

SCHEDULE OF ACTIONS MATTER 8 (APPROACH TO SITE ALLOCATIONS AND GREEN BELT) (Action 8.2)

UPDATE ON FLOOD RISK TOPIC PAPER

8.2	Provide update on the Flood Risk Topic Paper which clearly sets out how the Exception Test has been met during site selection (and possibly commentary on the Sequential Test if considered necessary)
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1 Introduction

1.1 The Council published a Flood Risk Incorporating Sequential Test Topic Paper in 2019 (document reference [EB033](#)) to inform the submission of the Local Plan for independent examination.

1.2 Following the Local Plan hearings held in September and October 2019, additional information has been requested by the Inspectors to show how the Exception Test has been met during site selection. This is provided in this note, as well as a short commentary on the Sequential Test.

2 Sequential Test

2.1 The National Planning Policy Framework (NPPF) makes clear that development in areas at high risk of flooding should be avoided. It states that a sequential test should be applied to choose allocations in areas at low risk of flooding (both now and in the future), considering the effects of climate change. However, if it is not possible to focus all development proposals on areas at low risk of flooding then the Exception Test can be applied.

2.2 The Council aimed to allocate development sites in areas at low risk of flooding. However, due to the topography of the Borough with town and villages concentrated in linear settlements along river valleys and surrounded by steep hills, it is often the case that otherwise suitable development sites are situated in proximity to rivers and brooks. Furthermore, sites situated in areas at low risk of flooding may not be considered suitable for development due to other environmental constraints (e.g. landscape, ecology, heritage, land contamination etc.), policy considerations (e.g. Green Belt designation) or their location (e.g. isolated sites situated far away from existing settlements).

2.3 The Council commissioned a Strategic Flood Risk Assessment (2016) (document reference [EB032](#)), which assessed the risk of flooding from rivers as well as other sources (i.e. surface water and groundwater) for a range of potential development sites. The study also considered the effects of climate change and its findings have informed the site selection process of the emerging

Local Plan (please refer to action 8.7 to see the SFRA findings for the rejected sites and Appendix A of the Flood Risk Topic Paper for the allocated sites).

2.4 As stated in the Flood Risk Topic Paper (2019), 74% of the proposed housing, mixed-use and new employment allocations are situated in flood zone 1 (i.e. areas at the lowest risk of flooding from rivers). The Table below is from the 2019 Topic Paper (Table 4), and shows the number of site allocations within flood zone 1, 2 and 3. Amongst the 84 housing, mixed-use and new employment site allocations, 74% are in flood zone 1, 6% are in flood zone 2 and 20% are in flood zone 3.

Site allocations by flood zones

Site Allocations	Flood zone 1		Flood zone 2		Flood zone 3		
	Total No. of sites	No. of sites	%	No. of sites	%	No. of sites	%
Housing	74	58	79%	4	5%	12	16%
Mixed-Use	5	2	40%	1	20%	2	40%
New Employment	5	2	40%	0	0%	3	60%
Total	84	62	74%	5	6%	17	20%

Please note that Little Tooter Quarry at Sharneyford, which is the newly proposed Gypsy and Traveller Transit Site is within an area at low risk of flooding from rivers (flood zone 1). It had previously been included in the mixed use allocation at Futures Park in Bacup).

3 Exception Test

3.1 National Policy and Guidance

National Planning Policy Framework (NPPF)

3.1.1 The NPPF states that if it is not possible to focus development on areas at low risk of flooding then the Exception Test can be applied, depending on the vulnerability of the development proposed. As set out in paragraph 160 of the NPPF, two criteria need to be met for the Exception Test to be passed:

"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."

Flood risk and coastal change Planning Practice Guidance (PPG)

3.1.2 Based on the Flood Risk Vulnerability Classification (table 2¹ of the Flood Risk and Coastal Change Planning Practice Guidance, Paragraph: 067 Reference ID: 7-067-20140306), the proposed allocations in the Local Plan are:

- highly vulnerable (e.g. transit site for Gypsy and Traveller, although the caravans are not intended to be on-site on a permanent basis the caravans are intended for permanent residential use);
- more vulnerable (e.g. dwellings and residential institutions) or
- less vulnerable (e.g. "buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure").

3.1.3 Basement dwellings are also considered to be highly vulnerable to flood risk, but none of the proposed allocations in the Plan are considered to include this type of dwellings.

3.1.4 According to the Flood Risk Vulnerability and Flood Zone 'compatibility' (table 3² of the Flood Risk and Coastal Change Planning Practice Guidance), the Exception Test is required for highly vulnerable development in flood zone 2 and for more vulnerable development in flood zone 3a.

3.2 Application of the Exception Test to Local Plan Allocations

Highly vulnerable uses

3.2.1 The proposed allocation for a transit site for Gypsies and Travellers, considered to be highly vulnerable to flood risk, is proposed at Little Tooter Quarry in flood zone 1, so the Exception Test is not relevant. The layout of the proposed development will avoid areas at high risk of surface water flooding.

More vulnerable uses

3.2.2 Twelve proposed housing allocations, which are considered 'more vulnerable' to flood risk, are situated within flood zone 3 and therefore must pass the Exception Test.

3.2.3 Amongst these 12 proposed housing allocations, seven have been granted full or outline planning permission for the whole site (four applications) or part of the site (three applications), and none were approved contrary to the Environment Agency's advice. It is to be noted that regarding the three site allocations which have been partially granted permission for residential use, the

¹ Flood risk and coastal change Planning Practice Guidance (2014):

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification>

² Flood risk and coastal change Planning Practice Guidance (2014):

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

remainder of the site is situated within flood zone 1 and therefore not subject to the Exception Test. The 12 sites with consent (or in principle) are listed below:

Site Ref	Site Address	Planning Ref	Details
H12	Reedsholme Works, Rawtenstall	2018/0535	Reserved Matters for 97 dwellings
H22	Former Bacup Health Centre	2017/0100	Care home for 22 beds
H23	Glen Mill, 640 Newchurch Rd, Stacksteads	2017/0130	Outline for 9 dwellings
H33	Land off Rockcliffe Road and Moorlands Terrace, Bacup	2018/0043	26 affordable units
H38	Land off Burnley Road and Meadows Avenue, Bacup	2017/0551	Reserved matters for 6 dwellings
H53	Waterfoot Primary School	2016/0599	Convert to supported- living
H65 ³	Albert Mill, Whitworth	2018/0498	In principle subject to s.106

3.2.4 This note will focus on the remaining five proposed housing site allocations. These are:

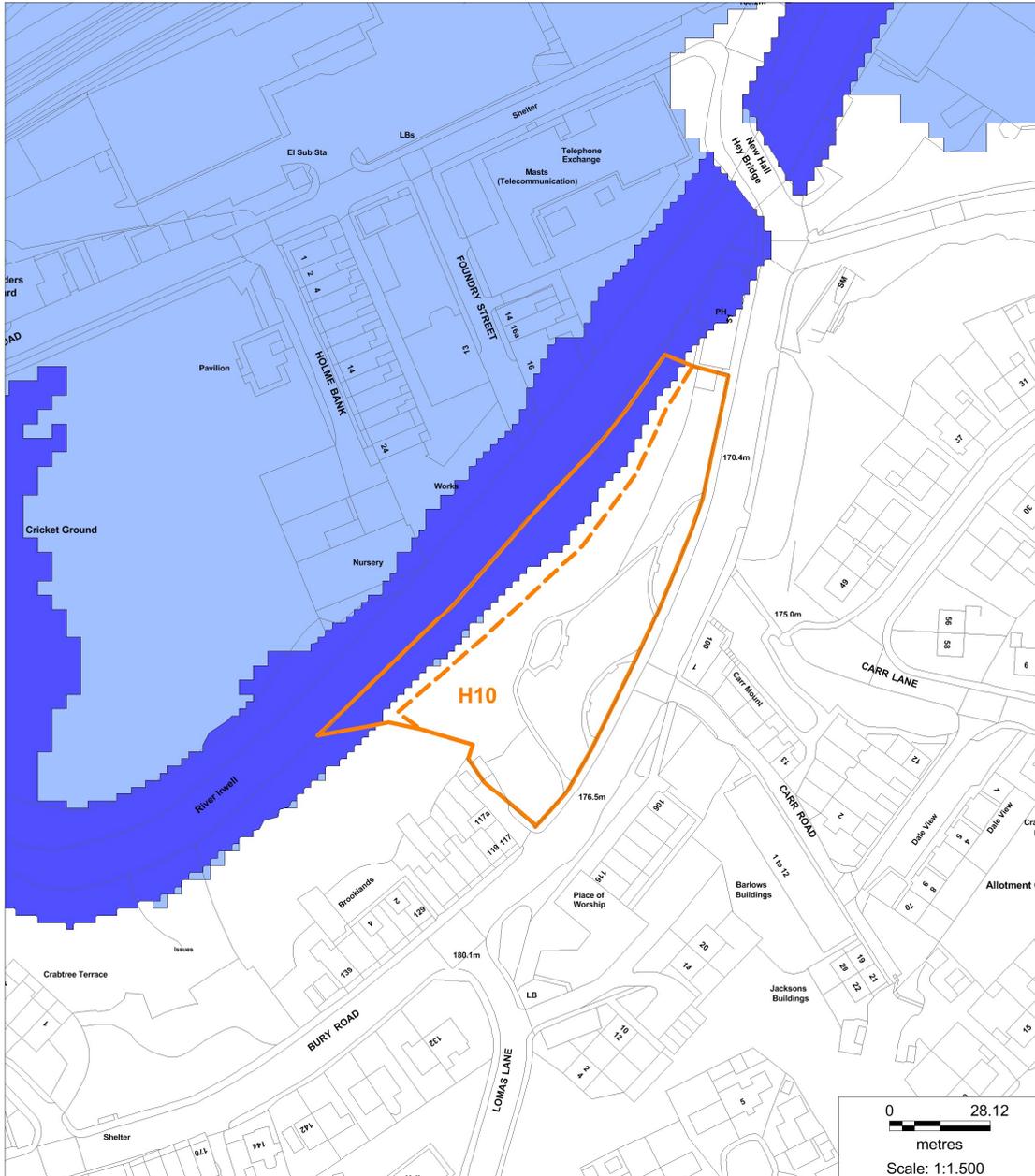
- H10 Land at Bury Road, Rawtenstall
- H35 Shadlock Skip, Stacksteads
- H69 Cowm Water Treatment Works, Whitworth
- H70 Irwell Vale Mill
- H73 Edenwood Mill, Edenfield

H10 – Land at Bury Road, Rawtenstall

3.2.5 The Council proposes to amend the boundaries to exclude the area at high risk of flood risk from the River Irwell. This would not affect the area available for development or the estimated number of dwellings to be delivered (Map 1).

³ A previous application (2012/0588 was approved for 49 dwellings. It is expected that the s.106 for the current application will be signed in the foreseeable future).

FLOOD RISK H10 - LAND AT BURY ROAD, RAWTENSTALL



Site Allocation

- Submission version of the site allocation
- New Site Boundary

Flood Zone for Planning
(Environment Agency, March 2020)

- Flood Zone 3
- Flood Zone 2

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Map 1: Land at Bury Road, RawtenSTALL (reference H10)

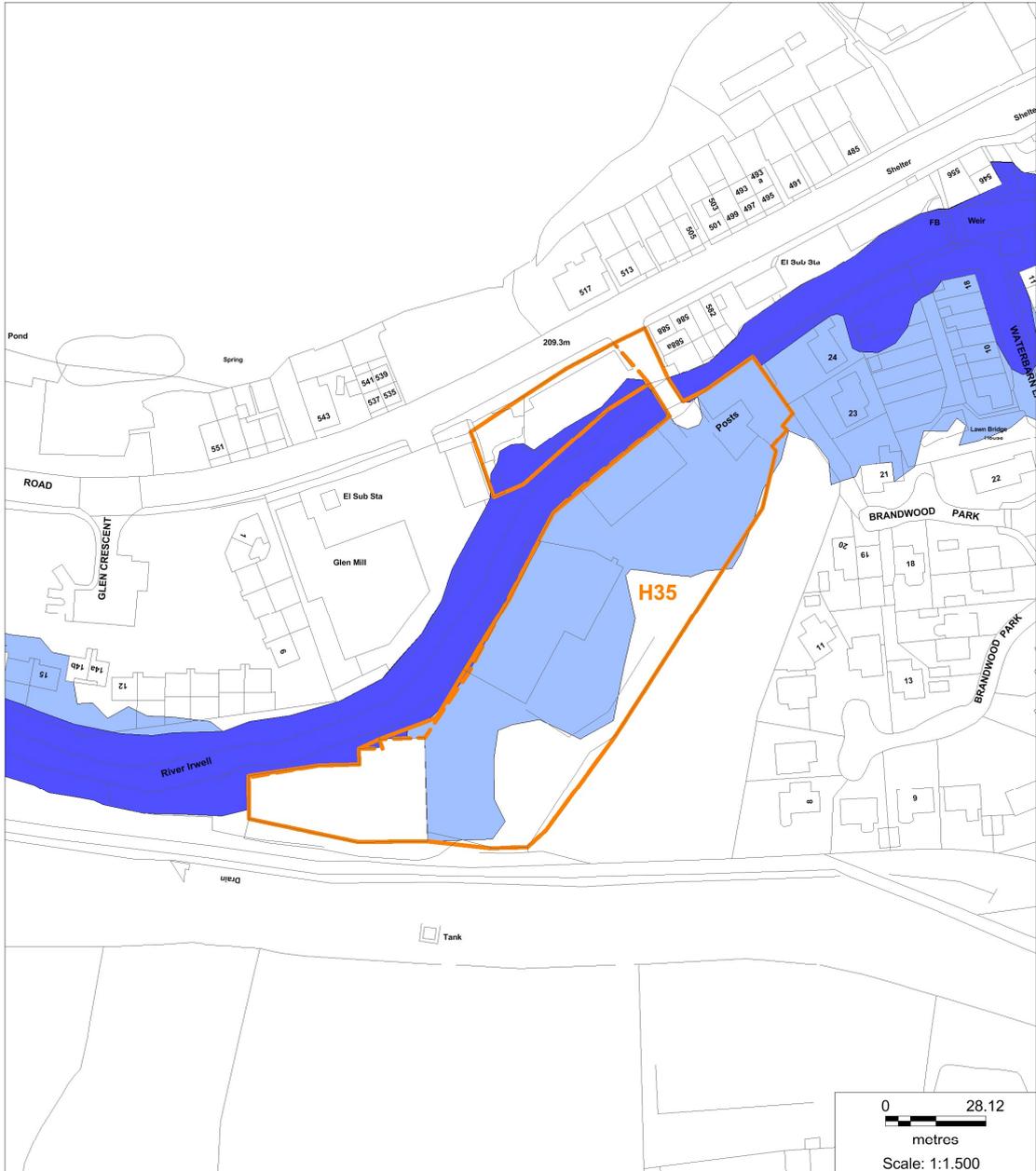
H35 – Shadlock Skip, Stacksteads

3.2.6 The Flood Risk Topic Paper (2019) states that the site has been assessed in the SFRA (reference SFRA308) and the recommendation is to “Continue with Exception Test if partial development can be agreed so that the site boundary is pulled back to the south of the Irwell and out of Flood Zone 3a”.

3.2.7 The Council propose to amend the boundaries of the site allocation to exclude areas within flood zone 3a (please see Map 2). This will reduce the area available for development from 0.8ha (according to SHLAA16110) to 0.74ha. Considering access roads and landscaping, the net developable area is estimated at 90% of the area available for development, so approximately 0.67ha (instead of 0.72ha identified in Table 1 of the Local Plan Submission Version). Consequently, this would reduce the estimated number of dwellings of the site allocation to 20 dwellings (based on a density of 30 dwellings per hectare) instead of 22 as previously identified.

3.2.8 If the boundaries of the site allocation are amended so that it no longer falls within flood zone 3a, the site will no longer need to pass the Exception Test. A Flood Risk Assessment (FRA) would still be required at the planning application stage, especially as a large part of the site is within flood zone 2. As stated in the SFRA, the FRA should focus on the interactions between surface water and fluvial flood risks. This could be specifically set out in a Site Specific Policy for this allocation (H35) in the Local Plan, to be consulted on as a Main Modification.

**FLOOD RISK
H35 - SHADLOCK SKIP, STACKSTEADS**



Site Allocation

- Submission version of the site allocation
- New Site Boundary

Flood Zone for Planning
(Environment Agency, March 2020)

- Flood Zone 3
- Flood Zone 2

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Map 2: Shadlock Skip, Stacksteads (reference H35)

H69 – Cowm Water Treatment Works, Whitworth

3.2.9 The Flood Risk Topic Paper (2019) states that the site has been assessed in the SFRA (reference SFRA299) and the recommendation is to “Continue with Exception Test as western area of site may be deliverable though scenarios of reservoir dam failure must be modelled. External access roads required”. Please see Map 3 which identifies the extent of flood zones 3 and 2 within the proposed allocation, as well as Map 4 which is a screenshot of the Government’s flood warning information service website regarding the modelling of flooding resulting from reservoir’s failure. The site is within the ownership of United Utilities and includes a former waste water treatment works.

3.2.10 Having regards to the two criteria of the Exception test, it should be demonstrated that:

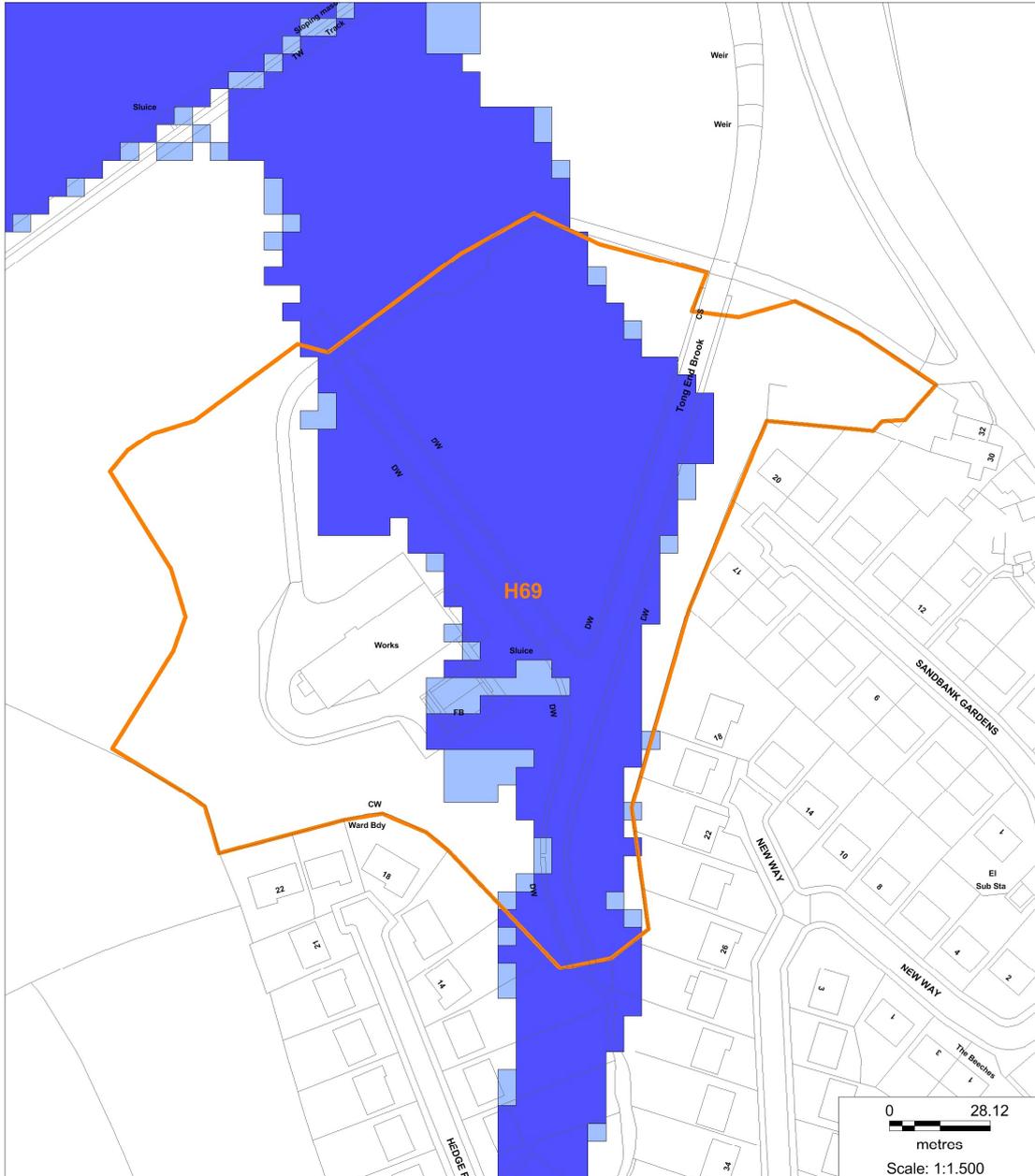
“a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

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.”

3.2.11 Regarding criterion ‘a’, the development would provide additional housing, including a potential number of affordable dwellings, on previously developed land in a sustainable location, albeit in Green Belt, which is on the edge of the urban boundary in close proximity to a visitor attraction. The development would also be expected to contribute to Green Belt Compensatory measures. As such this would be of benefit to the community. The development would also re-use land occupied by the former treatment works which has become surplus to requirement according to the landowner.

3.2.12 Looking at criterion ‘b’, the landowner states that “the ongoing strict management and maintenance regime for the adjacent reservoir will ensure that the site is safe for its lifetime and furthermore it will not increase the risk of flooding elsewhere”. The landowner has provided additional information regarding flood risk management, which can be seen in Appendix A. Therefore, it is considered that the site passes the Exception Test. The Council proposes a Specific Policy attached to this allocation in the Local Plan, setting out the requirements for meeting the Exception Test and avoiding development on the areas within Flood Zone 3.

**FLOOD RISK
H69 - COWM WATER TREATMENT WORKS, WHITWORTH**



Site Allocation
 Submission version of the site allocation

Flood Zone for Planning
 (Environment Agency, March 2020)

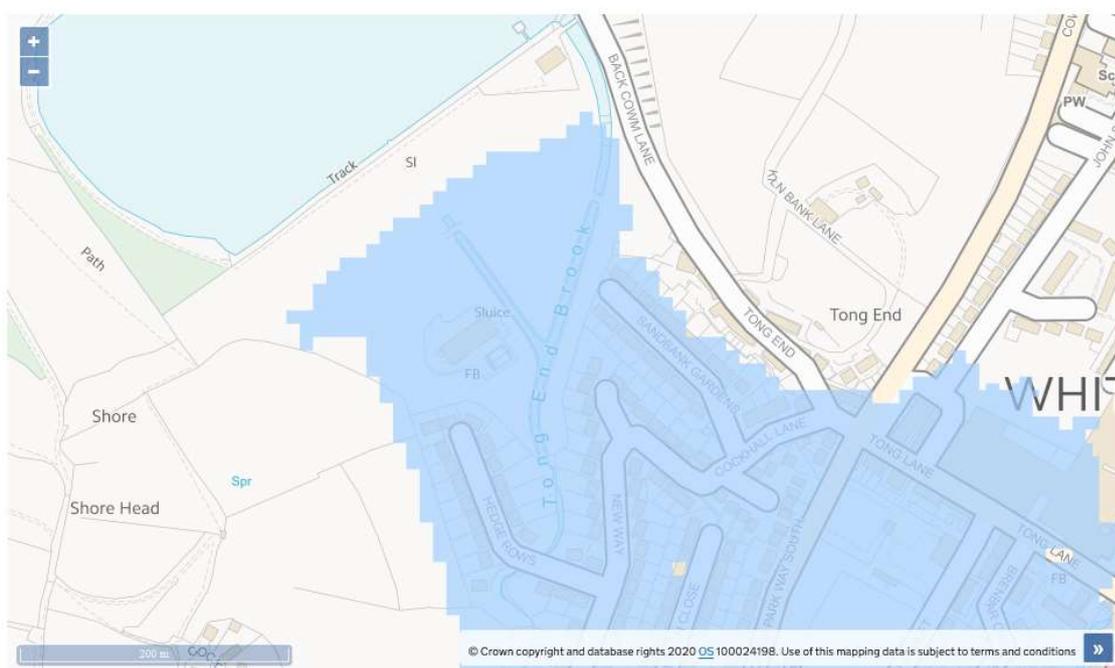
 Flood Zone 3

 Flood Zone 2

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Map 3: Cowm Water Treatment Works, Whitworth (H69)



Extent of flooding from reservoirs

Map 4: Map screenshot from the Government’s flood warning information service regarding the extent of flooding from reservoirs in a scenario of reservoir failure.⁴

H70 – Irwell Vale Mill, Irwell Vale

3.2.13 The site has been assessed in the SFRA (reference SFRA178) and the study recommends to continue with the Exception Test as the northern part of the site may be deliverable.

3.2.14 The site has a planning history with an application for 12 dwellings submitted in June 2017 and subsequently withdrawn (reference 2017/0290). A more recent outline application (reference 2019/0405) for up to 30 dwellings has been submitted in September 2019, and at the Development Control Committee held on 1st September 2020, members resolved “that they would be minded to grant planning permission” subject to a Section 106 Agreement and amendments to planning conditions.

3.2.15 The planning agent has submitted information regarding the flood risk management as part of the Local Plan Examination (please see [EL4.012](#)). Further documents have been submitted as part of the planning application

⁴ The website was accessed on 5th May 2020 at <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map?eastings=388712&northings=418416>, selecting information regarding flood risk from reservoir.

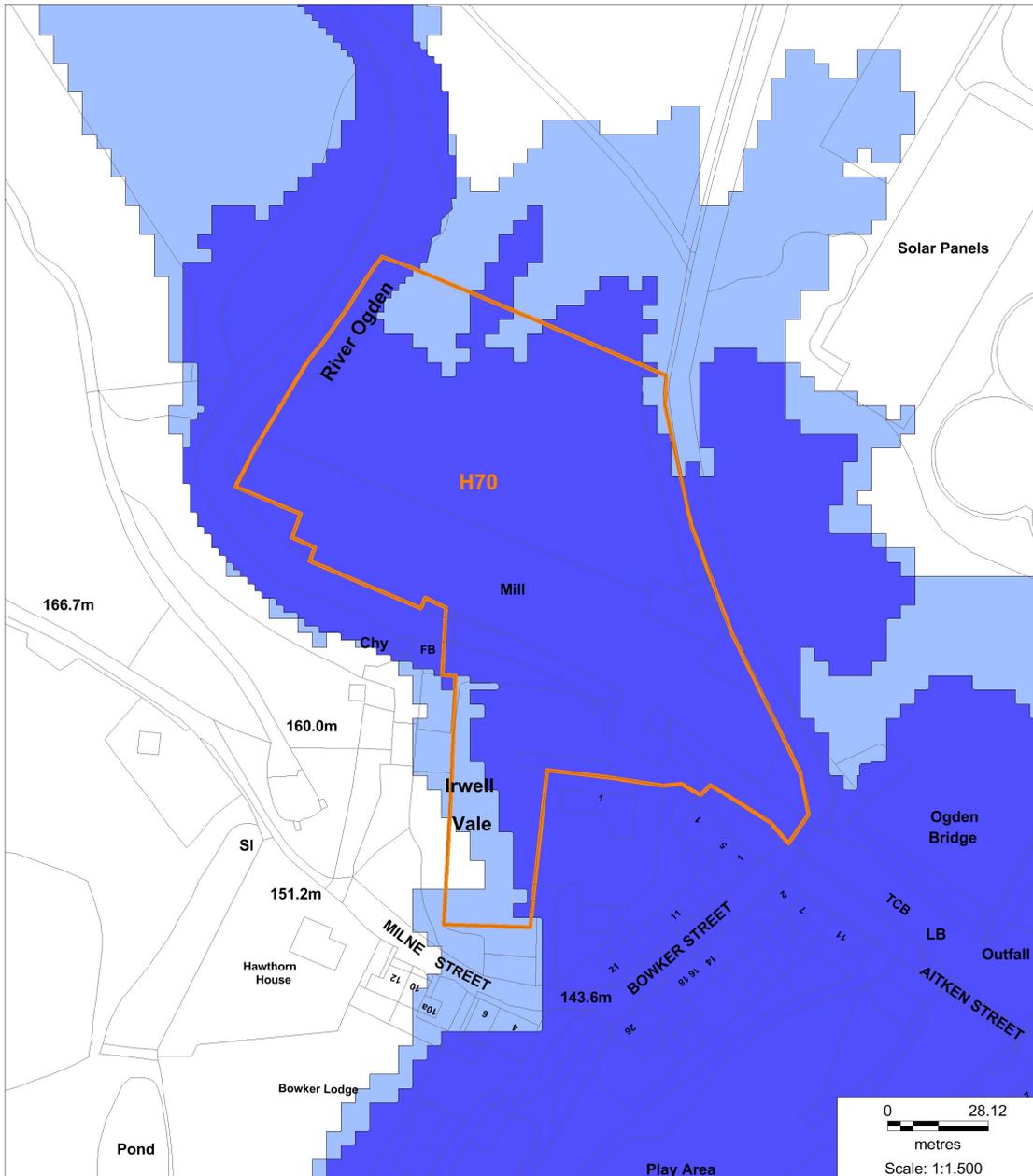
process (accessible at <https://publicaccess.rossendale.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYAQ34NDK5H00>), including:

- Flood Risk and Drainage Assessment (November 2019)
- Flood Risk Modelling Clarification Note (January 2020)
- Flood Risk Modelling Clarification Note (March 2020).

3.2.16 The Environment Agency initially objected to the planning application, however in their updated response on 27 April 2020 they withdrew this objection, subject to the inclusion of several conditions. This updated response can be viewed at <https://publicaccess.rossendale.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYAQ34NDK5H00>.

3.2.17 Map 5 illustrates the flood areas within the site allocation. Having regards to the two criteria of the Exception Test, regarding criterion 'a' the development would provide additional housing, including a number of affordable housing, which would be of benefit to the community. The Section 106, yet to be secured for the grant of planning permissions as discussed above, is aiming to secure 30% affordable housing on site. Regarding criterion 'b', taking into consideration the fact that the Environment Agency withdrew their objection to the outline planning application (subject to conditions being added to decision notice) and considering the additional conditions requested by the Lead Local Flood Authority, the development is considered to be safe for its lifetime. Also, a flood storage area is proposed to be created within the site which aims to reduce flood risk for future occupants and for the local area, therefore seeking to reduce flood risk overall. It is considered that the proposed allocation passes the Exception Test.

**FLOOD RISK
H70 - IRWELL VALE MILL, IRWELL VALE**



Site Allocation
 Submission version of the site allocation

Flood Zone for Planning
 (Environment Agency, March 2020)

 Flood Zone 3

 Flood Zone 2

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Map 5: Irwell Vale Mill (reference H70)

H73 – Edenwood Mill, Edenfield

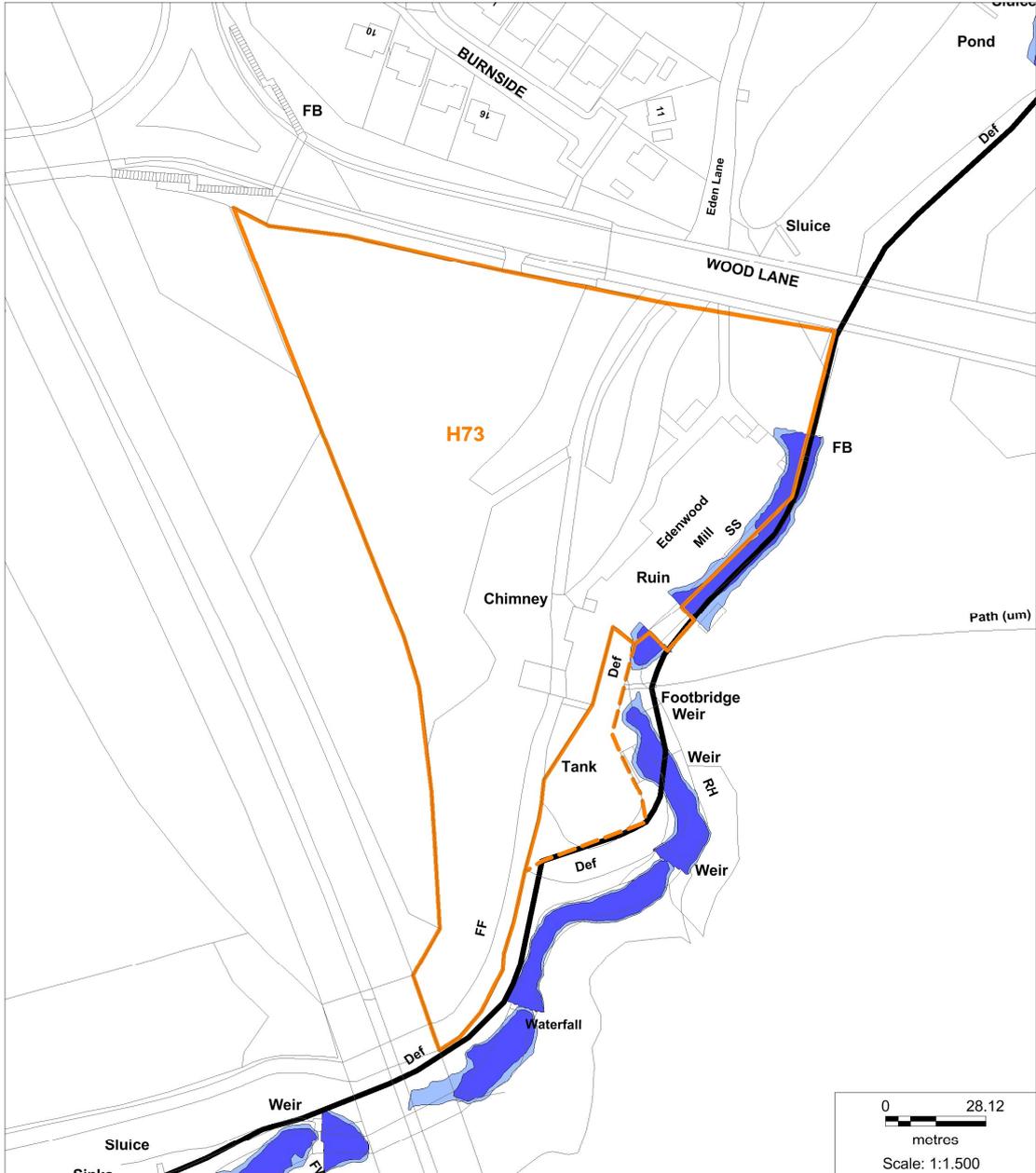
3.2.21 The site has been assessed in the SFRA (reference SFRA180) and the study recommends to consider the site layout and design. The SFRA does not recommend the site to pass the Exception Test since less than 10% of the site is situated within flood zone 3.

3.2.22 The site boundary of the proposed allocation has been extended to include the car park as discussed at the Local Plan hearings and requested in action 14.4. The site is largely within flood zone 1 and the small area of flood zone 3 is situated along Dearden brook, as shown on Map 6. If the mill is demolished, the erection of new dwellings could be located away from the brook and the area at high risk of flooding. The building is identified as a non-designated heritage asset in the Heritage Impact Assessment ([EB034](#)). If the mill is proposed to be retained and converted into flats, the risk of flooding could be minimised if no flats are situated at the ground floor level.

3.2.23 Looking at the criteria of the Exception Test, regarding criterion 'a', the development would provide additional housing, including a number of affordable housing, which would be of benefit to the local community. It is also hoped that the re-use of a vacant and dilapidated building would improve the character and environmental quality of the local area.

3.2.25 To address criterion 'b', the planning agent representing the landowners submitted a Flood Risk Scoping and Sustainable Drainage Statement as part of a pre-application submission for the proposed allocation and also included additional land to the north of the allocation. (This additional land, named Acre Meadow, was rejected in the SHLAA and has not been proposed for allocation). The report concludes that the "potential flood risks are either very low or can be sufficiently catered for through the implementation of mitigation measures including appropriate spatial planning within the layout". It concludes that the site can be made safe for its lifetime and would not increase flood risk elsewhere. The Council proposes that the Site Specific Policy should make reference to this.

**FLOOD RISK
H73 - EDENWOOD MILL, EDENFIELD**



Site Allocation

- Submission version of the site allocation
- New Site Boundary

Flood Zone for Planning
(Environment Agency, March 2020)

- Flood Zone 3
- Flood Zone 2

Rossendale Borough Boundary

- Borough Boundary

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Map 6: Edenwood Mill, Edenfield (reference H73)

Less vulnerable uses

3.2.26 According to the Flood Risk and Coastal Change Planning Practice Guidance, employment use is classified as 'less vulnerable' and considered acceptable development in flood zone 1, 2 or 3a. New employment allocations therefore are not required to pass the Exception Test.

3.2.27 Regarding mixed-use allocations, three sites: M1 – Waterside Mill in Bacup, M2 – Spinning Point in Rawtenstall and M3 – Isle of Man Mill in Water have an element of residential use which is classified as 'more vulnerable' to flood risk, however none of these allocations are situated within a flood zone 3, therefore the Exception Test is not required.

4 Conclusion

4.1 This note provides additional information explaining how the Council carried out the Sequential Test and Exception Test for the proposed site allocations in its emerging Local Plan, in accordance with national policy and guidance.

4.2 The Council aimed to steer development away from areas at high risk of flooding. However, due to the topography and the settlements' characteristics of the Borough, it has not been possible to completely avoid areas at higher risk of flooding. In order to meet the development needs of the Borough, especially regarding housing provision, the Exception Test has been triggered and passed for a small number of allocations. Additional information will also be required at the planning application stage to ensure that development proposals are safe for future occupants and do not increase the risk of flooding elsewhere.

Appendix A



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Developer Services and Metering
2nd Floor Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

Telephone 01925 234 000

unitedutilities.com

Date 15 April 2020

Nathaele Davies
Forward Planning
Rossendale Borough Council
The Business Centre
Futures Park
Bacup
OL13 0BB

Emailed to: nathaeledavies@rossendalebc.gov.uk

Dear Nathaele

Rossendale Local Plan – Housing Allocation H69 – Cowm Water Treatment Works

Further to the Local Plan Examination hearing sessions and our recent correspondence we set out below some additional information requested by the Planning Inspector in relation to the above site.

Cowm Reservoir alongside the adjacent land which is surplus to requirements is within the ownership of United Utilities and is being put forward as a proposed housing allocation for years 6-10 of the Local Plan (Housing Allocation 69). In accordance with the definition of a 'developable' site as set out in the Glossary of the National Planning Policy Framework (NPPF, 2019), we trust that the information we set out below will demonstrate that the site is in a suitable location for housing development, the site is available and the site could be viably developed at the point envisaged.

With regard to the availability of the site, the site is surplus to requirements and is available for development. The site is within the sole ownership of United Utilities.

With regard to the viability of the site, the site is within a suitable location for residential development and will provide a natural extension to the existing residential areas located to the east, south and west. There are no known onerous constraints which would preclude the site coming forward for development in years 6-10 of the Local Plan. This timescale will provide sufficient time to obtain planning permission and attract interest from developers, resulting in the sale of the site. Given the size of the site and the estimated density (with 10 dwellings being delivered in 2024-25 and the remaining 10 being delivered in 2025-26) the site is likely to appeal to smaller regional housebuilders and housing providers who may be better placed to respond to a changing economic environment. On this basis we believe the redevelopment of the site to be viable.

In terms of the suitability of the site for residential development this relates directly to the matters raised by the Inspector. We set out these matters in turn below:

United Utilities Water Limited
Registered in England & Wales No. 2366678
Registered Office: Haweswater House,
Lingley Mere Business Park, Lingley Green
Avenue, Great Sankey, Warrington, WA5 3LP

Management and Maintenance of Cowm Reservoir

United Utilities manages its reservoirs, including Cowm, to comply with the statutory duties under the Reservoir Safety Act 1975. United Utilities is proactive in managing its reservoirs and operates to standards believed to be best practice in the UK water industry.

With regard to the management and maintenance of Cowm reservoir United Utilities carries out 48 hour monitoring of the condition of the reservoir. Grass cutting is carried out regularly to ensure the embankment can be inspected. The Supervising Engineer inspects the reservoir every 6 months and valves are tested at this visit.

NPPF Exception Test

It is noted that the 2016 Strategic Flood Risk Assessment (SFRA) identifies the site within Flood Zone 2 and the Inspector confirmed that the Exception Test should be applied. In accordance with NPPF, to pass the Exception Test, it should be demonstrated that the benefits of the development outweigh the risk of flooding; and that "the development will be safe for its lifetime" as well as not increasing flood risk elsewhere.

The site meets the 'developable' criteria as set out within NPPF given that the site is in a suitable location for housing development, is available and could be viably developed at the point envisaged (years 6-10). The site will provide much needed housing to ensure there is sufficient choice and competition in the market to the benefit of the locality and wider Borough. The ongoing strict management and maintenance regime for the adjacent reservoir will ensure that the site is safe for its lifetime and furthermore it will not increase the risk of flooding elsewhere.

On this basis we believe that this site complies with and passes the Exception Test.

Modelling

We note that the 2019 Rossendale Local Plan Flood Risk Incorporating Sequential Test Topic Paper states that the "western area of site may be deliverable though scenarios of reservoir dam failure must be modelled". With regard to modelling, information is available from the Environment Agency by way of their Reservoir Inundation maps. These maps show that in the unlikely event of reservoir flooding a large linear area to the south of Cowm Reservoir could be affected.

As set out above, the ongoing management and a maintenance of the reservoir would prevent such an event occurring. Residential development on surplus land to the south of the reservoir would not exacerbate this scenario.

Conclusion

We believe that the information set out above addresses the matters raised by the Inspector namely by demonstrating that the site could be delivered within years 6-10, the existing strict management and maintenance regime for the adjacent reservoir will ensure the site is safe for its lifetime and development of this site will not exacerbate flooding elsewhere.

We would be grateful if the information set out above could be presented to the Inspector, however if you require any further information or clarification in the interim then please do not hesitate to contact me.

Yours sincerely

Bernadette McQuillan
Planning Manager
United Utilities Water Limited