

**Consultation Response from KC,
Policy****2023/92448 Former Cooper Bridge Water Treatment Works, Leeds Road, Mirfield, WF14 0BT****Outline application for erection of B8 industrial unit****Date Responded: 26/06/2024****Responding Officer: HR****Responding Ref:**

This proposal is for the erection of a B8 industrial unit and associated parking located on the old waste water treatment works at Cooper Bridge. The application site is an employment allocation (ES9) on the adopted Kirklees Local Plan. The site is located in Flood Zone 2 and 3 (EA) and Flood Zone 2 and 3ai (SFRA).

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to flood risk policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Flood Risk

The NPPG in relation to flood risk was updated in August 2022.

The whole site is located within flood zone 2 (EA and SFRA) with a proportion in the middle of the site in flood zone 3 (EA) and flood zone 3ai (SFRA) where there is a high probability of flooding. In relation to flood risk, general industry and car parking are a less vulnerable use as set out in the flood risk vulnerability classification, Annex 3 of the NPPF, therefore are appropriate, only after the sequential test has been passed (Table 2, NPPG). An exception test is not required in this case.

Local Authorities are required to undertake a Level 1 SFRA as part of the Local Plan process, to identify areas where development can be located with a low risk of flooding. The SFRA is then used to apply the Sequential Test and identify appropriate locations for development.

Employment allocation (ES9) was subject to a Sequential Test as part of the Local Plan process. As a result of this it was not the intention of the council at that time to develop areas of land within this allocation, located in flood zone 3ai. When allocating this site for development the council netted off the area of land located in flood zone 3ai and it was not included in the developable area of the site.

LP27 (Flood Risk)

As proposed development is located in flood zone 3ai, Local Plan policy LP27 states that proposals within flood zone 3ai will be assessed in accordance with national policies relating to flood zone 3a but with additional restrictions. In this case point b applies:

Less vulnerable uses may only be permitted provided that the sequential test has been passed and;

- i. Where extensions are linked operationally to an existing business or,
- ii. Where redevelopment of a site provides buildings with the same or a smaller footprint.

This application proposes to build on land located in flood zone 3ai therefore a Sequential Test will be required. Should the Sequential Test be passed the proposed building footprint must not exceed the footprint of the current developed area on the site.

Sequential Test

A sequential test has not been submitted as part of this planning application, the following offers advice on how to carry out a sequential test.

Area of search (geographical area):

The Local Plan Policy LP27 (flood risk) states that the whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed, each case will be assessed on its merits.

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed (NPPG).

Sources of sites:

Alternative 'reasonably available' sites will need to be considered as part of the Sequential Test, sources that would normally be looked at would include:

- Local Plan allocations
- Sites that haven't been allocated in the Local Plan, but have been granted planning permission for a development that is the same or similar to the proposed development
- Windfall sites that aren't allocated in the Local Plan and don't have planning permission, but that could be available for development (information from local estate agents about sites for sale)

Guidance states that allocated sites, unallocated sites with planning permission and windfall sites should be searched for potential alternative sites and this should be as up to date as possible ([Flood risk assessment: the sequential test for applicants - GOV.UK \(www.gov.uk\)](#)).

Site Size:

Reasonably available sites could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

Therefore, all sizes of sites should be considered as part of the test and not just those that 'have a comparable yield to the subject site'.