website. Typically clay soils offer low permeability and therefore infiltration drainage may not be suitable. Further investigation on site would normally be undertaken by the developer to confirm whether this drainage method is suitable and included with application documents to support the proposed drainage scheme.

5.0 Conclusion

- 5.1 Due to the sensitive nature of the proposed end use and the Council being unable to make an informed decision on the flood risk impacts relating to the proposal based on the information presented by the appellant, I advocate a policy approach that the development is not appropriate and that it is contrary to the NPPF, Policy Paper - Planning policy for traveller sites and Policy ENV2 of the Warrington Local Plan.
- 5.2 In summary the main issues that mean the appeal should be dismissed are:
- 1) Lack of information to give confidence that the proposed development would be safe from flooding for future occupiers due to highly vulnerable end use classification and high risk of surface water flooding to the site according to Environment Agency Mapping.
 - 2) Lack of information in respect of whether infiltration drainage is appropriate.

6.0 Endorsement

The evidence which I have prepared and provide for this appeal reference APP/M0655/W/25/3367247 (in this proof of evidence, written statement or report) is true and I confirm that the opinions expressed are my true and professional opinions.

Appendix A - Borehole log reference SJ69SW135

British Geological Survey GeoIndex Onshore website link:

https://mapapps2.bgs.ac.uk/geoindex/home.html?layer=BGSBoreholes&_ga=2.57356522.1935726532.1759156380-452038386.1759156380

Weblink to below borehole log extract:

<https://api.bgs.ac.uk/sobi-scans/v1/borehole/scans/items/943783>

British Geological Survey										BGS ID: 943783 : BGS Reference: SJ69SW135 British National Grid (27700) : 363770,392530									
CONTRACT. LANCASHIRE YORKSHIRE MOTORWAY M62										SHEET No. 1									
LOCATION. TARBOCK TO CROFT (Site 28) BH NR D58										No. of sheets. 1									
CLIENT. SJ 69 SW/135 6377.9253 MINISTRY OF TRANSPORT										Ground level. 44.15									
Weather. RAIN										Commenced. 9/10/68									
STRATUM (Scale: 1/4 inch to 1 foot)										Completed. 9/10/68									
SPT. Blow Count (N)										WATER REMARKS.									
LL/PL/PI																			
Depth Sample No.																			
Thickness																			
Black top soil																			
1'6"																			
Grey/brown sand																			
1'0"																			
Stiff brown stony clay, with thin bands of wet sand																			
3'6"																			
5'6"																			
7'6"																			
8'6"																			
Very stiff brown stony clay, with a firm band of laminated clay at 15'6" to 16'6"																			
10'0"																			
12'0"																			
13'0"																			
15'0"																			
8'6"																			
Very dense sand and gravel																			
17'6"																			
18'0"																			
18'6"																			
3'6"																			

Appendix B – Flood Evidence

Flood Image 1: 12 January 2023 (Obtained from Warrington Highway CRM system – Mayrise)

Defect Details

Defect ID	129671	Inspection Schedule	Created	11/01/2023	SOAP
Status	No Defect (H1)	Job No.	Amended	12/01/2023	NI
Street	SPRING LANE, CROFT, WARRINGTON				

Reported: 11/01/2023 11.07 [Callers](#)

Origin: 3rd Party Source

Item: CRM Highways Maintenance

Sub Item: Carriageway Defect

Defect: Flooding To Carriageway

Inspected: 12/01/2023 14.23 Method: On Foot

Inspector: NI NICK IDDON Weather: Wet

Defect Details

Item: CRM Highways Maintenance

Sub Item: Carriageway Defect

Defect: Flooding To Carriageway

Severity: P2 [Risk](#)

Priority: P2 Contractor: Gang

Doc Type: UOM nRSA Notice? ☐

Trip Height:

Work To do	Qty	Length	Width	Depth
Flooding To Road	0	0	0	0

spring In 1.JPG
DEFECTS\2023\01\129671_00001.JPG

Open File

Notes/Links Images Job Dates

Details Callers Map Print Bill Items Save Undo Close



Flood Image 2: 16 March 2019 (Obtained from Warrington Highway CRM system – Mayrise)



Flood Image 3: Google Street View March 2019



Appendix C – Original LLFA Response dated 13 December 2025



Environment & Transport Directorate Internal Memorandum

To:	Viv Pearson Planning Officer Development Management	From:	Jim Turton Highway Engineering, Bridges and Flood Risk Manager X2542 Jonathan Dawson-Parry Principal Asset & Flood Risk Engineer X2534 Michael Page Flood Risk - Asset Engineer X4120
Date:	Friday, 13 December 2024	Ref:	2024/00668/FUL
Planning Application Name:	Spring Lane Nurseries, Warrington, WA3 7AS		
Planning Application Proposal:	Change of use of land to use as residential caravan site for 5 gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with the laying of hardstanding and erection of communal amenity building.		

Introduction

The Engineering & Flood Risk Team received a request from Development Management on 10 December 2024 to consider Planning Application 2024/00668/FUL.

Comments

I have considered the above information and have the following comments to make.

- 1) The LLFA is aware of recent flooding in the vicinity of the development. The Flood Risk Assessment provided states "Caravans, mobile homes and park homes intended for permanent residential use are classed as "highly vulnerable" to the effects of flooding." Therefore, there is a significant risk attached to the proposed development in respect of final use combined with flood risk on site.
- 2) The Warrington Local Plan 2021/22 – 2038/39 was formally adopted at a meeting of full council on Monday 4 December 2023 and is now the statutory Development Plan for the Borough to 2038/39.

The Local Plan 2021/22 – 2038/39 replaces the Local Plan Core Strategy 2014 in its entirety and will be used in the determination of planning applications.

The applicant is strongly advised that drainage / flood risk proposals will need to comply with and meet the requirements of Policy ENV2 in respect of flood risk within the new local plan. Please see link below for further information:

<https://www.warrington.gov.uk/sites/default/files/2023-12/Warrington%20local%20plan%20-%202021-22%20-%202038-39%20-%20Adopted%20December%202023.pdf>

The applicant should familiarise themselves with Policy ENV2 and the requirements contained within.

- 3) The LLFA would point out that in accordance with Warrington Local Plan (Adopted December 2023):

1. Development should be focused towards areas at the lowest risk of flooding from all sources.

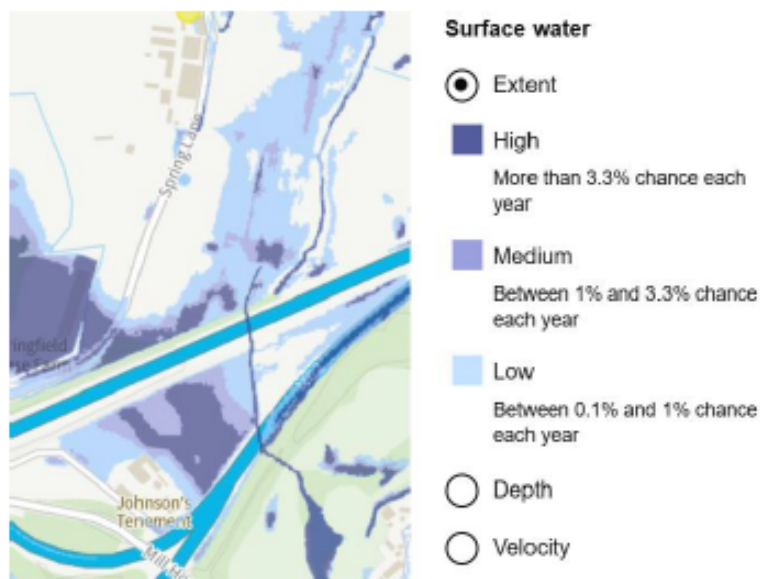
It is noted from EA Flood Mapping that there appears to be significant fluvial and pluvial flood risk to the site.

- 4) The primary method of surface water disposal proposed appears to be via filter drains. No information appears to have been provided to demonstrate that this is appropriate.
- 5) It appears from the 'Flood Risk Assessment' that the development will comprise permeable paving for the caravan pitches, vehicular/pedestrian circulation areas and vehicle parking areas. No information appears to have been provided to demonstrate that this is appropriate.
- 6) The Flood Risk Assessment states that "The site is located within Flood Zones 1 and 3 on the Environment Agency's Flood Map for Planning. The vast majority of the site is located within Flood Zone 1 where there is less than a 0.01% annual probability of flooding. Only the southern tip of the land is shown as lying within Flood Zone 3 on the Environment Agencies Flood Map for Planning where this is a greater than 0.01 % annual probability of flooding." Based on the Environment Agency Extent of flooding from rivers and the sea (extract below), the above statement does not appear to be correct.



Modelled flood level information and topographical information does not appear to have been provided to allow accurate determination of the level of risk.

- 7) The Flood Risk Assessment states that "The site is primarily located outside of an area shown as being at risk from surface water flooding. The southern fringe of the site is shown as being at "Low Risk" from surface water flooding, with between a 0.1% and 1% chance of flooding in any one year. Even in a 1% event, the depth of flooding would be less than 30cms. Neither the residential accommodation or access driveway would be affected by surface-water flooding." Based on the Environment Agency Extent of flooding from surface water (extract below), the above statement does not appear to be correct.



Modelled flood level information and topographical information does not appear to have been provided to allow accurate determination of the level of risk.

An overlaid plan of the proposed development onto Environment Agency flood risk mapping would also assist.

Recommendation

Until the above issues/concerns have been addressed and the proposals are in accordance with the requirements set out in Policy ENV2 within the Warrington Local Plan (Adopted December 2023), it is the recommendation of the Engineering and Flood Risk Team as Lead Local Flood Authority that the application is refused.

Other Information

Warrington Borough Council does not accept any responsibility for the design and construction of the works that are the subject of this Consent and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

Foul drainage has not been considered as it is outside the scope of the Engineering and Flood Risk Team acting as Lead Local Flood Authority.

I trust this is of assistance and please do not hesitate to contact me should you require any further information.

Jim W Turton

Highway Engineering, Bridges and Flood Risk Manager

Appendix D – Flood Mapping Screenshots

Figure 1: Extract from Environment Agency Surface Water Flood Map (Friday 13 December 2024)

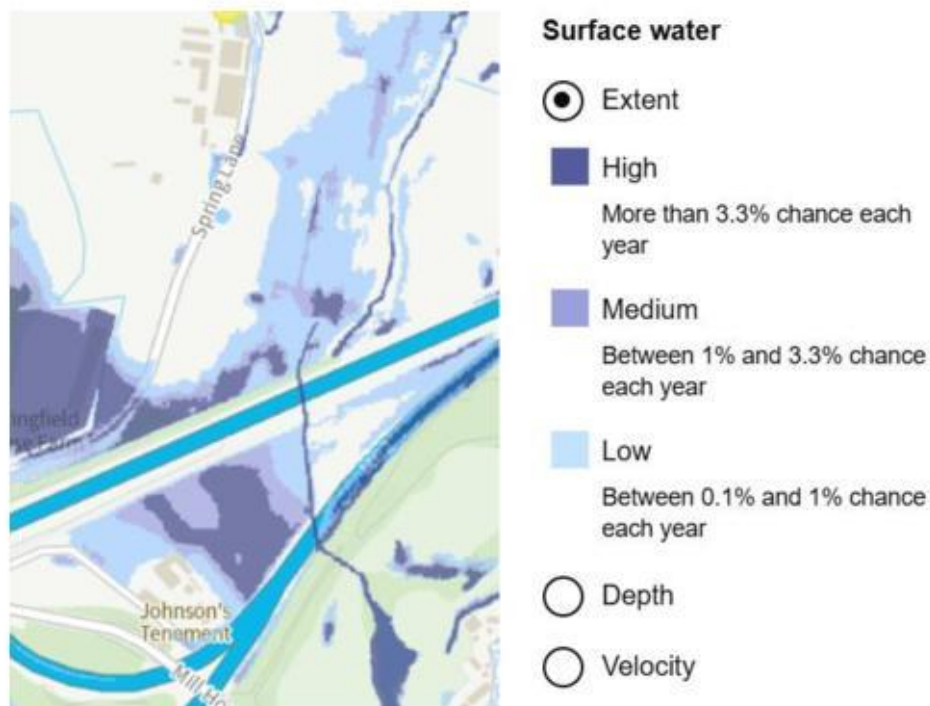
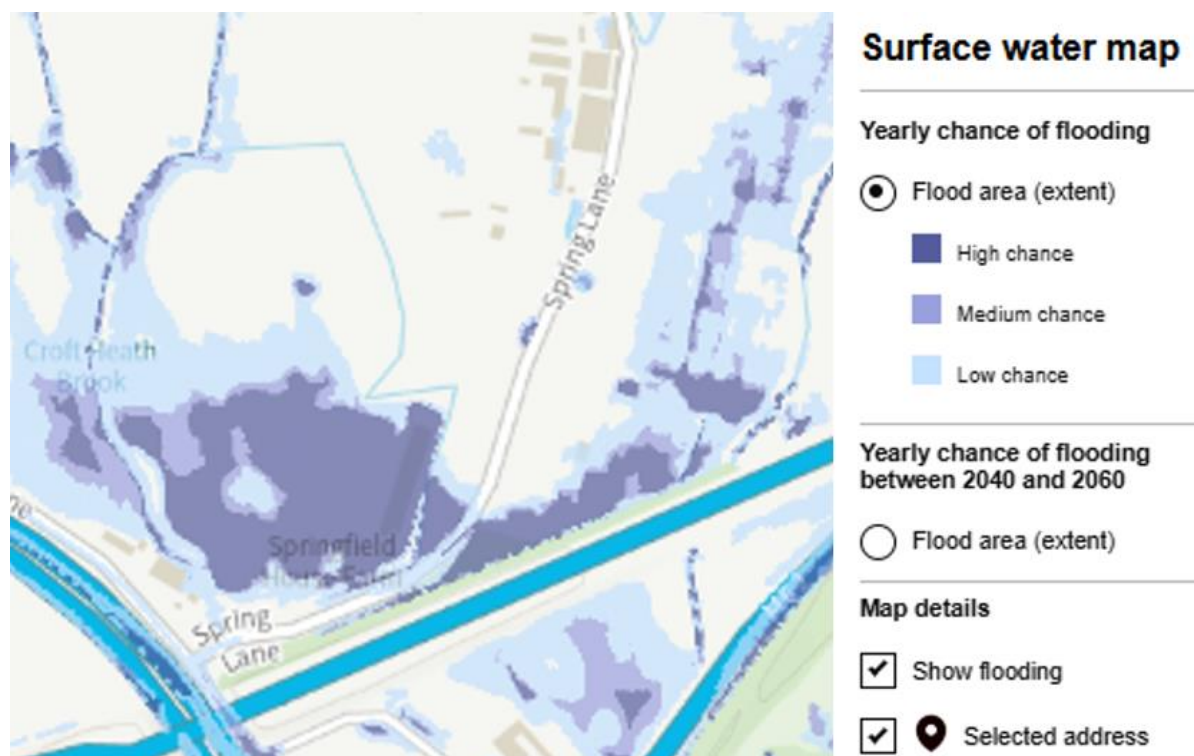


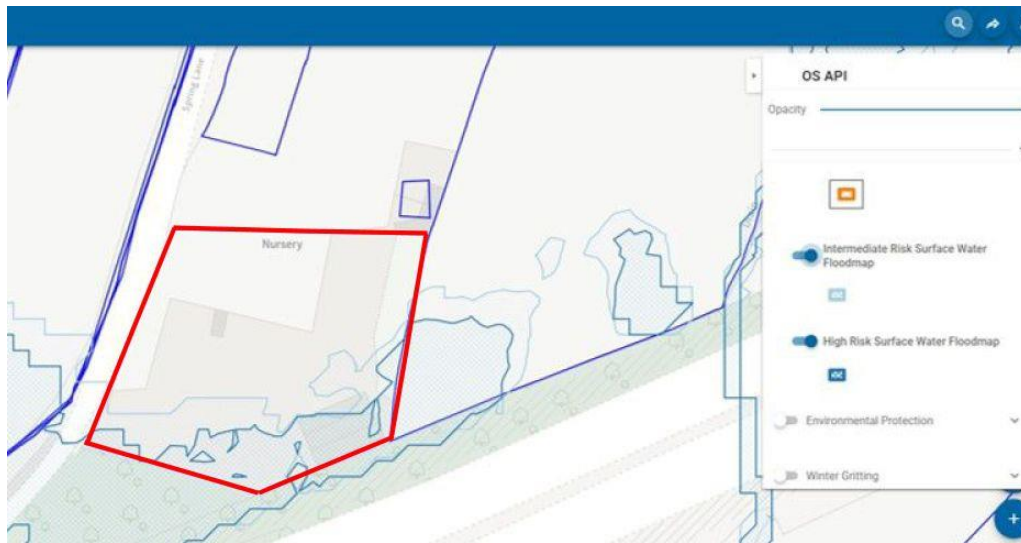
Figure 2: Extract from Updated Environment Agency Surface Water Flood Map (Friday, 03 October 2025)



The above mapping extract was taken from:

<https://check-long-term-flood-risk.service.gov.uk/map>

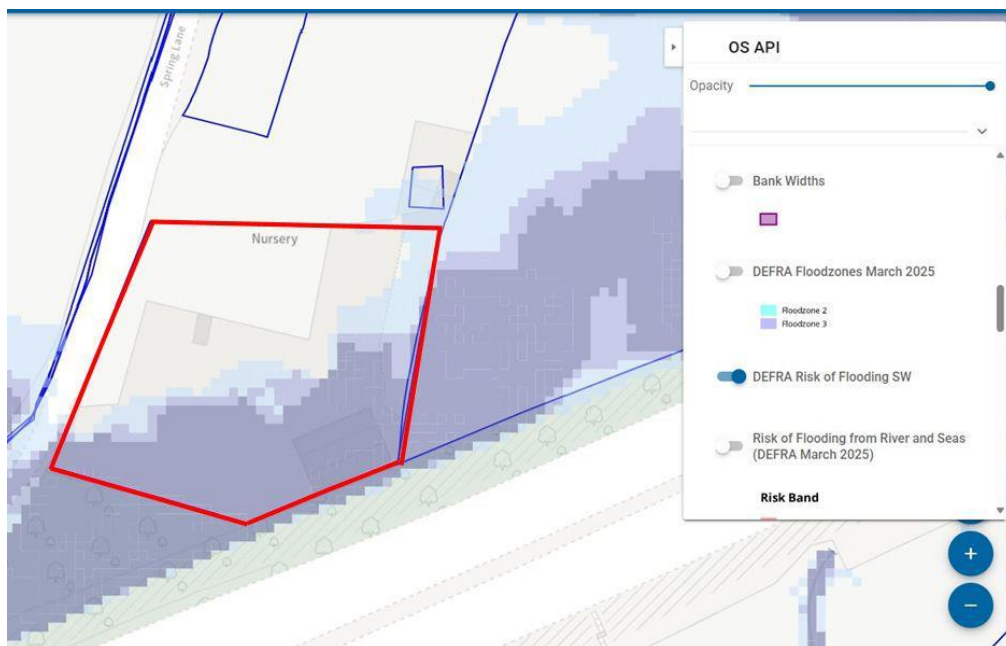
Figure 3: Extract of Original EA Surface Water Flood Map



Warrington Borough Council Public Planning Interactive Mapping available at the following web link:

https://mapping.warrington.gov.uk/siswebmap912393/en-gb/PublicMap/Planning_and_LLC_External#/

Figure 4: Extract from Updated Environment Agency Surface Water Flood Map



Warrington Borough Council Public Planning Interactive Mapping available at the following web link:

https://mapping.warrington.gov.uk/siswebmap912393/en-gb/PublicMap/Planning_and_LLC_External#/