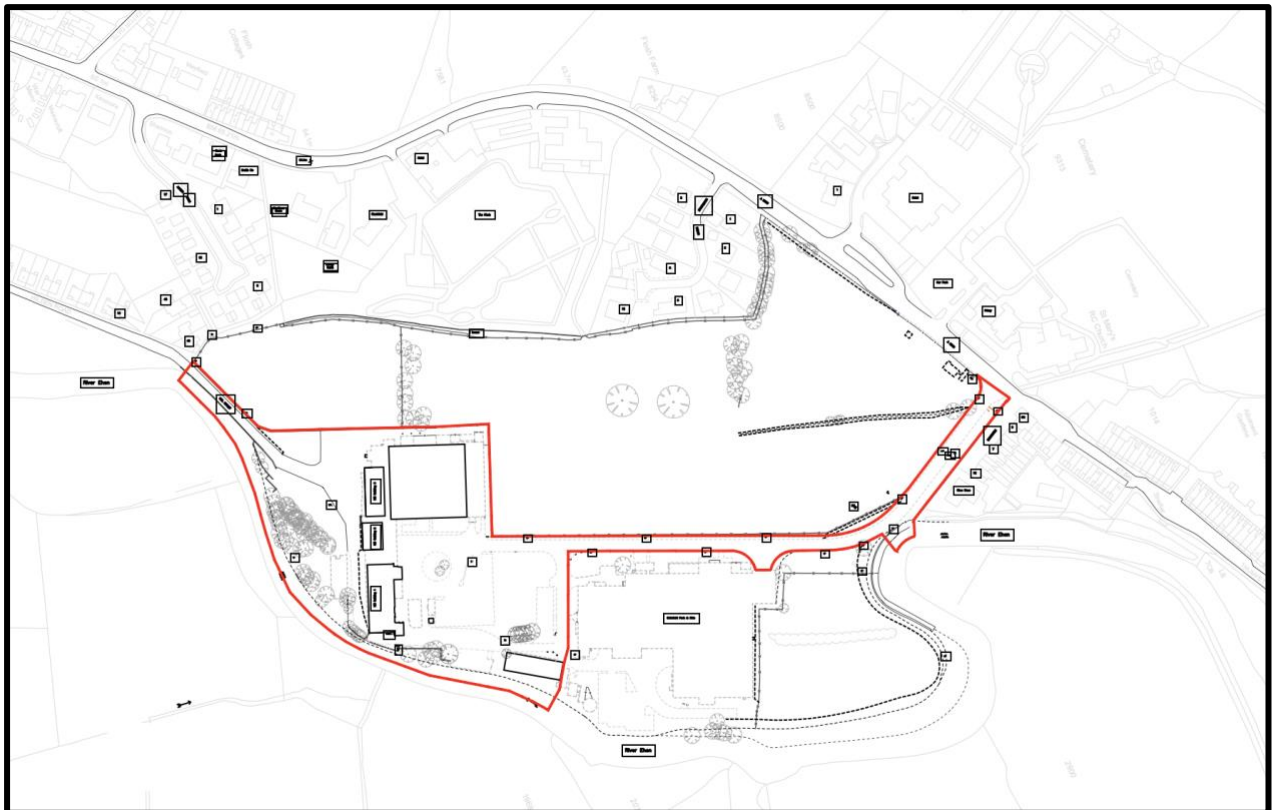


Sequential Test Report – Land at Cleator Mills, Cleator, Cumbria
Planning Application 4/22/2364/0F1

Proposal: Demolition of dilapidated former mill buildings and construction of new warehouse unit with ancillary offices



Applicant:

Genr8ed Ltd

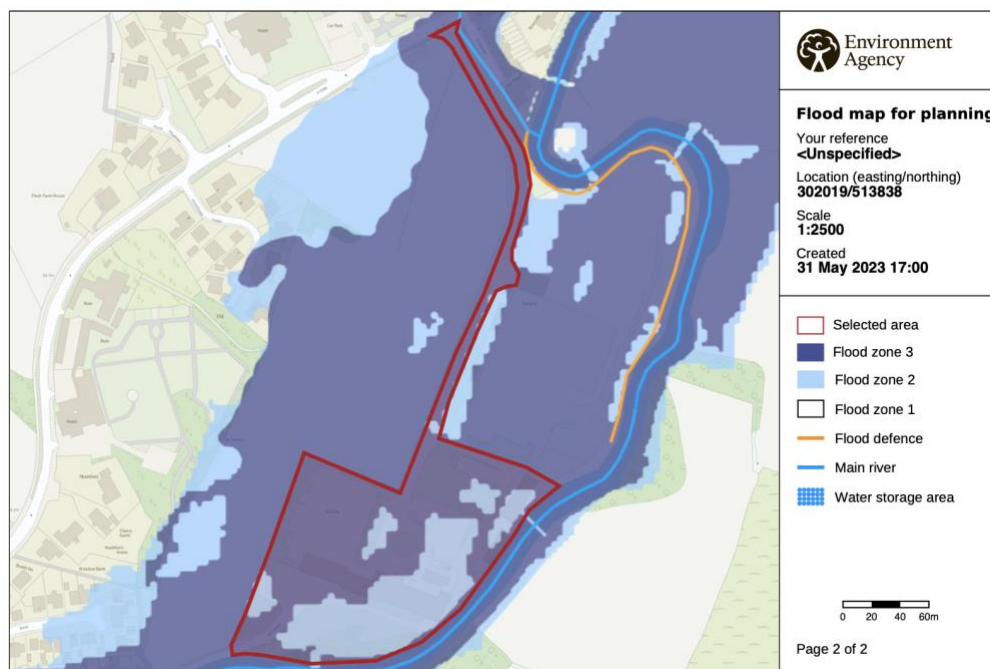
May 2023

SRE Associates - Planning and Development Consultancy



1.0 Introduction

- 1.1 This sequential test report has been prepared on behalf of Genr8ed Ltd in support of a planning application for a warehouse unit on land at Cleator Mills, Cleator, Cumbria.
- 1.2 The planning application is submitted in full, with all details provided for the proposal. The proposed site was the subject of a previous planning application for a commercial development, which was approved in 2016, following the cessation of the long-established former use of the whole Kangol/Cleator Mills site.
- 1.3 The existing site consists of the remaining Mill building, and the vacant area to the west where a number of buildings have previously been demolished.
- 1.4 A copy of the Environment Agency's Flood Map covering the site is included below:



2.0 Planning history

- 2.1 The following applications are on parts of the Kangol/Cleator Mills site and therefore considered relevant to the proposal:
- 4/14/2190/001 – Outline application for erection of 79 dwellings and associated infrastructure/landscaping – Land to the north of Cleator Mill, Cleator - approved
 - 4/14/2191/001 – Outline application for site redevelopment for the erection of new office accommodation – Former Kangol Site, Cleator Mills, Cleator – Approved
 - 4/14/2192/0F1 – Extensions alterations and conversion of former mill buildings into office accommodation – Former Cleator Mills, Cleator - Approved
 - 4/14/2480/001 – Outline for the erection of offices (B1) – Approved
 - 4/18/2312/0F1 – Creation of a 600 Space Car Park, Former Kangol Factory - Approved

3.0 Policy Background

3.1 The National Planning Policy Framework (NPPF) (as amended July 2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. When considering new development, the NPPF is clear in stating that a sequential, risk-based approach to the location of development should be taken to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impact of climate change, by:

- Applying the Sequential Test;
- If necessary, applying the Exception Test;
- Safeguarding land from development that is required for current and future flood management;
- Using opportunities offered by new development to reduce the causes and impacts of flooding.

3.2 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding from any source. The NPPF is clear in stating that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The starting point for the application of the test is the Strategic Flood Risk Assessment, a sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

3.3 For the Exception Test to be passed it must be demonstrated that:

- the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and,
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

3.4 Finally, specifically when determining planning applications, the NPPF states that LPA's should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- 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; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, and it gives priority to the use of sustainable drainage systems.

3.5 The proposed development is classed as “less vulnerable”, in accordance with the below information from the Technical Guidance:

Less vulnerable

- Police, ambulance and fire stations which are *not* required to be operational during flooding.
- Buildings used for shops, financial, professional and other services,

restaurants and cafes, hot food takeaways, offices, general industry, storage and distribution, non-residential institutions not included in “more vulnerable”, and assembly and leisure.

- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do *not* need to remain operational during times of flood.
- Sewage treatment works (if adequate measures to control pollution and manage sewage during flooding events are in place).

3.6 The development is therefore considered appropriate, if the sequential test is passed, and the exception test is not required in accordance with the below table:

Table 3: Flood risk vulnerability and flood zone ‘compatibility’

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

Key: ✓ Development is appropriate.
✗ Development should not be permitted.

The Development Plan

- 3.7 The following policies from the Core Strategy and Development Management Policies DPD (December 2013) ("Local Plan") are considered relevant to this proposal: -
- 3.8 **Policy ST1** sets the strategic development principles of the local plan, which aims to support the development of business and jobs, and creating and attracting business.
- 3.9 **Policy ST2** aims to restrict development outside the Council's defined settlement boundaries, and allow for and facilitating growth in the local economy, particularly in the energy sector, accompanied by net growth in jobs. In accordance with the above, it is noted that the proposed development site is located in the settlement boundary for Cleator, and creates new jobs in the area.

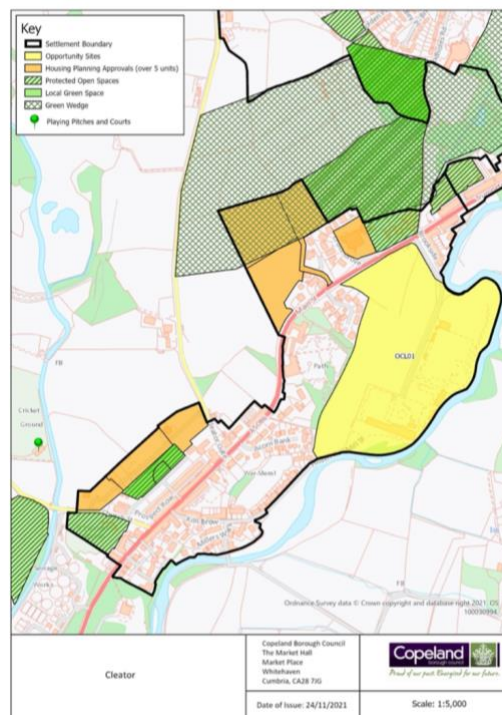
Proposed Copeland Local Plan 2021 - 2038

- 3.10 The Application Site is located in an area defined as an Opportunity Site in Strategic Policy E6PU of the proposed Copeland Local Plan, these being sites identified as the focus to help regenerate these towns.

Appendix C of the ELP states the following in relation the Cleator Mills Opportunity Site:

Cleator Moor/Cleator				
OCL01	Cleator Mills			
		Cleator	9.90	Mixed use development of commercial with potential for some residential is preferred. Site is in area of high flood risk and subject to a Level 2 SFRA; development proposals will need to consider flood measures for the whole site. Any planning application will require a project-level HRA and most likely an Appropriate Assessment as the site is adjacent to the River Ehen.
				B, C2 (college and training centre), C3, E(g), F1(a) uses

The proposed settlement map for Cleator details the extent of the allocation noted in yellow:



SRE Associates - Planning and Development Consultancy



Principle – National Planning Policy Framework (“NPPF”) (as revised July 2021)

- 3.11 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.

- 3.12 The social and economic are as follows:

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. “*

It is noted in the above that a central aim of the NPPF is to ensure that the right type of land is available in the right areas, to ensure that the correct housing is available to meet the needs of present generations. As previously mentioned in the above text, the site has previously received planning permission and therefore has been considered the correct location for housing development.

- 3.13 Paragraph 11 covers the issue of the application of the presumption in favour of sustainable development.

*“For **decision-taking** this means:*

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 3.14 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”

- 3.15 Paragraph 104 is regarding promoting sustainable transport, which is relevant to this proposal. “*Opportunities to promote walking, cycling and public transport use are identified and pursued.*” This continues in paragraph 105 stating “*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise*

sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- 3.16 Paragraph 81 is regarding building a strong, competitive economy. This states *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 3.17 In the short term, the economic benefits would include the creation of jobs in the construction industry in the initial build phase as well as the multiplier effect in the wider economy arising from increased activity. The provision of an employment use in this location would encourage the proportion of sustainable travel to work given the settlement boundary location along a major part of the road network.
- 3.18 The site is located within 500 metres of the Main Street and is within walking and cycling distance of the large population centre in Cleator Moor, and also has a bus link to both Cleator Moor and Egremont which aids the sustainability of the site.
- 3.19 Ultimately when assessing the proposal there is a need to balance any harm caused by the proposed development with the contribution to the local economy in terms of jobs and investment, and the sustainability of the proposed. It is also considered that the principle of development is in accordance with local and national policy.

4.0 The Sequential Test

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

The Sequential Test and the Proposed Development

- 4.3 The proposed site is shown on the government web-based Flood Map for Planning (see page 3) to lie within Flood Zones 2 & 3, with the south-eastern area of the site within Flood Zone 2, as also outlined in the FRA which supports the planning application. Flood Zone 3 is the

area described as having a 1% or greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding.

- 4.4 The sequential test, the aim of which is to steer new development to the areas with the lowest probability of flooding, is required to be passed for developments proposed in Flood Zones 2 and 3. Although the existing site is partly within Flood Zone 3, as shown as part of the submitted FRA, this document also demonstrates that the site would not be at risk of flooding with recommendations.
- 4.5 As the site lies partly within Flood Zones 2 and 3, and in accordance with the NPPF, development should not be permitted if there are reasonably available sites appropriate for the proposed development in Flood Zone 1. As outlined within the NPPG, the first stage in carrying out the sequential test is to define a search area. As this proposal is for an employment use, designed for the location it is within, the catchment area for this type of development is centred on the north Copeland area itself and examines sites of a similar size, within settlement boundaries/allocations and which are located in Flood Zone 1 and available for such development. The proposed use itself is classed as a “less vulnerable” use.
- 4.6 This is in accordance with the approach outlined within the NPPF. Specifically, para 33 states that:

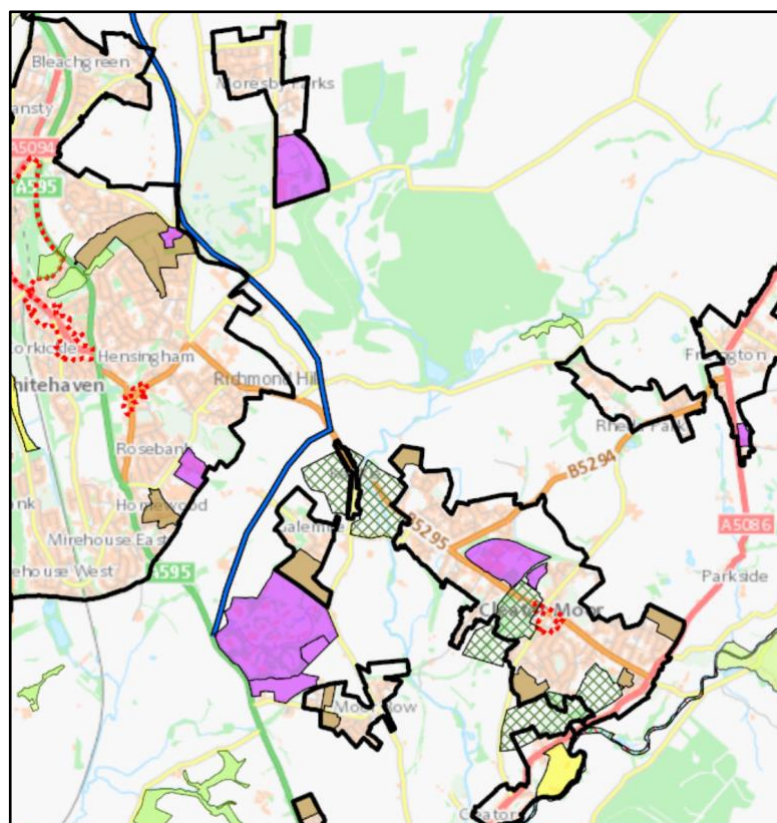
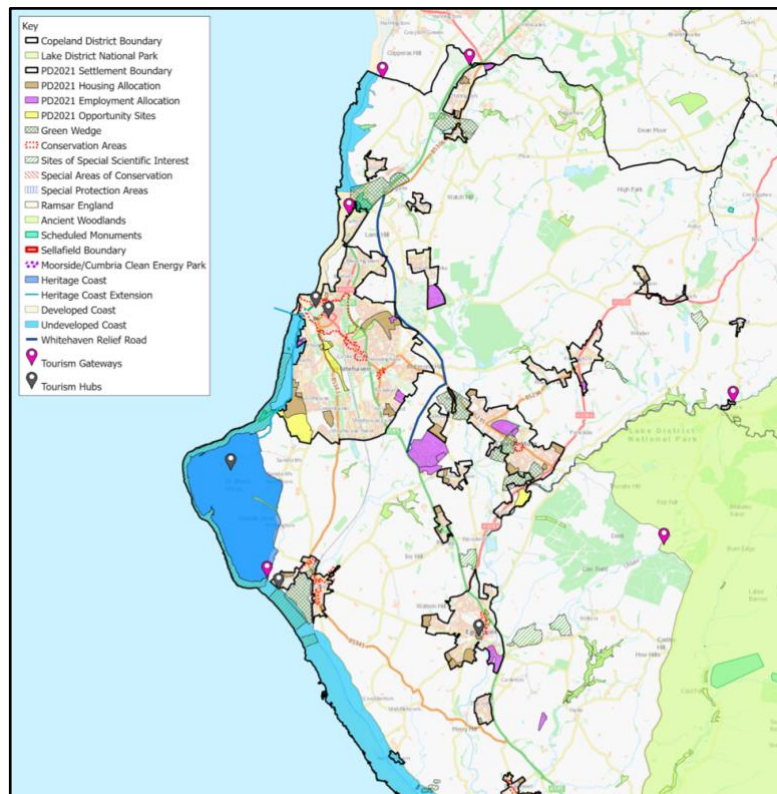
“For individual planning applications.....the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.”
- 4.7 The next stage is to identify ‘reasonably available’ alternative sites that could meet the functional requirements of the proposed development, at a lower probability of flooding. Paragraph 33 goes on to say that, “when applying the Sequential Test, a pragmatic approach on the availability of alternative should be taken”.
- 4.8 In terms of reasonable alternative sites, it is important to consider two elements of the design proposals. Firstly, the proximity to the major road network due to the nature of the building occupier. Therefore, the area to consider in terms of alternative sites should only relate to sites on the edge of Cleator Moor, Egremont and Whitehaven. Secondly, the occupier requires a flat site of at least 0.5ha, with a good access. The table below is an excerpt from the Employment Land Availability Study, undertaken by SPRU on behalf of the Council to inform the proposed Local Plan.

CU5012PS
Employment Land Availability Study
Copeland Borough Council



Site Ref.	Site Name	Settlement	Total Site Area (ha)	Developable Area (approx. ha)	Potential Use Classes
E2	Whitehaven Commercial Park	Whitehaven	12.39	1.80	All use classes
WEOS5	Land at Ginns	Whitehaven	2.99	2.41	All use classes
WT021	Cockpit	Whitehaven	0.24	0.24	All use classes
WTC2 & WT013	Former Mark House	Whitehaven	0.25	0.25	Class E Only
WTC4	Former Bus Depot and Garage	Whitehaven	0.18	0.18	Class E Only
WH021	Red Lonning	Whitehaven	0.58	0.20	All use classes
WEOS1	Old Dawnfresh Factory Site	Whitehaven	1.24	0.65	All use classes
WT020	Pow Beck	Whitehaven	12.02	4.50	All use classes
E9	Bridge End	Egremont	12.59	2.83	All use classes
EEOS1	Land at Chapel Street	Egremont	0.83	0.40	Class E Only
ELA7	East Road Garage	Egremont	0.62	0.62	All use classes
E6	Leconfield Industrial Estate	Cleator Moor	14.39	6.07	All use classes
CL005	Cleator Mills	Cleator	9.88	2.21	All use classes
ELA2	Furnace Row	Distington	3.17	0.89	All use classes
E1	Westlakes Science Park	Moor Row	51.50	6.37	Classes E and B2 Only
MO013	Land Adjacent Moor Row and Westlakes	Moor Row	2.70	2.70	Classes E and B2 Only
MO030	Land Adjacent to Scalegill	Moor Row	7.00	7.00	Classes E and B2 Only
Total Developable Employment Land (Ha)				39.31	
Class E only				0.82	
Class E / B2 only				16.07	
All use employment classes				22.42	

- 4.9 The plan below highlights sites that have been identified adjacent to or within the north Copeland that could provide employment development and are generally comparable in terms of size.



Site Ref.	Location	Suitability
1	Whitehaven Commercial Park	This site has previously been assessed and discounted by the proposed occupier. A site is required in closer proximity to the A595, and this is discounted until such time that a Whitehaven bypass is in place. Currently, access to the site is either gained by roads/junctions unsuitable for HGV's, or through a residential area containing both of the Towns senior schools.
2	Land at the Ginns, Whitehaven	Also located within a flood zone; Coach Road is difficult for access for HGV's and an edge of town location is more suitable.
3	Cockpit, Whitehaven	Site is too small for the proposed development; Also has the same road access issues from Coach Road.
4	Former Mark House, Whitehaven	Unsuitable for this type of use.
5	Former Bus Depot and Garage, Whitehaven	Unsuitable for this type of use.
6	Red Lonning, Whitehaven	A site is required in closer proximity to the A595, and this is discounted until such time that a Whitehaven bypass is in place. Currently, access to the site is either gained by roads/junctions unsuitable for HGV's, or through a residential area containing both of the Towns senior schools.
7	Old Dawnfresh Site, Whitehaven	A site is required in closer proximity to the A595, and this is discounted until such time that a Whitehaven bypass is in place. Currently, access to the site is either gained by roads/junctions unsuitable for HGV's, or through a residential area containing both of the Towns senior schools.
8	Pow Beck, Whitehaven	Also located in a higher category flood zone; currently does not have the necessary infrastructure or road network links.
9	Bridge End, Egremont	The existing developed area of Bridge End is unable to accommodate the proposed building, and the undeveloped area is a sloping site, and no existing infrastructure. A new access would be needed before the land would be available.
10	Land at Chapel Street, Egremont	Unsuitable for this type of use.
11	East Road Garage, Egremont	While the garage on the site has closed, the site has not been actively marketed for sale. In addition, the site is severely sloping so much so that the current garage on the site is split level. Finally the existing access to the site is not suitable for the proposed use and would require significant work to make it acceptable, and that may not be possible.
12	Leconfield Industrial Estate, Cleator Moor	A site is required in closer proximity to the A595, and this is discounted until such time that road links through Cleator Moor are improved. Currently, access to the site is either gained by roads/junctions unsuitable for HGV's (Wath Brow), or back

		towards Whitehaven through a residential area again containing the local senior schools.
13	Cleator Mills	Application Site.
14	Furnace Row, Distington	This site is located too far to the north of the Copeland area. As specified earlier in this document, the location required is between the areas of Cleator Moor, Egremont and Whitehaven. The occupier expects that the business will have ties to the nuclear industry and therefore needs to be in closer proximity than this site allows.
15	Westlakes Science Park, Whitehaven	Unsuitable for this type of use.
16	Land adjacent to Moor Row and Westlakes, Whitehaven	Unsuitable for this type of use.
17	Land adjacent to Scalegill, Moor Row	Unsuitable for this type of use.

- 4.10 In accordance with this thorough analysis of all alternative sites located in the area of north Copeland between Cleator Moor, Egremont and Whitehaven, the application site has been proven to be the next most appropriate location for such an employment development. The analysis also demonstrates that there are no sequentially preferable, available sites in Flood Zone 1 in the locality.

5.0 The Proposed Development

- 5.1 The application is accompanied by a detailed Flood Risk Assessment (FRA) (included with the planning application), the site is identified as being within Flood Zones 2 and 3 but benefits from existing Flood Defences.
- 5.2 The proposed development is for an employment use and applying the Flood Risk Vulnerability Classification in Table 2 of the Technical Guidance to the National Planning Policy Framework, the proposed use of the land and buildings falls within the “less vulnerable” uses of land.
- 5.3 The site is shown on the government web based Flood Map for Planning to lie within Flood Zones 2 and 3 (medium and high risk). Flood Zone 3 is the area described as having a 1% or greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding.
- 5.4 The Sequential Test, the aim of which is to steer new development to the areas with the lowest probability of flooding, is required to be passed for developments proposed in Flood Zone 3. The existing site is mainly in Flood Zone 3, however, there are no alternative sites at lower risk of flooding.

5.5 The alternative site analysis undertaken in section 4 of this report, demonstrates that there are no suitable alternative sites available at a lower risk of flooding, and that therefore the Sequential Test is considered to be passed.

5.6 The site is therefore appropriate for development in accordance with the FRA submitted with the application and has previously been considered suitable for development by Copeland Borough Council.

6.0 Conclusion

6.1 The FRA that has been prepared to support the planning application on the site at Cleator Mills in Cleator confirms that the development will include adequate control measures required within the site. This will ensure that surface water runoff is dealt with at source and the flood risk off site is not increased.

6.2 This report considers the Sequential Test in terms of alternative sites located in north Copeland, and concludes that, for the reasons above in the report, it is not possible for the proposed development to be located in zones with a lower probability of flooding. In addition, the proposed development provides wider sustainability benefits to the area that outweigh any flood risk.

6.3 For all of the above reasons, the proposed development therefore successfully passes the sequential test.

Simon Blacker MRTPI