May 2017

Sequential Test (Flood Risk) in Support of an Outline Planning Application for a Residential Development at Oak Mills, Oakenshaw

Prepared for FMB Investments Ltd

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1.0 Introduction

Purpose of Report

1.1 ID Planning have been instructed by FMB Investments Ltd to undertake a Flood Risk Sequential Assessment (FRSA) for a development site located at Oak Mills, Oakenshaw.

1.2 The assessment has been carried out in accordance with the National Planning Policy Framework (NPPF) and Environment Agency (EA) guidance.

1.3 This report presents the methodology and outcome of the application of the flood risk sequential assessment and also sets out how the development passes the Exception Test.

Structure of the Report

1.4 The report is structured as follows:

Section 1 Introduction and report structure
Section 2 Presents background information relating to the development site and the development proposals
Section 3 Identifies the flood risk at the identified site
Section 4 Presents the sequential assessment methodology and application of the assessment to the alternative sites
Section 5 Presents a summary of key findings

1.5 In undertaking this assessment, flood risk has been balanced against other prevailing issues such as sustainable development objectives and regeneration objectives, in line with the guidance in the NPPF. This statement should be read in conjunction with the planning application submission documents and also the Flood Risk Assessment prepared by S M Foster Associates Ltd.

2.0 The Proposal and Site Description

2.1 The application site is located to the east of Oakenshaw and the M606 just off Cliff Hollins Lane.

2.2 The site measures approximately 0.8 ha and is located within the Green Belt. There is a large two-storey stone built building fronting Cliff Hollins lane with a number of existing brick built buildings, cabins and others structures within the site. The vast majority of the remaining site is covered in hard standing and provides for uncovered storage of materials, vehicles and other machinery in conjunction with the commercial operations that take place on the site.

2.3 The site is crossed by a small watercourse known as Hunsworth Beck which is a tributary of the River Calder. Hunsworth Beck flows in a natural channel on entry to the site before flowing beneath a steel and concrete deck to emerge in a natural channel around the northern site boundary. The site is defined by current EA mapping as being within Flood Zones 1, 2 and 3. The Calder Valley SFRA includes information to sub-divide Flood Zone 3 into 3a and 3b (functional floodplain) but there are no areas designated Flood Zone 3b within the Oak Mills site.

2.4 It is noted that the site is at the very north eastern edge of the Kirklees district, the land to the north is within Bradford district and is developed containing both housing and commercial activities. Apart from a very small parcel of land the land within Bradford district is not within the Green Belt.

2.5 Outline consent is sought for the principle of residential development and the means of access into the site, all other matters will be reserved.

2.6 A development zone plan identifies the development area as being that closest to Cliff Hollins Lane with around one third of the site being undeveloped and therefore made available for landscaping and open space.

2.7 Access is retained from Cliff Hollins Lane in the northwest corner of the site.

3.0 Planning Policy Context and Assessment Methodology

National Planning Policy Framework (NPPF) (March 2012)

3.1 The NPPF aims to ensure that flood risk is taken into account at all stages in the planning process and is appropriately addressed.

3.2 Paragraph 100 of the NPPF states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere'.

3.3 In addition, Section 7 (paragraph 19) of the National Planning Practice Guidance states:

"The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required."

3.4 This policy is implemented through the application of the flood risk Sequential Test which aims to steer new development to areas with the lowest probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

3.5 Paragraph 102 of the NPPF states that 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, informed by a Strategic Flood Risk Assessment where one has been prepared; and*

- *A site-specific Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

The Development Plan

Leeds Core Strategy

3.6 The development plan The Kirklees Unitary Development Plan ("the UDP") sets out the LPA's policies and proposals for the use and development of land and buildings. The plan was originally adopted in March 1999 and policies were subsequently saved in 2007. The UDP was initially expected to cover the period up to April 2006. In accordance with the NPPF, given the date of the UDP and the fact

that it was not adopted under the Planning and Compulsory Purchase Act 2004, it is considered only limited weight can be afforded to the policies within the document.

Flood Zone Designation

3.7 Flood zones refer to the probability of river and sea flooding, ignoring the presence of defences. The NPPF Planning Practice Guidance (reference ID: 7-065-20140306) defines Flood Zones as follows:

- Flood Zone 1: Low Probability. Land having a less than 1 in 1,000 annual probability of river or sea flooding.
- Flood Zone 2: Medium Probability. Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.
- Flood Zone 3a: High Probability. Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.
- Flood Zone 3b: The Functional Floodplain. This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency.

3.8 The Flood Zones are shown on the EA Flood Map for Planning (Rivers and Sea). The Planning Practice Guidance states that the Zones shown on the EA Flood Map do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding.

3.9 The site is defined by current EA mapping as being within Flood Zones 1, 2 and 3. The Calder Valley SFRA includes information to sub-divide Flood Zone 3 into 3a and 3b (functional floodplain) but there are no areas designated Flood Zone 3b within the Oak Mills site.

3.10 Despite the site being shown to be within Flood Zone 1 post development, the existing flood map is used as the basis for the assessment presented in this report.

4.0 Sequential Assessment and Exception Test

Assessment Methodology

Introduction

4.1 In order to comply with the NPPF, the Sequential Test needs to be applied to the existing site to test whether alternative sites at a lower risk of flooding are "reasonably available".

4.2 The approach set out in the Environment Agency's (EA) guidance note[1] has been applied in order to sequentially test the site. This is summarised below:

1. Define the geographical area over which the assessment is to be applied.
2. Identify the source of alternative sites.
3. State the method for testing the alternative sites.
4. Apply the Sequential Test

Geographical Area

4.3 The geographical search area has been limited to the area defined as North Kirklees, an area to the north of the A644 and generally contained within the UDP Proposals Maps 1-5. This search area is considered to be a wide expansive area that includes a number of settlements including Cleckheaton, Batley and Dewsbury that would reflect the catchment for a residential development in North Kirklees as this area contains a variety of services and associated public transport and highway infrastructure.

Source of Alternative Sites

4.4 The Kirklees Publication Draft Local Plan – Allocations and Designations has been reviewed to identify potential alternative sites within the catchment.

Testing Alternative Sites

4.5 The Publication Draft Local Plan makes an assessment of the potential residential sites within the Aire Valley area using a number of criteria. The following criteria has been utilised to test alternative sites within this report:

<u>Deliverability:</u>

4.6 Individual sites that cannot provide an adequate area of land in comparison to the identified site are not considered to be deliverable. The site measures 0.8 of which approximately 0.55 ha is proposed to be developed. On that basis, sites between 0.5-1 hectares have been considered with others discounted.

<u>Availability:</u>

4.7 The results of this assessment are presented in the form of an anticipated start date of any development. Availability conclusions are set out as:

- Short
- Short - early. This means available now

[1] Demonstrating the Flood Risk Sequential Test for Planning Applications, version 3.1, Environment Agency, April 2012

- Short – later. This means available by 2018/19
- Short – part. This means part of the site is available now
- Medium. This means available 2019/20 – 2023/24
- Long. This mean available 2024/25 or later.

4.8 Given the aspirations of the developer to commence development in 2017/18, sites with an anticipated start date of 'Short – part' (where 'part' is less than equivalent to the size of the proposed site), 'Medium' and 'Long' are not considered to be reasonably available.

Flood Risk:

4.9 The Flood Risk Sequential Test aims to direct development away from areas at highest flood risk. Therefore, if a proposed development is located within Flood Zone 2, consideration must first be given to alternative sites located in Flood Zone 1. If there are no available and suitable sites located in Flood Zone 1, alternative sites in Flood Zone 2 should be considered. According to the NPPF, in such an instance, the development should only proceed if it is safe and does not increase flood risk elsewhere.

4.10 The flood zoning of the sequential sites has been assessed using the flood zone designations presented by the EA Flood Map for Planning. These maps are considered to provide the most appropriate basis for assessing flood risk within the sequential test search area.

Green Belt

4.11 The site is located within the Green Belt but is previously developed land and therefore residential development can be considered appropriate. Much of the catchment is within the Green Belt therefore sites that are not previously developed have been discounted.

Application of the Assessment

Alternative Sites

4.12 The Local Plan identifies a total of 57 housing sites in the catchment area.

Deliverability

4.13 A total of 38 no. alternative sites are assessed as not having an appropriate amount of land available compared to the identified site. The remaining 19 alternative sites "taken forward" are presented below highlighting the land available in comparison to the application site.

SITE REFERENCE	ADDRESS	SIZE (ha)	COMMENT
H796	Old Lane, Birkenshaw	0.82	This site requires third party land for visibility splays and a sewer connection and is therefore not deliverable.
H193	Holme house, Oxford Road	0.84	This site is largely undeveloped and in the Green Belt and would therefore be inappropriate development and not deliverable.

H489	7 Church Lane, Gomersal	0.67	This site is largely undeveloped and in the Green Belt. It is also understood this site cannot provide the necessary visibility splays onto Church Lane, it is therefore considered undeliverable.
H662	Upper Batley Low Lane	0.94	This site is undeveloped and in the Green Belt and therefore residential development would be deemed inappropriate and not deliverable.
H1938	Wards Hill, Batley	0.55	This site is owned by Kirklees Council and an increased provision of affordable housing is desired and therefore not appropriate for a private developer. Furthermore there are major contamination concerns that would make this small site unviable and therefore not achievable.
H49A	Brick Hill Farm	0.98	This site is undeveloped and in the Green Belt and would be inappropriate development that is not deliverable.
H162	Former Cleckheaton Bowling Club	0.67	Site is currently designated as Urban Greenspace therefore residential development would not be deliverable.
H2584	Land South of Halifax Road	0.66	No technical/policy constraints
H278	Lands Beck Way	0.78	There are surface water issues on this site that could make the site unviable and therefore not deliverable.
H2537	Halifax Road, Hightown	0.8	Third Party Land is required to achieve the necessary visibility splays making this site undeliverable.
H134	Headlands Farm	0.58	No technical/policy constraints
H145	Spenborough Industrial Estate	0.52	There are surface water and noise issues associated with this site that are consider to make the site unviable and therefore undeliverable.
H783	Dale Lane	0.5	This site is owned by Kirklees Council and an increased provision of affordable housing is desired therefore the site is not appropriate for a private developer. As such the site is not available or deliverable.
H760	Halifax Road, Staincliffe	0.66	No technical/policy constraints
H527	Staincliffe Hall Road	0.67	Safety issues on the surrounding highway network have been identified as a concern regarding this small site and the measures required to make a development safe would make this small site unviable and undeliverable.
H124	Squirrel Hill Reservoir	0.8	No technical/policy constraints
H2647	Spafield Mill	0.76	No technical/policy constraints

H776		0.77	This site is owned by Kirklees Council and an increased provision of affordable housing is desired therefore the site would not be viable for a private developer and is therefore undeliverable.
H778	Huddersfield Road	0.51	Part of the site is within FZ2 and is not sequentially preferable. This is an extant housing allocation and the air quality and noise issue and understood to have been a constraint on the site coming forward to date. Furthermore, the site only has a potential yield of 11 dwellings.
H205	Slipper Lane	0.69	The site is within the Green Belt and largely undeveloped. Third party land is required to achieve the visibility splays therefore this site is not currently deliverable.
H197	Leeds Road	0.65	This site is currently identified as a B3 Buffer Zone where development is prevented to allow for suitable tree planting to provide a noise buffer to adjacent industrial premises and is not considered achievable.

Flood Risk

4.14 Only one of the 19 sites identified are located within Flood Zone 2 with none being within Flood Zone 1.

Outcome

4.15 On the basis of the assessment presented above, only five sites are considered to be a viable alternative to the application site on deliverability and achievability grounds and of these five sites there is only one that is at a lower risk of fluvial flooding than the application site. None of the sites are understood to be available as they are, with the exception of those owned by Kirklees, in private ownership and are not understood to be on the market.

4.16 As there are no readily available suitable alternative sites at lower flood risk than the application site, the Sequential Test is passed.

Exception Test

4.17 As part of the application site is designated Flood Zone 3 the Exception Test needs to be passed in accordance with the two parts identified in paragraph 102 of the NPPF.

"Part A"

4.18 The proposed development provides much needed residential accommodation on a brownfield site in a highly accessible and sustainable location and therefore accords with the wider sustainability objectives of the NPPF and adopted development plan. The site is within a short walk of various amenities and is close to local centres, areas of employment and schools. In addition the

development would be built to the latest building regulations and therefore will ensure high sustainability targets are met. The site will also deliver significant environmental benefits by improving the visual appearance of the site and by delivering a large new amenity space and ecological zone. The development would make a substantive contribution to the housing delivery requirement for Kirklees in the short-term and at a time when a five year supply cannot be demonstrated.

4.19 Based on the above it is considered the first part of the Exception Test has been passed.

"Part B"

4.20 A comprehensive Flood Risk Assessment (FRA) has been undertaken for the application site and the proposed development (S M Foster Associates Ltd July 2016 & February 2017). The FRA has been reviewed and accepted by the Lead Local Flood Authority and the Environment Agency.

4.21 The FRA confirms that the proposed flood mitigation works that will take place in delivering the development will ensure the development not only prevents flooding on this site, resulting in it being re-designated as Flood Zone 1, but the development will also contribute to a reduction in local flood risk in the surrounding area through enhanced fluvial flow capacity and improved management of surface water runoff. The FRA therefore enables the second part of the Exception Test to be passed.

4.22 For the reasons outlined above it is considered the Exception Test has been passed.

5.0 Conclusion

5.1 There are proposals for a residential development at a site located at Oak Mills, Oakenshaw.

5.2 A sequential assessment has been carried out in accordance with the National Planning Policy Framework using the approach set out in the Environment Agency's guidance note. The search area was limited to North Kirklees.

5.3 The sequential assessment has been applied to 57 alternative sites located in the catchment area as identified from the draft Kirklees Local Plan. These sites, have been assessed with respect to deliverability (site area; site constraints), availability and flood risk.

5.4 38 of the alternative sites are not of an appropriate size to accommodate the development proposed for the application site, 14 are considered to be undeliverable. The remaining 5 sites are not considered to be readily available.

5.5 With regards to flood risk, a site specific Flood Risk Assessment demonstrates that the development would be safe for its lifetime and would reduce flood risk on the site and adjacent sites. The development would also deliver wider sustainable benefits to the community. As such, the proposed development is deemed to pass the Exception Test.

5.6 On the basis of the above, the Flood Risk Sequential Test is considered to have been satisfactorily addressed for the application site and the Exception Test passed. As such, neither is considered to represent impediments to the development of the application site.