

**REDEVELOPMENT OF THE DWP
DISTRIBUTION CENTRE
MANCHESTER ROAD
HEYWOOD**

FLOOD RISK SEQUENTIAL ASSESSMENT

31 MAY 2024

APPLICATION REFERENCE 22/01410/FUL

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- 1. Technical Note by Burrows Graham**
- 2. Scoping Report**
- 3. Email from the Council's Head of Planning Services, dated 24 May 2024**
- 4. Email from the Council's Principal Planning Officer dated 3 May 2024**

1. INTRODUCTION

- 1.1. This Sequential Assessment has been prepared in respect of proposals for the redevelopment of the former DWP distribution depot located at Manchester Road, Heyward (“the Appeal Site”).
- 1.2. A planning application for the redevelopment of the Appeal Site to replace all existing buildings on the Appeal Site and redevelop it for storage and distribution units (Use Class B8) was refused permission on 22 December 2023 (“the Application”). In summary, the sole reason for refusal is concerned with the design and scale of the proposal; an assertion that the proposal represented an overdevelopment on the site and that it would cause unacceptable harm to the amenity of existing and future residents living nearby.
- 1.3. The overarching objective of National Policy is to steer development to locations where there is the lowest risk of flooding, to ensure that the design of development ensures that it would be safe from flooding over its lifetime and that it does not increase the risk of flooding elsewhere.
- 1.4. The Appeal Site falls within Flood Zone 1 in respect of fluvial flooding, which is land with the lowest risk of flooding. A risk of surface water flooding on part of the Appeal Site has been identified. However, the Appeal Site is previously developed in a sustainable location which is suitable for the Proposal. There is a strong argument that the need for redevelopment is specific to this Site. Moreover, the only reason there is any surface water issue is due to the existing built form on the site. The design of the Proposal avoids any realistic flooding risk and improves the risk of flood risk elsewhere¹ – it is therefore consistent with the fundamental intent of national policy. In a real world context, the risk of surface water flooding would be diminished on and off site.
- 1.5. In the light of the approach to paragraph 169 of NPPF in the case of ***Mead v Secretary of State [2024] EWHC 279 (Admin)***, (addressed below), it is open to the decision maker to decide how to approach how and in what way the sequential test should be approached when considering the risk of flooding from ‘all’ sources, and do so in an ‘open-textured’ manner. This report approaches the policy on the assumption that the sequential test is engaged and should be applied to broadly the form of development proposed. It is to be noted, however that the application of

¹ A Technical Note by Burrows Graham summarises the risk of surface water flooding on site and how the Proposal addresses this. The Technical Note is attached at Annex 1.

the sequential test achieves nothing in a case where the appeal scheme avoids any realistic risk of flooding and does not increase the risk of flooding elsewhere. Nonetheless, this report therefore seeks to address the ‘technical’ question of whether there is a sequentially preferable site which has a lower risk of flooding (ignoring mitigation).

- 1.6. Having regard to the benefits of the development, the availability of a suitable site to accommodate the Proposal elsewhere should be weighed in the overall planning balance². Moreover, the risk of surface water flooding is not an issue raised by the reason for refusing the Application.

The Appeal Site

- 1.7. The Appeal Site is approximately 11.1 hectare site to the northwest of the intersection of Manchester Road and Queen Elizabeth II Way at Heyward. There are presently nine main buildings, which have been used for some years by the Department Of Work and Pensions (“DWP”) for document storage. There are also various smaller associated buildings dispersed across the site. The Appeal Site is previously developed land with an established employment use.
- 1.8. The Appeal Site is previously developed land. It is located within the Defined Urban Area in its entirety.
- 1.9. The existing buildings on the Appeal Site are capable of being reoccupied for a B8 use without the need for planning permission. This is a fallback if the Appeal is not allowed. If they are reused, the wider surface water strategy to address existing surface water flooding would not be delivered.

The Proposed Development

- 1.10. The Proposal is to redevelop an existing developed site which has been occupied for employment use, which could be lawfully resumed at any time. The Proposal is to demolish and clear the existing buildings on the Appeal Site. The Proposal is to develop two buildings, one building having two units within it. The larger unit would provide a total floor space of 32,527 square metres GIA and an additional 2,009 square metres of ancillary office space. The smaller building would provide a total floor space of 8,224 square metres GIA and an additional 876 square metres of ancillary office space. The smaller building is designed to provide flexibility to

² See *Asda v Leeds CC* [2021] EWCA Civ 32 which indicates the need to undertake a balancing exercise of the merits of a proposal and that the word “should be refused” in National Policy does not mandate that an application should be refused permission.

respond to the space requirements of end users and it is capable of being split into two units or developed as one. The use of the proposed buildings would be B8 (storage and distribution).

1.11. The Flood Risk Assessment for the Appeal Site forming part of the Application³ indicates:

- With regard to fluvial flood risk, the Environment Agency (“EA”) flood maps for planning show that the Appeal Site is located with Flood Zone 1 (low probability of flooding)⁴;
- With regard to surface water flood risk, the GOV.UK online mapping of long-term flood risk from surface water indicates that the Appeal Site is mostly at very low risk of flooding. There are some localised areas at low to high risk of surface water flooding associated with low lying parts of the Appeal Site⁵.
- For groundwater flood risk, based on the prevailing ground conditions the risk of flooding from groundwater cannot be ruled out. However, based on the Strategic Flood Risk Assessment (“SFRA”) produced by Rochdale Borough Council there is no significant risk of groundwater flooding on the Appeal Site or in the surrounding areas. Further, based on the groundwater flood maps contained in the Bury, Rochdale and Oldham SFRA, the presence of deep groundwater and no basements forming part of the development proposals, the risk of groundwater flooding is low⁶.
- In respect of sewer flooding, There are no existing public sewers within the vicinity of the Appeal Site. Therefore, the Appeal Site is at low of risk of flooding from sewers⁷.
- The Appeal Site is remote from tidal influences and is therefore not at risk of tidal or coastal flooding⁸.

³ Heywood Stores, Manchester Road, Flood Risk and Drainage Strategy, Burrows Graham, October 2022

⁴ See paragraph 3.1 of the Flood Risk Assessment.

⁵ *Ibid* paragraph 3.2.

⁶ *Ibid* See paragraph 3.3 of the Flood Risk Assessment.

⁷ *Ibid* See paragraph 3.4 of the Flood Risk Assessment.

⁸ *Ibid* paragraph 3.5.

- In respect of reservoir flooding, Based on the EA Flood Risk from Reservoirs Map, the Appeal Site is not at risk of flooding from reservoirs⁹.

1.12. With regard to the limited area which is not of low risk of surface water flooding, the Proposal includes a surface water drainage strategy¹⁰. The Proposal also includes a foul water drainage strategy¹¹.

1.13. In summary, the risk of flooding arises because parts of the Appeal Site are low lying and there is a risk of surface water flooding. However, the Proposal contains a scheme to address this specific issue.

Scoping Report

1.14. A Scoping Report as been produced to outline matters relevant to the Sequential Assessment¹². This is agreed with the Local Planning Authority¹³.

1.15. The Scoping Report set out the following approach:

- a. The definition of the proposal which the sequential assessment is considering, including the scope for flexibility;
- b. Defining the area of search for potential sites – the area of search comprises Rochdale Manchester Fringe are as defined on the Rochdale Core Strategy Key Diagram.
- c. The identification of potential alternative sites – the Scoping Report identifies various sources of information about potential development sites within the area of search.
- d. The assessment of potential alternative sites in respect of their suitability and availability;
- e. Analysis of potential alternatives against the Appeal Site;

⁹ *Ibid* paragraph 3.6.

¹⁰ This is described in Section 4 of the Flood Risk Assessment and drawing ref: 21192-BGLXX-XX-DR-S-00250.

¹¹ This is described in Section 5 of the Flood Risk Assessment.

¹² A copy is attached at Annex 2.

¹³ See the email from Melanie Hale, the Council's Head of Planning Services, dated 24 May 2024 which is attached at Annex 3.

- 1.16. Feedback from the Council regarding the scope of the assessment was that the site search should focus on those identified in the Council's published Strategic Housing Land Availability Assessment (SHLAA)¹⁴.
- 1.17. The following section of this Report outlines the character of the proposal. Section 3 describes the consideration of flood risk in the determination of the application. Relevant policy is outlined in Section 4. Section 5 sets out the approach to undertaking the sequential assessment. The identification and assessment of the suitability and availability of potential alternative sites is contained in Section 6. This is followed by Section 7 which provides an assessment of potential alternatives against the Appeal Site. Section 8 comprises a summary and conclusions.

¹⁴ An email from Wayne Poole, Principal Planning Officer dated 3 May 2024. This is attached at Annex 4.

2. THE CHARACTER OF THE PROPOSAL

- 2.1. The character of the Proposal was described in the Scoping Report. This is relevant to the sequential assessment. For an alternative site (or sites) to be suitable to broadly accommodate the Proposal it must be capable of accommodating large buildings suitable for a warehouse and distribution use. The proposal includes two units: a large unit of circa 32,500 square metres floorspace and a smaller building of 8,200 square metres floorspace. A characteristic of the development is the requirement for each unit to have a single large footplate. Ancillary offices and other space requirements are additional to the floorspace figures above. The ancillary space does not need to be provided on the ground floor. The design of the development links the two buildings achieving the optimum and most efficient use of the Appeal Site¹⁵. Economies in land use are achieved through the co-location of the two buildings proposed on the Appeal Site. Disaggregating the Proposal into two components to treat each element separately for the purposes of the sequential assessment would lead to an overall greater land requirement compared to the proposal.
- 2.2. The Proposal is for a total of circa 40,750 square metres of warehouse and distribution space on a site of 11.1 hectares. This represents a development density of 36%¹⁶.

¹⁵ This is consistent with policy in NPPF paragraphs 128 and 129.

¹⁶ A typical plot density for warehouse and distribution development is 35-40%. See Warehousing In The UK: Operations, Planning and Decarbonisation Briefing Report, Technical Report ENG-TR.033 for the e Centre for Sustainable Road Freight (May 2023).

3. CONSIDERATION OF FLOOD RISK AND DRAINAGE IN THE DETERMINATION OF THE APPLICATION

- 3.1. Flood risk and drainage was considered in the determination of the planning application.
- 3.2. The Officer Report to Planning Committee referred to Section 14 of the National Planning Policy Framework which requires that due consideration be made to flood risk throughout the planning process¹⁷. The Report also refers to the following policies:
- Policy SO4 of the adopted Rochdale Core Strategy requires that the risk of flooding be reduced through appropriate flood risk management;
 - Core Strategy Policy G8 states that opportunities must be made to promote appropriate flood risk management when deciding planning applications; and
 - Saved Unitary Development Plan Policy EM/7 states that development will not be permitted where development could contribute to increased flood risk.
- 3.3. The Report then goes on to note that The Appeal Site is within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding¹⁸. It refers to the Flood Risk Assessment and a Sustainable Drainage Statement submitted as part of the application. It refers to the fact that the submitted reports were reviewed by United Utilities and the Lead Local Flood Authority (LLFA). The Report states that the proposed drainage systems, including the provision of Sustainable Urban Drainage Systems (SUDS) to appropriately reduce water runoff, as proposed, were accepted in principle.
- 3.4. The Report discusses the consultation responses from United Utilities and the LLFA. The Report states that subject to additional information provided that can be secured by way of imposing suitable planning conditions, the Proposal was acceptable with regards to drainage and flood risk, in accordance with Section 14 of

¹⁷ Paragraph 80, page 62 of the Officer Report.

¹⁸ *Ibid* paragraph 81, page 62.

the NPPF and Policies SO4 and G6 of the adopted Rochdale Core Strategy, as well as saved Unitary Development Plan policy EM/7.

3.5. The proposed planning conditions set out in the Officer Report included the following relating to flood risk and drainage:

- Condition 2 which identifies Flood Risk Assessment and Drainage Strategy (Reference 21194-BGLXX-XX-RP-D-00001 Version 7 dated 06 June 2023) as a document relating to the permission and that development and that development shall be carried out in accordance with this document; and
- Condition 6 requires updated details of the sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to and approved by the Council. The condition states that the drainage scheme shall be based upon approved drainage strategy (Drainage Strategy drawings 21194-BGL-XX-XX-DR-C-00210 & 211 & 212 /P07 dated 3rd Aug 2023. It also sets out a series of matters to be addressed in the updated detailed information required.

3.6. Flood risk and drainage was not a matter recorded as being an issue raised in discussions at the planning committee meeting when the Application was determined¹⁹. The reason for refusing the Application does not refer to any issues regarding flood risk or drainage.

¹⁹ See the minute of the Planning Committee Meeting of 23 December 2023.

4. THE POLICY CONTEXT

- 4.1. The policy context for undertaking a sequential assessment is set out in the NPPF section and the Planning Practice Guidance (“PPG”) section on “Flood Risk and Coastal Change.” The ***Mead-Redrow***²⁰ High Court Judgement is relevant as it discusses the application of policy relating to flood risk and the application of a sequential assessment.

The National Planning Policy Framework

- 4.2. In the context of plan making, NPPF paragraph 168 states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

- 4.3. Because flood risk arising on the Appeal Site relates to surface water in low lying parts of the Appeal Site only, the sequential assessment should seek an alternative site (or sites) to accommodate the Proposal, or something similar, where there is no risk of flooding.
- 4.4. NPPF Paragraph 169 continues by stating that if it is not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the Exception Test may have to be applied. It states that the need for the exception test will depend on the potential vulnerability of the Appeal Site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. The Proposal is a “less vulnerable” development as defined in the Annex.
- 4.5. Paragraph 170 states that to pass the Exception Test, when it is necessary, it should be demonstrated that:
- a. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

²⁰ ***Mead Realisations Limited v SSLUHC and Redrow Homes Limited v SSLUHC [2024] EWHC 279 (Admin)***

- 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 food risk overall.
- 4.6. Paragraph 171 states that both elements of the Exception Test should be satisfied for development to be allocated or permitted. This allows the need for the development, plus any sustainability benefits to be balanced against flood risk.
- 4.7. In respect of policy for determining applications, paragraph 173 states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and Exception Tests, as applicable) it can be demonstrated that:
 - a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b. the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d. any residual risk can be safely managed; and
 - e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The Planning Practice Guidance

- 4.8. The PPG provides more detailed guidance on the sequential and Exception Tests. Paragraph 004²¹ sets out guidance on the process and decision making where flood risk is a consideration. The broad approach is to avoid the risk of flooding; to control the risk; to mitigate; and then to manage residual risk. In respect of avoiding the potential for flooding the PPG sets out five points. In summary these are:

²¹ Paragraph: 004 Reference ID: 7-004-20220825.

- i. In plan making a sequential approach should be adopted and if necessary, the Exception Test applied;
 - ii. In decision making the Sequential and Exception Tests should also be applied to ensure that the risk of flooding is minimised and addressed;
 - iii. Development should not be allowed when the tests have not been met;
 - iv. To substitute lower vulnerability uses for higher vulnerability uses; and
 - v. Designing development to locate the most vulnerable aspects of development in areas of lowest flood risk.
- 4.9. In respect of the Sequential Test, paragraph 023²² indicates that the aim of an assessment is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.
- 4.10. Paragraph 027²³ explains how the Sequential Test should be applied to planning applications. It indicates that the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.
- 4.11. Paragraph 028²⁴ considers the question of whether a potential alternative site is reasonably available. It states that ‘reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It goes on to say that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. It adds that such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available.’
- 4.12. Paragraph 029²⁵ notes that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. An applicant will need to identify whether there are any other ‘reasonably available’ sites within the area of search, which have not already been

²² Paragraph: 023 Reference ID: 7-023-20220825.

²³ Paragraph: 027 Reference ID: 7-027-20220825

²⁴ Paragraph: 028 Reference ID: 7-028-20220825

²⁵ Paragraph: 029 Reference ID: 7-029-20220825

identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.

- 4.13. Paragraph 031²⁶ refers to paragraph 170 of the NPPF²⁷ which states that the Exception Test requires two additional elements to be satisfied before allowing development in circumstances where suitable sites at lower risk of flooding are not available following application of the Sequential Test. The paragraph continues by stating that it should be demonstrated that development that has to be in a flood risk area to provide wider sustainability benefits to the community that outweigh flood risk, and that 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. It emphasises that the Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has identified reasonably available, lower risk sites, appropriate for the proposed development.
- 4.14. The application of the Exception Test to planning applications is addressed in paragraph 035²⁸. This states that the test should only be applied when a sequential assessment has shown that it is not possible for development to be located in areas with a lower risk of flooding, considering wider sustainable development objectives. It continues by saying that an applicant will need to provide evidence to demonstrate how both elements of the Exception Test will be satisfied.
- 4.15. With regard to the two matters to be addressed in the Exception Test, paragraph 36²⁹ states that local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their development plan's sustainability appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence. It then sets out examples of the wider sustainability benefits to the community. These benefits include the re-use of suitable brown field land as part of a local regeneration scheme. It continues by noting that identified sustainability benefits should be balanced against the associated flood risks, taking account of the site-specific flood risk assessment. The paragraph adds that when wider sustainability benefits are absent or where they

²⁶ Paragraph: 031 Reference ID: 7-031-20220825

²⁷ The PPG refers to paragraph 164 in the July 2021 version of the NPPF. This is now paragraph 170 in the December 2023 version of the NPPF.

²⁸ Paragraph: 035 Reference ID: 7-035-20220825

²⁹ Paragraph: 036 Reference ID: 7-036-20220825

are outweighed by flood risk, the Exception Test has not been satisfied and planning permission should be refused.

Mead-Redrow Judgement

4.16. The **Mead-Redrow** judgement was concerned with challenges to two decisions both of which dismissed appeals because of a failure to satisfy the Sequential Test in respect of flood risk. In the Mead appeal decision³⁰ the issue in this context was the application of the Sequential Test particularly regarding the criteria used to identify potential alternative sites. In the Redrow decision³¹ the issues relating to flood risk were the requirement to address different sources of flooding; the area of search for potential alternative sites; and the assessment of the availability of sites. The challenges to the appeal decisions were about the interpretation and application of the Sequential Test. The Judgement particularly addresses the status of the PPG.

4.17. The most relevant parts of the judgement are summarised as follows:

- The application of the Sequential Test must be undertaken with flexibility and realism³²;
- The question of whether an alternative site is “reasonably available” is a matter of judgement³³; and
- A judgement is required about whether a development can be divided into a series of smaller sites to accommodate a proposal³⁴;

Summary of Relevant Policy Considerations

4.18. The NPPF steers development to sites with a low risk of flooding. The PPG sets out detailed guidance as to how this policy objective should be addressed. In plan making a sequential approach should be adopted and if necessary, the Exception Test applied.

4.19. In decision making the Sequential and Exception Tests should also be applied to ensure that the risk of flooding is minimised and addressed;

³⁰ Appeal Ref: APP/D0121/W/22/3313624, Land at Lynchmead Farm, Ebdon Road, Wick St Lawrence, Weston-super-Mare BS22 9NY, dated 20 June 2023.

³¹ Appeal Decision APP/N1920/W/23/3314268, Land at Little Bushey Lane, Bushey, dated 19 July 2023.

³² See **Mead-Redrow** paragraphs 93-98.

³³ *Ibid* paragraph 106.

³⁴ *Ibid* paragraphs 109 and 110.

- Development should not be allowed when the tests have not been met;
- To substitute lower vulnerability uses for higher vulnerability uses; and
- Designing development to locate the most vulnerable aspects of development in areas of lowest flood risk.

4.20. The aim of a sequential assessment should be to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The Sequential Test should be applied to planning applications. It indicates that the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. Regarding an area of search, the PPG indicates that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The PPG continues by saying that an applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, which have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.

5. THE APPROACH TO A SEQUENTIAL ASSESSMENT

- 5.1. The purpose of the sequential assessment is to assess whether there is an alternative suitable site, which is reasonably available to accommodate the proposed development, or something similar, on a site which has a lower risk of flooding compared to the Appeal Site. Various aspects of the sequential assessment will require judgement to be exercised. The assessment should be undertaken with realism and flexibility in mind.

Methodology

- 5.2. A methodology requires the following:
- The definition of the proposal which the sequential assessment is considering, including the scope for flexibility;
 - Defining the area of search for potential sites;
 - The identification of potential alternative sites;
 - The assessment of potential alternative sites in respect of their suitability and availability;
 - Analysis of potential alternatives against the Appeal Site;
 - If necessary, undertake an exceptions assessment by first, identifying sustainable community benefits arising from the Proposal and secondly, considering the safety of the Proposal over its lifetime in relating to the potential for flooding and avoiding flood risk elsewhere.

Character of the Proposal

- 5.3. As noted above, for an alternative site (or sites) to be suitable to accommodate the Proposal it must be:
- Capable of accommodating large buildings suitable and viable for a warehouse and distribution use;
 - Suitable to accommodate circa 40,750 square metres of warehouse and distribution space on a site of around 11 hectares or something similar.

- A requirement for buildings to have a single large ground floor footplate – the site must be level or capable of being made level;
- Have sufficient space to accommodate necessary servicing arrangements and parking; and
- Be reasonably accessible to the principal road network.

5.4. All of the criteria identified above are agreed with the Council.

Area of Search

5.5. The proposed area of search is the Rochdale Manchester Fringe area as defined on the Rochdale Core Strategy Key Diagram. The area of search is agreed with the Council.

Sources to Identify Potential Sites

5.6. The Scoping Report identified the resources to identify potential alternative sites. A response from the Local Planning Authority indicated that the search should focus on the SHLAA and not the “Call for Sites” exercise. Other sources identified in the Scoping Report are:

- Existing allocated sites in adopted plans (Core Strategy, The Site Allocations DPD and Places for People);
- Any Site Allocation Options;
- Extant planning permissions for the same or similar developments to the Proposal;
- Sites/land identified by the Council as part of the scoping exercise; and
- An internet search of land presently being marketed.

5.7. The feedback from the Council in respect of the Scoping Report suggested it may be best just to consider those identified in the Council’s published Strategic Housing Land Availability Assessment (SHLAA).

Assessing Availability

5.8. The Scoping Report set out the factors relevant to the question of the reasonable availability of alternative sites. To be reasonably available they should:

- Be marketed for sale at a fair and realistic price;
- Not presently in an active use, unless the site is being marketed for redevelopment;
- Not have planning permission for another use which is likely to be implemented; and
- Be capable of being developed in a similar timeframe as the Proposal.

5.9. This approach is agreed with the Council.

The Assessment of Available Suitable Sites Against the Proposal

5.10. The Scoping Report indicated that the assessment of the suitability of potential alternative sites will take account of the following:

- The location of the alternative site regarding the proximity to the principal highway network in terms of whether the location is a realistic place to develop a warehouse and distribution scheme;
- The potential site must be realistically capable of accommodating a warehouse/distribution scheme having regard to levels, adjoining land uses and taking account of other relevant related matters;
- The size of the potential alternative site – the Proposal requires a site of circa 11 hectares;
- The alternative site should not be subject to any planning policy constraint that would presume against development being allowed; and
- The potential site must have a lower propensity to flood compared to the Appeal Site.

5.11. The assessment of potential alternative sites is also agreed with the Council.

Summary

- 5.12. The Scoping Report and consultation with the Council provides a mechanism to ensure agreement and consensus about the approach to addressing a sequential assessment. In this case the key points are the character of the Proposal; the area of search; and the sources to enable alternative potential sites to be identified and then assessed.

6. THE IDENTIFICATION OF POTENTIAL ALTERNATIVE SITES

- 6.1. The sources to identify potential alternative development sites are identified in the Scoping Report and outlined earlier in the Report. The Council has indicated that the search should focus on the SHLAA. However, before addressing the SHLAA existing allocated sites in adopted plans are identified followed by extant planning permissions for the same or similar developments to the Proposal. Sites identified within the SHLAA are then considered followed by the outcome of an internet search of land presently being marketed. The Council have not identified any specific site or land to be considered within the assessment.
- 6.2. In undertaking research to identify potential alternative sites there is an overlap in the categories which have been identified. For example, an allocated site may have an unimplemented planning permission, be included in the SHLAA and being marketed for sale.

Allocated Sites and Proposed Allocations

- 6.3. Places for Everyone and the emerging Rochdale Allocations Local Plan are the most up to date documents identifying land for employment development in Rochdale.

Places for Everyone

- 6.4. Places for Everyone makes seven strategic allocations for development in Rochdale. These are all proposed for additional housing development. It should be noted that the Heywood Masterplan development and Kingsway at Rochdale are not included as these site flow from allocations in the Core Strategy (where Core Strategy allocations remain to be developed, they are captured by the proposed allocations in the emerging Allocations Local Plan).

The Emerging Rochdale Allocations Local Plan

- 6.5. The emerging Rochdale Allocations Local Plan proposes to allocate 33 sites for employment development. Six sites are greater than 2ha in area. These are the following:

- AL/EMP/1: Kingsway Business Park;
- AL/EMP/4: Heywood Distribution Park;
- AL/EMP/5: Smallbridge Business Park;
- AL/EMP/25: Stakehill Industrial Estate;
- AL/EMP28: Birch Industrial Estate; and
- AL/EMP/33: Land bounded by Manchester Road/Hares Hill Road/Pilsworth Road, Heywood.

Extant Planning Permissions

- 6.6. Research has not identified any additional sites to those which are allocated (or proposed to be allocated) and identified within the SHLAA.

The SHLAA

- 6.7. The SHLAA is designed to identify land for housing. However, the process also identifies land suitable for other uses, particularly when employment land is promoted for housing development.
- 6.8. Within the Borough, the SHLAA identifies 48 sites of 2 hectares or over. Of these sites:
- 8 sites are within the Green Belt and are therefore subject to a planning policy constraint;
 - 4 sites are protected open land with landscape value and are therefore subject to a planning policy constraint;
 - 17 sites are in active use and are not available;
 - 6 sites have been or are in the process of being developed and are not available;
 - 2 sites are regeneration schemes within and adjacent to Rochdale Town Centre and are unsuitable; and
 - 1 site is outside the defined area of search (and is not discounted by factors above).
- 6.9. The remaining 10 sites are considered further in the following section of this assessment.
- 6.10. It should be noted that the SHLAA includes land designated for housing in the Heywood Masterplan area.

Internet Search

- 6.11. An internet search of land and premises for sale at Rochdale has been undertaken. The search parameters were land and premises within 10 miles of Rochdale so as to identify any potential sites within the Area of Search, including Heywood and Middleton; land/premises over 2 hectares in area or buildings of 20,000 square metres or more. The following websites were searched:
- Avison Young

- Breaky & Nuttall
- CBRE
- Colliers
- Fisher German
- Harness
- Hurstwood
- Knight Frank
- MBRE
- On the Market
- Pattinson
- Prime Location
- Roberts & Roberts
- Sanderson Weatherall
- Savills
- Trevor Dawson
- WT Gunson
- Zoopla

6.12. Details of the H-Park development forming part of the Heywood Masterplan area and proposed allocation AL/EMP/4: Heywood Distribution Park are available on the CBRE websites.

6.13. The Colliers website provided details of Unit B, Birch Business Park at Heywood. The total site is advertised as being 31 acres (12.5 hectares) in area. This is proposed allocation AL/EMP28: Birch Industrial Estate.

6.14. The marketing brochure by B8 Real Estate provides details of the plots available at Kingsway: proposed allocation AL/EMP/1: Kingsway Business Park.

6.15. The Internet search did not reveal any new sites additional to those proposed to be allocated for development.

Summary

6.16. The exercise to identify potential alternative sites for development has considered sites allocated or proposed to be allocated for development in Places for Everyone and the emerging Local Plan; the SHLAA; and an internet search of commercial property agents. Adopting a threshold of 2 hectares, 6 sites are identified for further assessment which are sites proposed to be allocated in the emerging Local Plan and 11 sites for further assessment from the SHLAA.

7. THE ASSESSMENT OF POTENTIAL ALTERNATIVES AGAINST THE APPEAL SITE.

7.1. This section considers each of the sites which have been identified through the site search process. Adopting the threshold of 2 hectares, there are six sites proposed to be allocated for employment use in the emerging Local Plan and ten potential sites identified in the SHLAA. Marketing material from CBRE, Colliers and B8 Real Estate provides information regarding sites at Heywood H-Park, Birch Business Park and Kingsway Business Park.

7.2. Reference is made to the GOV.UK online mapping of flood risk.

The Proposed Allocations

AL/EMP/1: Kingsway Business Park

7.3. The Kingsway Business Park is a successful new employment area to the east to Rochdale and in close proximity to Junction 21 of the M62 Motorway.

7.4. There are 13 undeveloped plots at Kingsway which total 29.7 hectares. The size of plots ranges from 1.16 hectares to 5.69 hectares. However, the configuration and siting these plots within the wider scheme is such that the largest site that could be assembled by combining adjacent plots is 9.8 hectares³⁵.

7.5. However, parts of the site where plots could be combined is subject to surface water flooding, with a low and medium risk; the area borders a waterway where there is a risk of river flooding; and a significant area is at risk of reservoir flooding.

7.6. Land at Kingsway is not sequentially preferable to the Appeal Site.

AL/EMP/4: Heywood Distribution Park

7.7. This site is approximately 10.1 hectares in area. It is undeveloped and located within an established employment area. A request for a screening opinion was made in May 2022 relating to the development of a fulfilment centre on the site for Ocado (application reference 22/00651/SO). The Council determined that an Environmental Impact Assessment was not required. In October 2022 planning permission was granted for engineering works to regrade the site and remove areas of hardstanding (application reference 22/00662).

³⁵ This entails combining Plots R, P1, P2 and P3.

- 7.8. The GOV.UK online mapping indicate that parts of this site are at low risk of surface water flooding, with spots on the western boundary with a medium/high risk. This site is not sequentially preferable to the Appeal Site.

AL/EMP/5: Smallbridge Business Park

- 7.9. This site is about 3.5 hectares in area. It is located adjacent to the River Roch. Ash Brook runs through the site. All of the site is at least medium risk of river flooding and parts at high risk. Parts of the site are also at low risk of surface water flooding. In addition, the site is at risk from reservoir flooding.

- 7.10. This site is not sequentially preferable to the Appeal Site.

AL/EMP/25: Stakehill Industrial Estate

- 7.11. This site is approximately 4.1 hectares. The site lies within the Stakehill Industrial Estate. There was an existing warehouse building on the site. Planning permission was granted for redevelopment of the site in February 2021 (application reference 20/01439). The new building will be 3,830 square metres gross floorspace.

- 7.12. The GOV.UK online mapping indicate that land at Stakehill has a risk of surface water flooding: in parts of the industrial estate the risk is high. Land at Stakehill is not sequentially preferable to the Appeal Site.

AL/EMP28: Birch Industrial Estate

- 7.13. This land forms part of the existing Birch Industrial Estate which is located to the south west of Heywood. Planning permission was granted for partial development in December 2020 (application reference 20/00955). This application site was 2.04 hectares. The approved scheme provides a new unit of 6,794 square metres gross floorspace. This has been developed and the site is no longer available.

AL/EMP/33: Land bounded by Manchester Road/Hare Hill Road/Pilsworth Road, Heywood.

- 7.14. This comprises the employment component of the South Heywood Masterplan Scheme. A hybrid planning permission was granted in March 2020 for the construction of a new link road between Junction 19 of the M62 and Pilsworth Road, and outline approval for a major mixed-use development comprising supporting residential uses comprising up to 1000 dwellings, employment uses up to 135,460 square metres floorspace, a new primary school, and a local centre (application reference 16/01399/HYBR).

- 7.15. The Link Road has opened and development within the Masterplan area is coming forward. The employment elements of the scheme are being marketed by CBRE as

“H-Park.” The scheme for the site indicates six units of various sizes, the smallest being 3,650 square metres floorspace and the largest, 63,900 square metres gross. H-Park would provide something similar to the current Proposal.

- 7.16. The GOV.UK online mapping indicate that land where the employment units are sited within the Masterplan area has some risk of surface water flooding. In individual spots here is a high risk. Compared to the Appeal Site, as a matter of judgement, the risk of flooding appears marginally less.

SHLAA Sites

SH 2325 Land to South of Heywood Distribution Park, Hare Hill Road, Heywood

- 7.17. This land comprises the housing element of the South Heywood Masterplan Scheme. This is an area of 76.5 hectares immediately adjacent to the Appeal Site. It is expected to deliver 878 new homes. Planning permission has been granted for 663 homes³⁶. This land is coming forward for residential development in accord with the masterplan. In the context of the current Proposal, land comprising the residential component of the Masterplan scheme is not available because it is being developed for housing.

- 7.18. Irrespective, land in the general vicinity of the Appeal Site within the Masterplan area to the south west, south and south east, has similar if not greater risks of flooding as the Appeal Site. Land within the Masterplan Area is not sequentially preferable to the Appeal Site.

SH 1980 William Street, Middleton

- 7.19. This site is located close to Middleton Town Centre, surrounded by residential development. The site area is about 4.2 hectares. Access off Oldham Road is constrained by residential development and other uses on the road frontage. William Street is narrow and unsuited to HGV traffic. This site is unsuitable as an alternative to the Appeal Site.

SH 1473 Land At Newchurch Street, Rochdale

- 7.20. This site is 2.1 hectares in area. It is an irregular shape. To the west of the site is land in employment use, to the south is Castleton Primary School playing field and further south and to the west is a residential area. Due to the configuration of the

³⁶ It should be noted that there is an overlap between the proposed allocation for employment development (AL/EMP/33: Land bounded by Manchester Road/Hare Hill Road/Pilsworth Road, Heywood) and the SHLAA site (SH 2325 Land to South of Heywood Distribution Park, Hare Hill Road, Heywood)

site it is unlikely that the developable area for a warehouse and distribution building would exceed 2 hectares in area. The suitability of this site is questionable because of adjacent land uses. However, although the site area exceeds the threshold of 2 hectares, due to the irregular shape of the site a developable area of 2 hectares is unlikely to be achieved. The site is unsuitable.

SH 1775 Land at Greenbooth Road, Rochdale

- 7.21. This is a heavily treed 5.3 hectare site on a hillside. Further, the site has an irregular shape. Outline planning permission for housing development was approved in December 2023 for the northern part of the site (application reference 20/01170/OUT). Due to the topography of the site it is unsuitable for the development of large scale warehouse and distribution units.

SH 1971 Trub Farm (West of Canal), Manchester Road, Rochdale

- 7.22. This site is approximately 6.1 hectare in area. An environmental assessment screening opinion on the central part of the site was sought in April 2022. The proposal was for up to 175 dwellings. The request was by Casa by Moda, a housebuilder. The GOV.UK online mapping indicates that a significant part of the site has a high risk of surface water flooding.
- 7.23. This site is not available as the evidence indicated that it is being promoted for housing development. Moreover, the incidence of surface water flooding is such that it is not a sequentially preferable alternative to the Appeal Site.

SH 0672 Crimble Mill, Crimble Lane, Heywood

- 7.24. The Crimble Mill is also a strategic housing allocation in Places for Everyone. The site is 16.8 hectares in size and is bounded by the river Roch and Crimble Mill to the north and Mutual Street, Woodland Road and All Souls C of E Primary School to the south. The allocation is intended to provide high quality homes and secure the future of Crimble Mill which is Grade II* Listed and on Historic England's Heritage at Risk Register at Category A (Immediate risk of further rapid deterioration or loss of fabric; no solution agreed). The Crimble Mill Topic Paper which supports the allocation acknowledges that parts of the site adjacent to the River Roch, including the mill complex, are at risk from flooding. Significant parts of the site are within Flood Zones 2 and 3.
- 7.25. The character and location of the site, the presence of a listed building and the propensity to flood render this site unsuitable as an alternative to the development of the Appeal Site.

SH 0678 Land at Junction of Sefton Street and Green Lane, Hopwood, Heywood

- 7.26. This is a 4.7 hectare site. The site is located within the built up area of Heywood in an area where there are various small scale employment premises. Planning permission was granted for employment redevelopment in 2004 and an application for a mixed use scheme in 2008 but withdrawn in 2012. The location is unlikely to be suitable for a large scale warehouse and distribution unit.
- 7.27. Small area of this site is shown on the GOV.UK online mapping as having a low risk of surface water flooding. This site is not a sequentially preferable alternative to the Appeal Site due to the character of the location and the fact that there is some liability to flood.

SH 0786 Vacant Depot, Corner of Townley Street/Oldham Road, Middleton

- 7.28. This is a 2.9 hectare site. Planning permission was granted to re-clad the building presently on the site in November 2023 (application reference 23/00784). This application was made on behalf of Character Options Limited which is a toy wholesaler. Research has found no evidence of this site being available.

SH 0608 Riverside Site, Smith Street/River Street/Water Street, Rochdale

- 7.29. This is a 2.2 hectare site in an edge of Town Centre location. It is unsuitable for a large scale warehouse and distribution development. The GOV.UK online mapping indicate that this site has a medium/high risk of surface water flooding and a medium risk of fluvial flooding. It is not a sequentially preferable alternative to the Appeal Site.

SH 0633 TBA, Rooley Moor Road, Rochdale

- 7.30. This site is approximately 14.3 hectares in area. The SHLAA notes that it is not developable due to longstanding issues of ground contamination. It is not a sequentially preferable alternative to the Appeal Site.

Summary

- 7.31. Some 16 potential alternative sites have been assessed against the Appeal Site. Consideration has been given to whether they are suitable and available to accommodate the Proposal or something similar. Account has also been taken of whether there is a risk of river flooding, surface water flooding and or reservoir flooding bearing in mind that localised parts of the Appeal Site have a low to high risk of surface water flooding associated with low lying parts of the Appeal Site.

7.32. Of the 16 sites assessed:

- Only the Heywood allocation AL/EMP/33 which comprises the employment component of the South Heywood Masterplan Scheme is capable of supporting the scale of development proposed. Compared to the Appeal Site, the risk of flooding appears marginally less;
- Whilst combining plots at Kingsway could provide something similar to the Proposal, as could land at Heywood Distribution Park, these sites are subject to similar, and in the case of Kingsway, greater risks of flooding compared to the Appeal Site. These are not therefore sequentially preferable.
- Land at Smallbridge Business Park; Stakehill Industrial Estate; Trub Farm, Manchester Road; Crimble Mill; Sefton Street and Green Lane, Hopwood, Heywood; and the Riverside Site, Smith Street/River Street/Water Street, all have a risk of flooding and as such they are not sequentially preferable to the Appeal Site;
- William Street, Middleton; Land At Newchurch Street, Rochdale; and Land at Greenbooth Road, Rochdale are unsuitable for a large scale warehouse and distribution development.
- Rooley Moor Road, Rochdale is contaminated and unsuitable.
- In respect of the Vacant Depot, Corner of Townley Street/Oldham Road, Middleton, research has not shown any evidence that it would be available.

8. SUMMARY AND CONCLUSIONS

- 8.1. This Sequential Assessment has been prepared to support proposals for the redevelopment of the former DWP distribution depot located at Manchester Road, Heywood.
- 8.2. A planning application for the redevelopment the Appeal Site to replace existing buildings with large storage and distribution units was refused permission in December 2023. Flood risk is not a matter identified in the reason for refusal.
- 8.3. The overarching objective of National Policy is to steer development to locations where there is the lowest risk of flooding, to ensure that the design of development ensures that it would be safe from flooding over its lifetime and that it does not increase the risk of flooding elsewhere.
- 8.4. The Appeal Site falls within Flood Zone 1 in respect of fluvial flooding, which is land with the lowest risk of flooding. A risk of surface water flooding on part of the Appeal Site has been identified. However, the Appeal Site is previously developed in a sustainable location which is suitable for the Proposal. There is a strong argument that the need for redevelopment is specific to this Site. Moreover, the only reason there is any surface water issue is due to the existing built form on the site. The design of the Proposal avoids any realistic flooding risk and improves the risk of flood risk elsewhere³⁷ – it is therefore consistent with the fundamental intent of national policy. In a real world context, the risk of surface water flooding would be diminished on and off site.

Potential Alternative Sites

- 8.5. The exercise to identify potential alternative sites for development has considered sites allocated or proposed to be allocated for development in Places for Everyone and the emerging Local Plan; the SHLAA; and an internet search of commercial property agents. Adopting a threshold of 2 hectares, 6 sites are identified for further assessment which are sites proposed to be allocated in the emerging Local Plan and 11 sites for further assessment from the SHLAA.

The Assessment of Potential Alternatives

- 8.6. The Some 16 potential alternative sites have been assessed against the Appeal Site. Consideration has been given to whether they are suitable and available to

³⁷

A Technical Note by Burrows Graham summarises the risk of surface water flooding on site and how the Proposal addresses this. The Technical Note is attached at Annex 1.

accommodate the Proposal or something similar. Account has also been taken of whether there is a risk of river flooding, surface water flooding and or reservoir flooding bearing in mind that localised parts of the Appeal Site have a low to high risk of surface water flooding associated with low lying parts of the Appeal Site.

8.7. Of the 16 sites assessed:

- Only the Heywood allocation AL/EMP/33 which comprises the employment component of the South Heywood Masterplan Scheme is capable of supporting the scale of development proposed. Compared to the Appeal Site, the risk of flooding appears marginally less;
- Whilst combining plots at Kingsway could provide something similar to the Proposal, as could land at Heywood Distribution Park, these sites are subject to similar, and in the case of Kingsway, greater risks of flooding compared to the Appeal Site. These are not therefore sequentially preferable.
- Land at Smallbridge Business Park; Stakehill Industrial Estate; Trub Farm, Manchester Road; Crimble Mill; Sefton Street and Green Lane, Hopwood, Heywood; and the Riverside Site, Smith Street/River Street/Water Street, all have a risk of flooding and as such they are not sequentially preferable to the Appeal Site;
- William Street, Middleton; Land At Newchurch Street, Rochdale; and Land at Greenbooth Road, Rochdale are unsuitable for a large scale warehouse and distribution development.
- Rooley Moor Road, Rochdale is contaminated and unsuitable.
- In respect of the Vacant Depot, Corner of Townley Street/Oldham Road, Middleton, research has not shown any evidence that it would be available.

Conclusions

- 8.8. The assessment which has been undertaken serves to show that the only land suitable and potentially available to accommodate the Proposal, or something similar, is the H-Park development which forms part of the South Heywood Masterplan Area. It should be noted that there is a need for both that site and the

Appeal Site. The risk of flooding at the H-Park site within the Masterplan Area appears marginally less than the potential limited flood risk on the Appeal Site. Whilst this difference is not material, the Proposal does not meet the express terms of the sequential test. However, there are important factors to weigh into the decision making process when assessing this issue:

- The risk of surface water flooding on the Appeal Site is relatively modest. The risk only arises because of built form presently on the site. The risk is capable of being addressed in the design of development so as to eliminate the risks on site and reduce the risks elsewhere. In the real world context the consequence of the Proposal would be improvements on and off-site;
- The overarching objective of National Policy in respect of flood risk is to ensure that the risk of flooding is minimised and addressed. This objective is secured by the Proposal;
- There is a fallback of the existing buildings on site being used for a B8 use without the need for planning permission and without delivering the wider surface water strategy to address existing surface water flooding. There are benefits in allowing the Appeal Proposal in this context.
- The redevelopment of the Appeal Site is highly sustainable in terms of location and the recycling of brownfield land;
- The Proposal would meet a demonstrated need and contribute to the local economy in terms of job creation and training.

8.9. Whilst National Policy states that development should be directed towards sites with lower risk of flooding and here the sequential test is technically not met. However a refusal of planning permission is not mandatory. The degree of harm must be weighed against other considerations in an overall planning balance, the degree of harm is limited and it would be appropriate to give very limited weight to this conflict with policy in the overall planning balance.

ANNEX 1: Technical Note by Burrows Graham

Manchester Road, Heywood

Surface Water Flood Risk Technical Note

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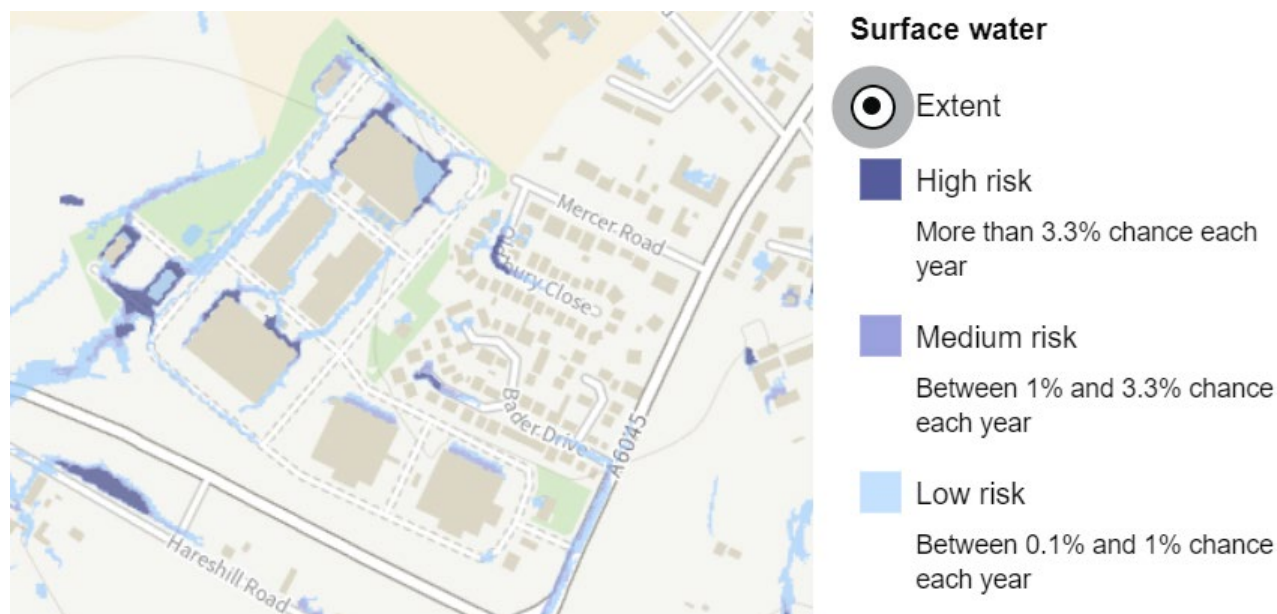
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Burrows Graham Limited has prepared this report in accordance with the instructions of the above-named Client for their sole and specific use. Any third parties who may use the information contained herein do so at their own risk.

The following technical note has been prepared by Burrows Graham Ltd. on behalf of their clients Trammell Crow Company to assist the sequential test in respect to the planning application for the site at Manchester Road, Heywood.

The site in the existing form comprises a number of small warehouses with hardstanding areas including yards and car parks. The EA surface water flood map (extract below) shows the site to have areas of medium and high risk of surface water flooding.



The EA maps are based on LIDAR survey rather than detailed topographical information, and critically do not include any below ground drainage system. This means that the risk levels highlighted on the maps do not reflect the actual risk to the site which will be reduced with the below ground systems accounted for.

The proposed development will comprise 3no. new buildings, associated yards and car parks, all of which will be designed to the best practice standards to ensure all surface water is directed to the below ground drainage system. In conjunction with the proposed levels design, there will be a new fully functioning surface water drainage system designed to suit the latest national guidelines below;

1 in 1 year event: no surcharging

1 in 30 year event: no flooding

1 in 100 plus climate change event: flooding allowed but must ensure no threat to buildings or adjacent land.

The new system will be maintained to a high standard by a nominated management company which will ensure it is effective.

Based on the above, we consider that the current medium/high risk of surface water flooding will be mitigated against through the proposed development, there will be localised areas susceptible to flooding in the most extreme storm events, which would show as low risk on the EA surface water flood maps. However, this principal follows NPPF guidelines for surface water drainage design and the principles adhered to on infrastructure and building projects across the UK.

As such, the proposed development will have a low risk of surface water flooding and very low risk of any flooding impacting adjacent land.

ANNEX 2: Scoping Report

Redevelopment of site comprising the demolition of all existing units and erection of new storage and distribution units (Use Class B8) with ancillary office space, vehicular, pedestrian and cycle access, external yards, parking, landscaping and associated works.

**Department Of Work and Pensions DCS Distribution Centre,
Manchester Road, Heywood, OL10 2PZ**

Rochdale Borough Council Reference: 22/01410/FUL

SEQUENTIAL ASSESSMENT: SCOPING NOTE

Introduction

1. This Note has been prepared to describe the work necessary to address the Sequential Test and, if required the Exceptions Test, in respect of flooding for the development of the former DWP distribution depot located at Manchester Road, Heyward ("The Site").
2. A planning application for the redevelopment of the Site to replace all existing buildings on the Site and redevelop it for storage and distribution units (Use Class B8) was refused permission on 22 December 2023 ("the Application"). In summary, the sole reason for refusal is concerned with the design and scale of the proposal; an assertion that the proposal represented an overdevelopment on the site and that it would cause unacceptable harm to the amenity of existing and future residents living nearby.
3. The intention is to appeal the Council's decision. A sequential assessment in respect of flood risk will form part of the suite of appeal documents.
4. The overarching objective of National Policy is to steer development to locations where there is the lowest risk of flooding, to ensure that the design of development ensures that it would be safe from flooding over its lifetime and that it does not increase the risk of flooding elsewhere.
5. The Site falls within Flood Zone 1 in respect of fluvial flooding, which is land with the lowest risk of flooding. A risk of surface water flooding on part of the site has been identified. However, the Site is previously developed in a sustainable location

which is suitable for the Proposal. There is a strong argument that the need for redevelopment is specific to this Site. Moreover, the design of the Proposal addresses the risk and improves the risk of flood risk elsewhere. Having regard to the benefits of the development, the availability of a suitable site to accommodate the Proposal elsewhere should be weighed in the overall planning balance¹.

The Site

6. The Site is approximately 11.1 hectare site to the northwest of the intersection of Manchester Road and Queen Elizabeth II Way at Heyward. There are presently nine main buildings, which have been used by the Department Of Work and Pensions (“DWP”) for document storage. There are also various smaller associated buildings dispersed across the site. The site is previously developed land with an established employment use.
7. The Site is previously developed land. It is located within the Defined Urban Area in its entirety.

The Proposed Development

8. The Proposal is to redevelop an existing developed site which has been occupied for employment use. The Proposal is to demolish and clear the existing buildings on the Site. The Proposal is to develop two buildings, one building having two units within it. The larger unit would provide a total floor space of 32,527 square metres GIA and an additional 2,009 square metres of ancillary office space. The smaller building would comprise two units and would provide a total floor space of 8,224 square metres GIA and an additional 438 square metres of ancillary office space for each unit. The smaller building is designed to provide flexibility to respond to the space requirements of end users. The use of the proposed buildings would be B8 (storage and distribution).
9. The Flood Risk Assessment for the Site forming part of the Application² indicates:
 - With regard to fluvial flood risk, the Environment Agency (“EA”) flood maps for planning show that the Site is located with Flood Zone 1 (low probability of flooding)³;

¹ See *Asda v Leeds CC* [2021] EWCA Civ 32 which indicates the need to undertake a balancing exercise of the merits of a proposal and that the word “should be refused” in National Policy does not mandate that an application should be refused permission.

² Heywood Stores, Manchester Road, Flood Risk and Drainage Strategy, Burrows Graham, October 2022

³ See paragraph 3.1 of the Flood Risk Assessment.

- With regard to surface water flood risk, the EA Map of long-term flood risk from surface water indicates that the site is mostly at very low risk of flooding. There are some localised areas at low to high risk of surface water flooding associated with low lying parts of the site⁴.
 - For groundwater flood risk, based on the prevailing ground conditions the risk of flooding from groundwater cannot be ruled out. However, based on the Strategic Flood Risk Assessment (“SFRA”) produced by Rochdale Borough Council there is no significant risk of groundwater flooding on the site or in the surrounding areas. Further, based on the groundwater flood maps contained in the Bury, Rochdale and Oldham SFRA, the presence of deep groundwater and no basements forming part of the development proposals, the risk of groundwater flooding is low⁵.
 - In respect of sewer flooding, There are no existing public sewers within the vicinity of the site. Therefore, the site is at low of risk of flooding from sewers⁶.
 - The site is remote from tidal influences and is therefore not at risk of tidal or coastal flooding⁷.
 - In respect of reservoir flooding, Based on the EA Flood Risk from Reservoirs Map, the site is not at risk of flooding from reservoirs⁸.
10. With regard to surface water, the Proposal includes a surface water drainage strategy⁹. The Proposal also includes a foul water drainage strategy¹⁰.
11. In summary, the risk of flooding arises because parts of the Site are low lying and there is a risk of surface water flooding. However, the Proposal contains a scheme to address this specific issue.

⁴ *Ibid* paragraph 3.2.

⁵ *Ibid* See paragraph 3.3 of the Flood Risk Assessment.

⁶ *Ibid* See paragraph 3.4 of the Flood Risk Assessment.

⁷ *Ibid* paragraph 3.5.

⁸ *Ibid* paragraph 3.6.

⁹ This is described in Section 4 of the Flood Risk Assessment and drawing ref: 21192-BGLXX-XX-DR-S-00250.

¹⁰ This is described in Section 5 of the Flood Risk Assessment.

The Character of the Proposal

12. The character of the Proposal is relevant to the sequential assessment. For an alternative site (or sites) to be suitable to accommodate the Proposal it must be capable of accommodating large buildings suitable for a warehouse and distribution use. The proposal includes two units: a large unit of circa 32,500 square metres floorspace and two smaller units of circa 4,300 and 3,900 square metres floorspace. A characteristic of the development is the requirement for each unit to have a single large footplate. Ancillary offices and other space requirements are additional to the floorspace figures above. The ancillary space does not need to be provided on the ground floor. The design of the development links the two buildings achieving the optimum and most efficient use of the Site¹¹. Economies in land use are achieved through the co-location of the two buildings proposed on the Site. Disaggregating the Proposal into two components to treat each element separately for the purposes of the sequential assessment would lead to an overall greater land requirement compared to the proposal.
13. The Proposal is for a total of circa 40,750 square metres of warehouse and distribution space on a site of 11.1 hectares. This represents a development density of 36%¹².

Consideration of Flood Risk and Drainage in the Determination of the Application

14. Flood risk and drainage was considered in the determination of the planning application.
15. The Officer Report to Planning Committee referred to Section 14 of the National Planning Policy Framework which requires that due consideration is made to flood risk throughout the planning process¹³. The Report also refers to the following policies:
- Policy SO4 of the adopted Rochdale Core Strategy requires that the risk of flooding be reduced through appropriate flood risk management;

¹¹ This is consistent with policy in NPPF paragraphs 128 and 129.

¹² A typical plot density for warehouse and distribution development is 35-40%. See Warehousing In The UK: Operations, Planning and Decarbonisation Briefing Report, Technical Report ENG-TR.033 for the e Centre for Sustainable Road Freight (May 2023).

¹³ Paragraph 80, page 62 of the Officer Report.

- Core Strategy Policy G6 states that opportunities must be made to promote appropriate flood risk management when deciding planning applications; and
 - Saved Unitary Development Plan Policy EM/7 states that development will not be permitted where development could contribute to increased flood risk.
16. The Report then goes on to note that the site is within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding¹⁴. It refers to the Flood Risk Assessment and a Sustainable Drainage Statement submitted as part of the application. It refers to the fact that the submitted reports were reviewed by United Utilities and the Lead Local Flood Authority (LLFA). The Report states that the proposed drainage systems, including the provision of Sustainable Urban Drainage Systems (SUDS) to appropriately reduce water runoff, as proposed, were accepted in principle.
17. The Report discusses the consultation responses from United Utilities and the LLFA. The Report states that subject to additional information provided that can be secured by way of imposing suitable planning conditions, the Proposal was acceptable with regards to drainage and flood risk, in accordance with Section 14 of the NPPF and Policies SO4 and G6 of the adopted Rochdale Core Strategy, as well as saved Unitary Development Plan policy EM/7.
18. The proposed planning conditions set out in the Officer Report included the following relating to flood risk and drainage:
- Condition 2 which identifies Flood Risk Assessment and Drainage Strategy (Reference 21194-BGLXX-XX-RP-D-00001 Version 7 dated 06 June 2023) as a document relating to the permission and that development and that development shall be carried out in accordance with this document; and
 - Condition 6 requires updated details of the sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to and approved by the Council. The condition states that the drainage scheme shall be based upon approved drainage strategy

¹⁴ *Ibid* paragraph 81, page 62.

(Drainage Strategy drawings 21194-BGL-XX-XX-DR-C-00210 & 211 & 212 /P07 dated 3rd Aug 2023. It also sets out a series of matters to be addressed in the updated detailed information required.

19. Flood risk and drainage was not a matter recorded as being an issue raised in discussions at the planning committee meeting when the Application was determined¹⁵. The reason for refusing the Application does not refer to any issues regarding flood risk or drainage.

The Policy Context

20. The policy context for undertaking a sequential assessment is set out in the NPPF section and the Planning Practice Guidance (“PPG”) section on “Flood Risk and Coastal Change.” The ***Mead-Redrow***¹⁶ High Court Judgement is relevant as to discusses the application of policy relating to flood risk and the application of a sequential assessment.

The NPPF

21. In the context of plan making, NPPF paragraph 168 states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

22. Because flood risk arising on the Site relates to surface water in low lying parts of the site only, the sequential assessment should seek an alternative site (or sites) to accommodate the Proposal, or something similar, where there is no risk of flooding.
23. NPPF Paragraph 169 continues by stating that if it is not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the Exception Test may have to be applied. It states that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability

¹⁵ See the minute of the Planning Committee Meeting of 23 December 2023.

¹⁶ ***Mead Realisations Limited v SSLUHC and Redrow Homes Limited v SSLUHC [2024] EWHC 279 (Admin)***

Classification set out in Annex 3 of the NPPF. The Proposal is a “less vulnerable” development as defined in the Annex.

24. Paragraph 170 states that to pass the Exception Test, when it is necessary, 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 food risk overall.
25. Paragraph 171 states that both elements of the Exception Test should be satisfied for development to be allocated or permitted. This allows the need for the development, plus any sustainability benefits to be balanced against flood risk.
26. In respect of policy for determining applications, paragraph 173 states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and Exception Tests, as applicable) it can be demonstrated that:
 - a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b. the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d. any residual risk can be safely managed; and
 - e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The PPG

27. The PPG provides more detailed guidance on the sequential and Exception Tests. Paragraph 004¹⁷ sets out guidance on the process and decision making where flood risk is a consideration. The broad approach is to avoid the risk of flooding; to control the risk; to mitigate; and then to manage residual risk. In respect of avoiding the potential for flooding the PPG sets out five points. In summary these are:
- i. In plan making a sequential approach should be adopted and if necessary, the Exception Test applied;
 - ii. In decision making the sequential and Exception Tests should also be applied to ensure that the risk of flooding is minimised and addressed;
 - iii. Development should not be allowed when the tests have not been met;
 - iv. To substitute lower vulnerability uses for higher vulnerability uses; and
 - v. Designing development to locate the most vulnerable aspects of development in areas of lowest flood risk.
28. In respect of the Sequential Test, paragraph 023¹⁸ indicates that the aim of an assessment is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.
29. Paragraph 027¹⁹ explains how the Sequential Test should be applied to planning applications. It indicates that the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.
30. Paragraph 028²⁰ considers the question of whether a potential alternative site is reasonably available. It states that 'reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It goes on to say that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.

¹⁷ Paragraph: 004 Reference ID: 7-004-20220825.

¹⁸ Paragraph: 023 Reference ID: 7-023-20220825.

¹⁹ Paragraph: 027 Reference ID: 7-027-20220825

²⁰ Paragraph: 028 Reference ID: 7-028-20220825

It adds that such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available.'

31. Paragraph 029²¹ notes that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. An applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, which have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.
32. Paragraph 031²² refers to paragraph 170 of the NPPF²³ which states that the Exception Test requires two additional elements to be satisfied before allowing development in circumstances where suitable sites at lower risk of flooding are not available following application of the Sequential Test. The paragraph continues by stating that it should be demonstrated that development that has to be in a flood risk area to provide wider sustainability benefits to the community that outweigh flood risk, and that 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. It emphasises that the Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has identified reasonably available, lower risk sites, appropriate for the proposed development.
33. The application of the Exception Test to planning applications is addressed in paragraph 035²⁴. This states that the test should only be applied when a sequential assessment has shown that it is not possible for development to be located in areas with a lower risk of flooding, considering wider sustainable development objectives. It continues by saying that an applicant will need to provide evidence to demonstrate how both elements of the Exception Test will be satisfied.
34. With regard to the two matters to be addressed in the Exception Test, paragraph 36²⁵ states that local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their development plan's

²¹ Paragraph: 029 Reference ID: 7-029-20220825

²² Paragraph: 031 Reference ID: 7-031-20220825

²³ The PPG refers to paragraph 164 in the July 2021 version of the NPPF. This is now paragraph 170 in the December 2023 version of the NPPF.

²⁴ Paragraph: 035 Reference ID: 7-035-20220825

²⁵ Paragraph: 036 Reference ID: 7-036-20220825

sustainability appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence. It then sets out examples of the wider sustainability benefits to the community. These benefits include the re-use of suitable brown field land as part of a local regeneration scheme. It continues by noting that identified sustainability benefits should be balanced against the associated flood risks, taking account of the site-specific flood risk assessment. The paragraph adds that when wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and planning permission should be refused.

Mead-Redrow Judgement

35. The ***Mead-Redrow*** judgement was concerned with challenges to two decisions both of which dismissed appeals because of a failure to satisfy the Sequential Test in respect of flood risk. In the Mead appeal decision²⁶ the issue in this context was the application of the Sequential Test particularly regarding the criteria used to identify potential alternative sites. In the Redrow decision²⁷ the issues relating to flood risk were the requirement to address different sources of flooding; the area of search for potential alternative sites; and the assessment of the availability of sites. The challenges to the appeal decisions were about the interpretation and application of the Sequential Test. The Judgement particularly addresses the status of the PPG.
36. The most relevant parts of the judgement are summarised as follows:
- The application of the Sequential Test must be undertaken with flexibility and realism²⁸;
 - The question of whether an alternative site is “reasonably available” is a matter of judgement²⁹; and
 - A judgement is required about whether a development can be divided into a series of smaller sites to accommodate a proposal³⁰;

The Approach to a Sequential Assessment

37. The purpose of the sequential assessment is to assess whether there is an alternative suitable site, which is reasonably available to accommodate the

²⁶ Appeal Ref: APP/D0121/W/22/3313624, Land at Lynchmead Farm, Ebdon Road, Wick St Lawrence, Weston-super-Mare BS22 9NY, dated 20 June 2023.

²⁷ Appeal Decision APP/N1920/W/23/3314268, Land at Little Bushey Lane, Bushey, dated 19 July 2023.

²⁸ See ***Mead-Redrow*** paragraphs 93-98.

²⁹ *Ibid* paragraph 106.

³⁰ *Ibid* paragraphs 109 and 110.

proposed development, or something similar, on a site which has a lower risk of flooding compared to the Site. Various aspects of the sequential assessment will require judgement to be exercised. The assessment should be undertaken with realism and flexibility in mind.

Methodology

38. A methodology requires the following:

- The definition of the proposal which the sequential assessment is considering, including the scope for flexibility;
- Defining the area of search for potential sites;
- The identification of potential alternative sites;
- The assessment of potential alternative sites in respect of their suitability and availability;
- Analysis of potential alternatives against the Site;
- If necessary, undertake an exceptions assessment by first, identifying sustainable community benefits arising from the Proposal and secondly, considering the safety of the Proposal over its lifetime in relating to the potential for flooding and avoiding flood risk elsewhere.

Character of the Proposal

39. As noted above, for an alternative site (or sites) to be suitable to accommodate the Proposal it must be:

- Capable of accommodating large buildings suitable and viable for a warehouse and distribution use;
- Suitable to accommodate circa 40,750 square metres of warehouse and distribution space on a site of around 11 hectares or something similar.
- A requirement for buildings to have a single large ground floor footplate – the site must be level or capable of being made level;

- Have sufficient space to accommodate necessary servicing arrangements and parking; and
- Be reasonably accessible to the principal road network.

Area of Search

40. The proposed area of search is the Rochdale Manchester Fringe area as defined on the Rochdale Core Strategy Key Diagram.

Sources to Identify Potential Sites

41. The resources to identify potential alternative sites are:
- Existing allocated sites in adopted plans (Core Strategy and Places for People);
 - Any Site Allocation Options or 'Call for Sites';
 - Sites identified in the SHELAA/SHLAA
 - Extant planning permissions for the same or similar developments to the Proposal;
 - Sites/land identified by the Council as part of the scoping exercise; and
 - An internet search of land presently being marketed.

Assessing Availability

42. For a site to be reasonably available it should:
- Be marketed for sale at a fair and realistic price;
 - Not presently in an active use, unless the site is being marketed for redevelopment;
 - Not have planning permission for another use which is likely to be implemented; and
 - Be capable of being developed in a similar timeframe as the Proposal.

The Assessment of Available Suitable Sites Against the Proposal

43. The assessment of the suitability of potential alternative sites will take account of the following:
- The location of the alternative site regarding the proximity to the principal highway network in terms of whether the location is a realistic place to develop a warehouse and distribution scheme;
 - The potential site must be realistically capable of accommodating a warehouse/distribution scheme having regard to levels, adjoining land uses and taking account of other relevant related matters;
 - The size of the potential alternative site – the Proposal requires a site of circa 11 hectares;
 - The alternative site should not be subject to any planning policy constraint that would presume against development being allowed; and
 - The potential site must have a lower propensity to flood compared to the Site.

The Exception Test

44. In the event that it is necessary to undertake the Exception Test the Assessment will address the sustainability benefits to the community arising from the Proposal. Factors will include but not confined to:
- The fact the Proposal would recycle previously developed land in a location where the Development Plan supports new development;
 - Job creation and economic benefits including supporting local employment and training; and
 - The contribution to regeneration.
45. A technical appraisal will address the requirement to demonstrate the safety of the Proposal over the life of the scheme having regard to its users and to set out the scope to reduce flood risk.

46. In any event, the matters outlined above relating to the Exception Test are also pertinent when addressing the issue of flood risk in the overall planning balance of the merits of the Proposal.

Summary

47. This Scoping Note sets out the main points necessary to address the Sequential Test relating to flood risk and if required, the Exception Test. It has outlined the Proposal, the important characteristics of the scheme, the amount of land required. It has set out the parameters for a site search and the key components of addressing the availability of alternatives and their suitability. Finally, it identifies the factors to be addressed in the Exception Test should this be required.

Alyn Nicholls BA(Hons) MRTPI

1 May 2024



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**ANNEX 3: Email from the Council's Head of Planning
Services dated 24 May 2024**

Jodie Farnill

From: Melanie Hale <Melanie.Hale@Rochdale.Gov.UK>
Sent: 24 May 2024 12:47
To: James Gibbs
Cc: Watkin, Sophie @ Trammell Crow; Harry Spawton; Jodie Farnill
Subject: RE: Heywood - Surface Water Sequential Test Scope

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Good Afternoon James,

Many thanks for your email.

We have reviewed the submission entitled 'Sequential Assessment: Scoping Note' dated 1st May 2024 prepared by Alyn Nicholls. The note sets out the proposed scope of work to address the requirement of the National Planning Policy Framework in respect of flood risk.

I can therefore confirm that the suggested scope is acceptable and agreed.

If there is anything further, then please let me know.

Regards,

Melanie Hale
Head of Planning Services
Economy



☎ 01706 925682

✉ melanie.hale@rochdale.gov.uk

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Please consider the environment before printing this email.

From: James Gibbs <JGibbs@geraldev.com>
Sent: 01 May 2024 14:33
To: Melanie Hale <Melanie.Hale@Rochdale.Gov.UK>
Cc: Watkin, Sophie @ Trammell Crow <SWatkin@trammellcrow.com>; Harry Spawton <HSpawton@geraldev.com>; Jodie Farnill <JFarnill@geraldev.com>
Subject: Heywood - Surface Water Sequential Test Scope

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Hi Melanie,

As mentioned on this morning's call, please find attached for review/comment Alyn's suggested scope for the surface water sequential test.

We'd be happy to arrange a meeting with Alyn to discuss further if that would be helpful.

Kind regards,

James

James Gibbs
Senior Associate

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Mobile. +44 778 836 6604
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**ANNEX 4: Email from the Council's Principal Planning
Officer dated 3 May 2024**

From: [Wayne Poole](#)
To: [Alyn Nicholls](#)
Subject: RE: Rochdale Allocations Plan
Date: 03 May 2024 14:08:22
Attachments: [image004.png](#)
[image005.png](#)
[image007.png](#)

Hi Alyn

In terms of looking at sites to feed into a sequential assessment I think it may be best just to consider those identified in the Council's published Strategic Housing Land Availability Assessment (SHLAA). The latest version of that document can be found via the link here:

[Housing evidence | Evidence base for local planning policies | Rochdale Borough Council](#)

In terms of a Call for Sites exercise, we have done those in the past and those sites that were considered appropriate will have been incorporated into the SHLAA.

I hope this is useful.

Regards

Wayne

Wayne Poole
Principal Planning Officer
Economy



 [01706 924373](tel:01706 924373)

 wayne.poole@rochdale.gov.uk

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Please consider the environment before printing this email.

From: Alyn Nicholls <akn@alynnicholls.com>
Sent: 28 April 2024 18:41
To: Strategic Planning <Strategic.Planning@Rochdale.Gov.UK>
Subject: Rochdale Allocations Plan

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Hello

I am undertaking research to support a sequential assessment in respect of flood risk. Are background documents available such as a call for sites which have identified potential development sites? I am seeking to establish all potential sites to address within a sequential assessment.

I look forward to hearing from you.

Regards

Alyn

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