Application 138127-OO-2023
24/11/23
Express Solicitors – Main Site – Sequential Test for Flood Risk

The application proposal is a major development for residential use in the form up to 3 townhouses and up to 34 apartments. Residential use is defined as a 'more vulnerable' user under Annex 3 of the Framework. The application site is located within Flood Zone 2 and therefore a Sequential Test applies.

Framework paragraph 162 advises the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.

Because this is a previously-developed site within the urban area the site is not an allocation that has been included and assessed through the Manchester City, Salford City and Trafford Councils Level 2 Strategic Flood Risk Assessment (SFRA). Per NPPG paragraph 7-027 the sequential test should be applied.

NPPG paragraph 7-027 continues to advise that 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*.

As a previously-developed site within the centre of Northenden this is a site specific development proposal that cannot be reasonably relocated to an area of lower flood risk because to do so would fail to deliver the sustainable development objectives of directing development into existing local centres, making best and effective use of previously-developed land, delivering housing including affordable housing into an area of identified need. It is our position that in this proposal and application there is no requirement to consider alternative sites and there is no relevant catchment area, and that the sequential test cannot be followed. Framework, paragraph 163 guides that in such circumstances then the exception test may have to be applied.

The exception test is guided by categorisation of the potential vulnerability of the site and the proposed development set out in Framework Annex 3 Flood Risk Vulnerability Classification. Dwellinghouses (house or flats as proposed here) are classified as a 'More Vulnerable' use.

PPG paragraphs 7-031 to 7-035 guide that the exception test should only be applied to planning applications once the sequential test has been applied, and that it should only be applied as set at in Table 2 (7-032). Table 2 states that 'More Vulnerable' uses within Flood Zone 2 do not need to apply the exception test. The exception test is therefore not applicable to this application and site.

It is therefore concluded that neither the sequential test or exception test can be applied to this site-specific redevelopment proposal following standing guidance and national policy.

The submitted Flood Risk and Drainage Scoping Study, Flood Risk Assessment and Sustainable Drainage Statement, all prepared by BWB, and its updated FRA reference NDM-BWB-ZZ-XX-RP-YE-0002_FRA-S2-P02 in response to the LLFA consultation comments forwarded on 10th November, demonstrate that a safe

development can be delivered at the site for future residents and will not lead to any worsening of flood risk to existing residents and occupiers of premises within the flood zone.

The submitted evidence accords with Framework paragraph 167 that requires local planning authorities to ensure flood risk is not increased elsewhere and that the outline design of the buildings, including the layout, proposed sustainable drainage, finished floor levels and arrangement of the residential uses. Specifically to the five matters under paragraph 167 we can stated that;

a) *Development is located in areas of lowest risk*
   This level of flood risk is consistent across the site and therefore the development is considered to be in the areas of lowest risk.

b) The development will be flood resilient in event of flood
   The development should not need to include flood resilience measure if it adheres to mitigation measures outlined in Section 4 of the Flood Risk Assessment

c) Sustainable drainage systems can be incorporated
   Recommendations are made within Section 3 of the Sustainable Drainage Statement (ref. NDM-BWB-ZZ-XX-RP-YE-0003_SDS) for the incorporation of permeable paving in the car parking areas of the larger site

d) Any residual risk can be safely managed, and
   Residual risk can be managed through mitigation outlined in Section 4 of the Flood Risk Assessment

e) A safe access and escape route can be provided and relevant planning condition applied to approve an emergency plan.
   As outlined in the Flood Risk Assessment the site is in a EA Flood Alert and Warning Area. In the event that flooding is expected it is recommended that the site is evacuated to Church Road to the south of the site. A full Flood Management and Evacuation Plan can be applied as requirement pre-occupation as a condition for the outline planning application.