

Former Mondi Mill Paper Works

Flood Risk Sequential & Exception Test Assessment

Eccleston Homes Limited

August 2020

LICHFIELDS



LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places
for over 50 years.

lichfields.uk

© 2020 Nathaniel Lichfield & Partners Ltd, trading as Lichfields. All Rights Reserved. Registered in England, no. 2778116. 14 Regent's Wharf, All Saints Street, London N1 9RL
Formatted for double sided printing.
Plans based upon Ordnance Survey mapping with the permission of Her Majesty's Stationery Office.
© Crown Copyright reserved. Licence number AL50684A
62274/01/SPM/MG
18626788v1

Contents

1.0	Introduction	1
	The Development Site and Proposal	1
	Flood Risk	1
	Report Structure	2
2.0	Planning Policy & Guidance	3
	National Planning Policy Framework	3
	Planning Practice Guidance	3
	Environment Agency Guidance	4
	Strategic Flood Risk Assessment	4
	Adopted Local Planning Policy	4
	Emerging Local Planning Policy	5
3.0	Sequential Test Methodology	6
	Stage 1: Defining the Area of Search	6
	Stage 2: Identifying & Assessing Potential Alternative Sites	6
	Stage 3: Conclusions	7
4.0	Sequential Test: Assessment	8
	Stage 1: Area of Search	8
	Stage 2: Identification & Assessment of Potential Alternative Sites	8
	Stage 3: Conclusions	10
5.0	The Exception Test	11
	Sustainability Benefits to the Community	11
	Lifetime Safety of the Proposed Development	11
6.0	Conclusions	12

1.0 Introduction

- 1.1 This report sets out the findings of a flood risk sequential assessment undertaken on behalf of Eccleston Homes Limited [Eccleston] by Lichfields in relation to a proposed residential development on the site of the former Mondi Mill, Ramsbottom, Bury. The site is the subject of a full planning application for the development of 72 residential dwellings and this assessment comprises part of that application.

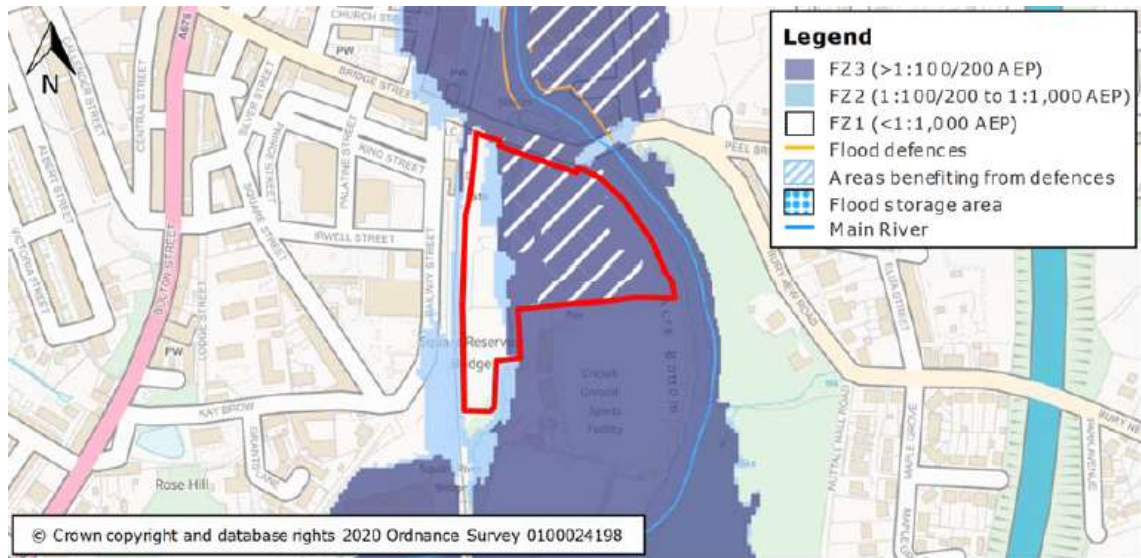
The Development Site and Proposal

- 1.2 The description of development for the subject application is as follows:
- “The erection of 72 dwellings including the retention and conversion of 2 existing buildings, the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works.”*
- 1.3 The application site is 2.9 ha in size and is predominately flat. The site was previously occupied by the Mondi/Holcombe Paper Mill which was demolished in 2012. Retained buildings and structures include two 2-storey stone buildings, a brick building and brick chimney. Existing vehicular access to the site is from the existing unnamed road which adjoins Bridge Street. This access is also used by the Cricket Club located to the south of the site.
- 1.4 A comprehensive description of the site and its surroundings is included within the supporting Planning Statement.
- 1.5 The application seeks full planning permission for the erection of 72 dwellings comprising 5 one-bed apartments, 14 two-bed apartments, 2 two-bed dwelling, 22 three-bed dwellings, and 29 four-bed dwellings. The development will be accessed off Bridge Street to the north of the site. This will provide a series of cul-de-sac roads leading to shared accessways. Emergency access will be provided to the shared accessway which runs perpendicular to Bridge Street. Further details are included within the supporting Planning Statement and Design & Access Statement.

Flood Risk

- 1.6 According to the Flood Map for Planning (Figure 1) the site is located in part Flood Zone 3 (high probability of flooding in any one year), Flood Zone 2 (medium probability) and Flood Zone 1 (low probability) and benefits from the presence of flood defences.
- 1.7 It should be noted that the flood map does not take account of the site re-profiling proposed as part of the subject application, and in particular the fact that all residential development will take place upon a newly created development ‘platform’ which will have been raised above the level of the modelled peak flood level for the 1 in 1000 annual probability flood event i.e. is located in Flood Zone 1. The development platform has been designed so as not to increase the risk of flooding elsewhere.
- 1.8 Notwithstanding the above, since the majority of the application site is currently located within Flood Zone 3, there is a requirement to address the flood risk Sequential Test.
- 1.9 There is also a requirement to consider the Exception Test. This is addressed within this report and the site-specific Flood Risk Assessment, prepared by Weetwood that accompanies the subject application.
- 1.10 Figure 1.1 below shows the application site on the Environment Agency [EA] Flood Map.

Figure 1.1 Flood Map for Planning



Source: Environment Agency

- 1.11 This Assessment demonstrates that there are no sequentially preferable sites for the development at other sites wholly outwith of Flood Zones 2 or 3.

Report Structure

- 1.12 The remainder of this report is structured as follows:
- Section 2.0 considers national and local planning policy requirements;
 - Section 3.0 provides details of the methodology adopted for the Sequential Test;
 - Section 4.0 provides details of the Sequential Test;
 - Section 5.0 provides details of the Exception Test; and,
 - Section 6.0 provides conclusions.

2.0 Planning Policy & Guidance

National Planning Policy Framework

- 2.1 A risk-based approach to determining the suitability of land for development in flood risk areas is central to the requirements of the National Planning Policy Framework [the Framework], and the policy states this should be applied to both plans making and development management decisions.
- 2.2 Paragraph 155 of the Framework states that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk (a sequential approach). Where development is necessary, steps should be taken to make it safe without increasing flood risk elsewhere.
- 2.3 As set out within the Framework [§158], the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. In addition, a sequential approach to site layout should be adopted in areas known to be at risk from flooding.
- 2.4 Where it is not possible to locate development in areas with a lower probability of flooding, the Framework states that the Exception Test can be applied where appropriate. For the Exception Test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. It must also be demonstrated that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 2.5 Both elements of the Exception Test must be passed for development to be permitted, and only in cases where it can be demonstrated that the development is appropriately flood resilient and that residual flood risk can be safely managed [§161].
- 2.6 The Framework [§162] goes on to set out that individual developments on sites allocated in development plans need not apply the Sequential Test.

Planning Practice Guidance

- 2.7 The Planning Practice Guidance [PPG] sets out further detail regarding the application of the Sequential and Exception Tests, and the circumstances in which development will be allocated and/or approved within areas known to be at risk of flooding. The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans (ref. 7-033-20140306).
- 2.8 For individual applications where there has been no sequential testing of the allocations in the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The PPG states that, when applying the Sequential Test, a pragmatic approach on the availability of alternative sites should be taken (ref. 7-033-20140306).
- 2.9 Table 2.1 of PPG (ref. 7-066-20140306) identifies the flood risk vulnerability classifications for development. In relation to this application, the proposed residential use would constitute a 'more vulnerable' use and given that built development is proposed within Flood Zone 3, there is a requirement to satisfy the Exception Test as part of this application (in accordance with Table 3 (ref. 7-067-20140306); see Table 2.1 below).

Table.2.1 Requirements for the Sequential and Exception Tests

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	x	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	x	x	x	✓*

Key:

✓ Development is appropriate

x Development should not be permitted.

Source: Planning Practice Guidance, paragraph: 067 Reference ID: 7-067-20140306 (Revision date 06 03 2014)

- 2.10 PPG clarifies that the purpose of the Exception Test is to help ensure that flood risk to people is managed satisfactorily, whilst allowing necessary development to go ahead in situations where sites at lower risk of flooding are not available (ref. 7-023-20140306), or where the wider sustainability benefits of the development will outweigh issues of flood risk, in particular where the site in question requires redevelopment or regeneration (ref. 7-036-20140306).
- 2.11 Developments relying upon the Exception Test should provide evidence of wider sustainability benefits to the community, for instance with reference to the contribution that the development makes to the overall aims and objectives of the Local Plan (ref. 7-037-20140306).

Environment Agency Guidance

- 2.12 The EA issued advice on the preparation of flood risk Sequential Test for planning applications in April 2012 (updated February 2017) which provides guidance on how to approach the Sequential Test in respect of individual planning applications.

Strategic Flood Risk Assessment

- 2.13 On behalf of the Council, in conjunction with Oldham and Rochdale Councils, JBA Consulting undertook Level 1 and Level 2 Strategic Flood Risk Assessments for the three boroughs between 2009 and 2011.
- 2.14 More recently, the Council published a Local Flood Risk Management Strategy in April 2018. The document also identifies the application site as being located predominately within Flood Zone 3.

Adopted Local Planning Policy

- 2.15 Bury Council's Development Plan consist of the following Development Plan Documents [DPD]:
- Bury Unitary Development Plan adopted in 1997 [the UDP];
 - Greater Manchester Joint Minerals DPD adopted in 2013; and,

- Greater Manchester Joint Waste DPD adopted in 2012.

2.16 The Minerals and Waste DPD's are of no relevance to flood risk matters.

2.17 UDP Policy EN5/1 (New Development and Flood Risk) sets out that development will not be permitted where the development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences.

Emerging Local Planning Policy

2.18 The Greater Manchester Spatial Framework [GMSF] intends to set out how Greater Manchester should develop up to the year 2037 and identify the amount of new development that will come forward across the 10 districts in terms of housing, offices, and industry and warehousing, and the main areas in which this will be focused. In January 2019, the revised draft GMSF was published for consultation. Although delayed due to COVID-19 amongst other matters a further consultation is expected later in 2020. In any case, given the current status of the document little weight can be attributed to it at this time and it is not considered of relevance to the current application proposals.

2.19 It should be also noted that there is no other emerging local planning policy of relevance. Bury Council commenced work on a new Local Plan in March 2015 following the withdrawal of the Core Strategy. The Issues and Options consultation took place in October 2018. However, the next consultation is delayed pending progress on the GMSF.

3.0

Sequential Test Methodology

3.1

Having established that a Sequential Test is required based on the nature and location of the development, the following section sets out the methodology used to undertake the Sequential Test. The approach has been informed by guidance within the Framework and the accompanying PPG (as set out above), as well as the EA and DEFRA guidance '*Flood risk assessment: the sequential test for applicants*' (first published 1st April 2012).

3.2

The EA guidance highlights a number of key stages which need to be undertaken in order to apply the Sequential Test, which we have summarised as follows:

- 1 **Stage 1:** Defining the Area of Search;
- 2 **Stage 2:** Identifying and Assessing Potential Alternative Sites; and,
- 3 **Stage 3:** Conclusions.

Stage 1: Defining the Area of Search

3.3

Stage 1 requires definition of the geographical area within which the Sequential Test will be undertaken.

3.4

The area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area, which may draw reference from local plan policies, or a specific area identified for regeneration. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

Stage 2: Identifying & Assessing Potential Alternative Sites

3.5

The PPG states that where there has been no sequential testing of the allocations in the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.

3.6

In this instance, the application proposals seek to provide a sustainable residential development within close proximity to Ramsbottom Town Centre. Taking into account factors such as the settlements location at the very northern point of the borough and the rural surroundings to the north, east and west, it is considered that the area of search should be limited to the settlement of Ramsbottom.

3.7

However, on the basis that Ramsbottom does not have an adopted settlement boundary, for the purposes of the Sequential Test, the consideration of alternative sites will be undertaken within the Ramsbottom ward area. This includes a wider geographical area than Ramsbottom itself, also encompassing the wider suburbs of Hazelhurst and Shuttleworth and Holcombe Village. This is considered to represent a proportionate and appropriate search area for the purposes of the Sequential Test.

3.8

The following sources have been used to identify potentially sequentially preferable sites within the geographical search area:

- Bury UDP adopted in 1997;
- Bury Strategic Housing Land Availability Assessment [SHLAA] (2018) Summary Report; and,
- Local knowledge to identify other windfall sites known to be available within the Ramsbottom Ward.

- 3.9 Only sites with available information from the Council's established evidence base have been considered, on the basis that other sites across the area of search are assumed not to be available or deliverable at the present time.
- 3.10 Assuming that alternative sites in lower flood risk zones are identified, the assessment then progresses to assess these sites against relevant considerations (as set out in the EA guidance).
- 3.11 For each of the potential alternative site's consideration has been given to; whether it was allocated in the UDP, whether planning permission exists on the site, any issues that would prevent development on the site and whether these issues could be overcome and the approximate site capacity.
- 3.12 In order for an alternative site to be considered appropriate it will have to be of a similar site area to the application site and able to demonstrate that the site is capable of accommodating the scale and nature of the proposed development.
- 3.13 In order to be considered reasonably available the site must:
- Accommodate a minimum of 58 and a maximum of 86 dwellings (allowing a 20% increase / decrease against the proposed 72 dwellings);
 - Not be located in Flood Zone 2 or 3 (In the absence of a Strategic or site-specific Flood Risk Assessment for both sites it is not possible to differentiate between the flood risk of different sites in the same Flood Zone);
 - Be available in the short-term to allow the development to proceed;
 - Not have planning permission;
 - Not be occupied and in use for an alternative purpose;
 - Not conflict with adopted planning policy; and,
 - Be free from site specific constraints which would inhibit its ability to be developed in the short-term.

Stage 3: Conclusions

- 3.14 Finally, conclusions are drawn regarding the potential for any alternative sites with a lower level of flood risk to reasonably accommodate the development proposed. In this case, any alternative development sites must be available immediately as is the case with the application proposals.
- 3.15 This will include, where appropriate, confirmation that the Exception Test should be undertaken.

4.0 Sequential Test: Assessment

Stage 1: Area of Search

- 4.1 The Sequential Test covers the settlement of Ramsbottom and wider suburbs of Hazelhurst and Shuttleworth and Holcombe Village, encompassed within the Ramsbottom ward area. As detailed in the Methodology Chapter, sites identified are given full consideration. However, the two key considerations are whether the site is located outside of Flood Zone 2/3 and whether the site is of a suitable size and therefore appropriate to accommodate the development proposed. Failure to meet either of these two fundamental criteria confirms that the site is not sequentially preferable or appropriate for the development proposed in line with the aforementioned guidance.

Stage 2: Identification & Assessment of Potential Alternative Sites

UDP Sites

- 4.2 The UDP allocated four sites within the Ramsbottom ward which are summarised below:
- H1/1/1 - Land to the North of Carr Street, Ramsbottom (1.25 ha, 25 dwellings);
 - H1/1/2 - Carr Street, Ramsbottom (0.60 ha, 13 dwellings);
 - H1/1/3 - Mill Site, Square Street/Kay Brow, Ramsbottom (0.43 ha, 10 dwellings); and,
 - H1/1/4 - Durham Drive, Ramsbottom (1.42 ha, 33 dwellings).
- 4.3 All four allocations were developed (and converted in the case of ref. H1/1/3) for residential developments many years ago. As such, none of the sites allocated for residential development in the UDP are available.
- 4.4 In any case, none of these sites were of sufficient capacity to deliver the application proposals, even when applying the 20% flexibility above and below 72 dwellings. As such, there are no sequentially preferable sites allocated for housing within the UDP.
- 4.5 Given that the application site is designated as an 'employment generating area', we have also reviewed sites within the wider employment generating area within the Ramsbottom ward. We have not however reviewed specific employment allocations as these are subject to different policies and the designation is not comparable. The development of such sites for residential would represent a direct policy conflict and as such, specific employment allocations cannot be considered sequentially preferable.
- 4.6 Turning to sites within the wider Ramsbottom employment generating area, the Council's latest Employment Land Review [ELR] (published April 2013) identifies two available sites. One of these is the application site (ref. ELR/0482/00). The other is a storage yard at Stubbins Lane/Factory Street (ref. ELR/0429/00). However, this site is only 0.74 ha and as such, is not of a size sufficient to accommodate the application proposals. It can therefore not be considered sequentially preferable and we have not considered it further.
- 4.7 In the context of sites allocated for housing or designated as employment generating areas within the UDP, the Sequential Test has established that there are no appropriate sites.

SHLAA Sites

- 4.8 The SHLAA categorises sites into the following 7 categories:

- 1 Category 1: Under Construction
- 2 Category 2: Planning Permission
- 3 Category 3: Unitary Development Plan Allocations
- 4 Category 4: Unconstrained Potential
- 5 Category 5: Constrained Potential
- 6 Category 6: Proposed Site Allocation
- 7 Category 7: Discounted Sites

- 4.9 For the purposes of this review, we have only considered sites within the Ramsbottom ward falling within categories 4-7.
- 4.10 Within categories 4-7, we have identified 13 sites (including the application site) within the Ramsbottom ward that are of a size that could potentially accommodate the application proposals.
- 4.11 Out of the 13 sites, there is one site in Category 4, one site in category 5 and eleven sites in Category 7. There are no Category 6 sites.
- 4.12 The one Category 4 site is the application site itself (ref. HL/2519/00). The application site is therefore the only site capable of accommodating the proposed development within the Ramsbottom ward that the Council considers to have ‘unconstrained potential’ to accommodate a residential development.
- 4.13 The one Category 5 site is Land off Bramworth Avenue, Ramsbottom (ref. HL/2187/00). The site has a site area of 2.585 ha and could therefore potentially be capable of accommodating a residential development of the scale of the application proposals. As such, this site is considered as part of the Sequential Test in the following assessment section.
- 4.14 There are also 11 Category 7 sites located within the Ramsbottom ward that are of a size that could potentially accommodate the application proposals. These sites are listed below:
- HL/2325/00 Broadhey Playing Fields;
 - HL/2330/00 Land to west 229-241 Whalley Road;
 - HL/2344/00 Land at Dearden Clough;
 - HL/2346/00 Land at Bolton Road;
 - HL/2352/00 Land at Redisher;
 - HL/2354/00 Land at Lumb Carr;
 - HL/2782/00 Land to the north east of Nuttall Lane;
 - HL/2783/00 Nuttall Lane South;
 - HL/2849/00 1st Draft GMSF Site Allocation;
 - HL/2862/00 Land at Fletcher Bank Quarry; and,
 - HL/2865/00 Land to the west of Whalley Road, Shuttleworth.
- 4.15 However, given that the Council has already assessed these sites and discounted them as being suitable for residential development, we have not considered them as part of the Sequential Test.

- 4.16 Even in the event that one of these sites became suitable in the future, it could not be considered sequentially preferable as all are currently subject to policy constraints that mean they are not immediately available for development.

Assessment

- 4.17 As set out above, the only site identified for the Sequential Test is Land off Bramworth Avenue, Ramsbottom (ref. HL/2187/00). The site is also known as Tanners.
- 4.18 The site is located wholly within Flood Zone 1 and is therefore at little or no risk from flooding. However, the site is subject to other constraints which mean that it is not available for development in the short term. The analysis within the SHLAA considers that the site would only have potential in the long term and concludes that the:
- Site is constrained as the land is considered to be unstable and may not be suitable for residential development. It also has poor access. Further evidence is required to determine if site could deliver residential development. [SHLAA Assessment proforma ref. HL/2187/00]*
- 4.19 The timescales associated with gathering the additional evidence required to establish whether or not the site is suitable for residential development mean that the site cannot possibly be considered available to come forwards in the short term. In 2018 the Council envisaged that the timescales associated with this site coming forwards were 15+ years which means that we are unlikely to see its development until 2033 at the earliest.
- 4.20 On the basis of the above, the site is clearly not suitable to accommodate a residential development in the short term and is therefore not sequentially preferable and can be discounted.

Stage 3: Conclusions

- 4.21 The sequential test identified no appropriate sites within the Ramsbottom ward from either the UDP or the SHLAA other than the application site which is considered by the Council to have 'unconstrained potential' for a residential development. There is no other site within the Ramsbottom ward that can be considered sequentially preferable and appropriate or reasonably available for the reasons detailed above.
- 4.22 The Sequential Test therefore demonstrates that there are no reasonably available sites appropriate for the application proposals outside of Flood Zone 2 or 3.

5.0 **The Exception Test**

- 5.1 The Framework [§159] identifies that if following the application of the sequential test it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied if appropriate. The PPG identifies that buildings used as dwellinghouses are considered more vulnerable uses and if located in Flood Zone 2 or 3 should be supported by an Exception Test.
- 5.2 The Framework [§160] provides two criteria which should be met for the exception test to be passed. These are:
- a the development would provide wider sustainability benefits to the community that outweigh the flood risk; and,
 - b the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Sustainability Benefits to the Community

- 5.3 The proposed development has a number of benefits to the community which outweigh flood risk. The development will increase the provision of new market housing in the borough meeting an identified need, as well as bringing a derelict brownfield site back into a sustainable use. The proposal will also contribute towards the longstanding investment priorities of the Council by creating spin-off jobs and associated benefits that are normally attributable to new housing.
- 5.4 The Framework [§8] identifies that there are three dimensions to sustainability; economic social and environmental and that all three dimensions are mutually dependant. The application proposals will provide sustainability benefits to the community which respond to all three dimensions of sustainability. These are set out in detail at Section 7.0 of the Planning Statement (Sustainable Development) which demonstrates that this element of the Exception Test has been met.

Lifetime Safety of the Proposed Development

- 5.5 The application proposals are accompanied by a site-specific Flood Risk Assessment [FRA] prepared by Weetwood which responds to the requirements of the Framework and PPG and demonstrates that the development will be safe for its lifetime, thus passing this second element of the Exception Test.
- 5.6 It is important to note that through the creation of a development platform, all of the proposed residential units will be raised to a level which effectively places them within Flood Zone 1.

6.0

Conclusions

- 6.1 The sequential assessment demonstrates that there are no sequentially preferable locations reasonably available and/or suitable to accommodate the application proposals within the Ramsbottom ward. The sequential test has considered residential allocations and 'employment generating areas' as identified within the UDP, along with sites included within the current SHLAA. The assessment has been undertaken in accordance with national policy and guidance.
- 6.2 The application proposals are accompanied by a site-specific Flood Risk Assessment which responds to the requirements of the Exception Test.
- 6.3 The conclusions of the assessment are consistent with the Council's own findings [2018 SHLAA] which identify the application site as having 'unconstrained potential' to accommodate a residential development. There are no other such sites of a suitable scale located outside of Flood Zone 2 or 3 within the Ramsbottom ward. As such, this site is clearly required to meet the significant need for additional housing land in Bury who cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 6.4 Furthermore, a number of mitigation measures are proposed to minimise potential flood risk as part of the development. These are set out in full within the accompanying site-specific Flood Risk Assessment but most notably, through the creation of a development platform, all of the proposed residential units will be raised to a level which effectively places them within Flood Zone 1 meaning that they will be at little or no risk from flooding.
- 6.5 In summary, the scheme should be considered in the context of the Framework and the presumption in favour of sustainable development. On the basis of the above, and in accordance with the balance of considerations in the Framework, the proposal clearly amounts to sustainable development and there are no significant demonstrable adverse impacts arising from the proposals that would outweigh the considerable benefits of the scheme. The development should therefore be granted without delay.

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk