

**SCHEDULE OF ACTIONS MATTER 13 (HOUSING SITE ALLOCATIONS:  
WHITWORTH, FACIT AND SHAWFORTH)**

**ACTIONS 13.1 – 13.2**

**1 INTRODUCTION**

- 1.1 During the Hearing Session on Matter 13 (Housing Site Allocations: Whitworth, Facit and Shawforth), as part of the emerging Rossendale Local Plan Examination, the Inspector requested further information for certain housing site allocations proposed in the Plan.

**2 ACTION 13.1**

ACTION REF. NO.	ACTION
13.1	<u>H65 – Albert Mill, Whitworth</u> Keep Inspector informed of the outcome of the planning application.

- 2.1 At the time of the Hearing Session on Matter 13, a planning application for residential development (ref. 2019/0341) was under consideration for the land associated to proposed site allocation H65. At the planning committee held on 5<sup>th</sup> November 2019 the committee was minded to grant planning permission and the determination of the application was delegated to the Planning Manager, in consultation with the Chairman of the Planning Committee, subject to a suitable S106 Agreement being secured.
- 2.2 The details of the S106 Agreement have now been finalised and a decision notice was issued on 2<sup>nd</sup> November 2020, approving the planning application for residential development.

**3 ACTION 13.2**

ACTION REF. NO	ACTION
13.2	<u>H69 – Cowm Water Treatment Works, Whitworth</u> Seek view of Environment Agency should be sought on two issues, as expressed at the hearing: i. views on the suitability of the proposed housing scheme (taking into account the recent Whaley Bridge dam incident); ii. view on whether scenarios of reservoir dam failure modelling are needed to inform the allocation (as set out in the SFRA level 2 report).

- 3.1 During the Hearing Session on Matter 13, concerns were raised over the proposed site allocation's (H69) suitability for residential development owing to its proximity to Cowm Reservoir. This followed the events at Toddbrook Reservoir in August 2019 where there was an incident of reservoir dam failure.
- 3.2 In response to Action 13.2, the Environment Agency (EA) informed the Council they do not advise or comment on the risks associated with reservoir flooding, and do not comment on the suitability of sites for residential use. In respect of the reservoir itself, the EA stated there is a residual risk of flooding from Cowm reservoir. Their response is included in full in Appendix 1 of this response.
- 3.3 The EA has modelled the extents of flooding from reservoirs and according to United Utilities "the Environment Agency's Reservoir Inundation maps show that in the unlikely event of reservoir flooding a large linear area to the south of Cowm Reservoir could be affected." While this does not consider scenarios of dam failure, it does indicate the area at risk of flooding from Cowm Reservoir and this includes the proposed site allocation and existing residential properties in the area.
- 3.4 During the preparation of the Local Plan the Council has consulted at Regulation 18 and 19 stages of the Plan, Lancashire Fire and Rescue and a Planning Liaison Officer at the Fire Brigade, as well as the Lead Local Flood Authority (Lancashire County Council). No concerns were raised in respect of Cowm reservoir's flood risk.
- 3.5 The Council has contacted the reservoir owners, United Utilities, who are also the reservoir undertakers responsible for its management and maintenance. In respect of Cowm reservoir's management and maintenance United Utilities stated:
- "United Utilities manages its reservoirs, including Cowm, to comply with the statutory duties under the Reservoir Safety Act 1975. United Utilities is proactive in managing its reservoirs and operates to standards believed to be best practice in the UK water industry.*
- With regard to the management and maintenance of Cowm reservoir United Utilities carries out 48 hour monitoring of the condition of the reservoir. Grass cutting is carried out regularly to ensure the embankment can be inspected. The Supervising Engineer inspects the reservoir every 6 months and valves are tested at this visit."*
- 3.6 In respect of reservoir flooding, United Utilities have stated that "the ongoing management and maintenance of the reservoir would prevent such an event occurring". United Utilities response is included in full in Appendix 2 of this response.
- 3.7 The proposed site allocation is located within in flood zones 3 and 2 and therefore the Exception Test outlined in paragraph 160 of the NPPF needs to be applied to the site allocation. As part of the Test, it should be demonstrated 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." United Utilities have stated, "the ongoing strict management and maintenance regime for the adjacent reservoir will ensure that the site is safe for its lifetime and furthermore it will not increase the risk of flooding elsewhere". The Council considers that the site passes the Exception Test and this is set out in the Council's response to Action 8.2.

**Matter 13: Appendix 1 – Comments from the Environment Agency  
re site allocation H69**

Storm Grimshaw  
Rossendale Borough Council  
Planning Policy  
Futures Park  
BACUP  
Lancashire  
OL13 0BB

**Our ref:** NO/2012/104518/PO-  
04/SB1-L05  
**Your ref:**  
**Date:** 4 December 2019

Dear Storm

## **ROSSENDALE LOCAL PLAN EXAMINATION**

I refer to the above and your e-mail dated 22 November 2019.

Action 13.2 of the Rossendale BC Local Plan Examination Schedule of Actions (dated 14 November 2019) requires the Council to seek the views of the Environment Agency in relation to the potential flood risk to site H69 associated with the adjacent reservoir.

The Environment Agency does not advise or comment on the risks associated with reservoir flooding. The national planning practice guidance advises local planning authorities (LPAs) to consult with the emergency planners and local resilience forums when considering development that could be at risk from reservoir flooding. They are also advised to consult with the reservoir owners to identify whether there are specific issues or concerns that may influence the suitability of the site for residential development.

Given the above, all we would say in relation to site H69 is that there is a residual risk of flooding from Cowm Reservoir and that it will be for the LPA to determine if other material considerations outweigh the possible risks associated with a reservoir failure or breach. While we would not comment on the suitability of the site for the proposed use, we can confirm that as the volume of Cowm Reservoir is in excess of 25000m<sup>3</sup>, the requirements of the Reservoirs Act apply. A summary of the roles and responsibilities of reservoir owners having regard to the requirements of the act are available at <https://www.gov.uk/guidance/reservoirs-owner-and-operator-requirements>.

In terms of the modelling of reservoir inundation, the Environment Agency has modelled the extents of flooding from reservoirs and these are available online at <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>. This does not specifically consider scenarios associated with a breach or overtopping of the reservoir but rather identifies the maximum extent flood waters may be expected to reach in a worst case

Environment Agency  
PO Box 519, South Preston, Lancashire, PR5 8GD.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

scenario. While the depths and velocities are not identified, the residential development at site H69 would place dwellings adjacent to the raised reservoir embankment. The risk of flooding from the reservoir may be mitigated by the site layout or the provision of overland flow routes, but the residual risks will still remain. Whether or not you require further modelling of different scenarios associated with a breach or overtopping of the reservoir to assess these risks and inform the suitability of the potential allocation will be for the LPA to decide.

I hope this addresses the questions raised at the examination.

Yours sincerely

**Philip Carter**  
**Planning Officer - Sustainable Places**

Direct dial [REDACTED]  
Direct e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)

**Matter 13: Appendix 2 – Comments from United Utilities re site allocation H69**



United Utilities Water Limited  
Developer Services and Metering  
2nd Floor Grasmere House  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington WA5 3LP

Telephone 01925 234 000

[unitedutilities.com](http://unitedutilities.com)

Nathaele Davies  
Forward Planning  
Rossendale Borough Council  
The Business Centre  
Futures Park  
Bacup  
OL13 0BB

**Date** 15 April 2020

Emailed to: [nathaeledavies@rossendalebc.gov.uk](mailto:nathaeledavies@rossendalebc.gov.uk)

Dear Nathaele

### **Rossendale Local Plan – Housing Allocation H69 – Cowm Water Treatment Works**

Further to the Local Plan Examination hearing sessions and our recent correspondence we set out below some additional information requested by the Planning Inspector in relation to the above site.

Cowm Reservoir alongside the adjacent land which is surplus to requirements is within the ownership of United Utilities and is being put forward as a proposed housing allocation for years 6-10 of the Local Plan (Housing Allocation 69). In accordance with the definition of a 'developable' site as set out in the Glossary of the National Planning Policy Framework (NPPF, 2019), we trust that the information we set out below will demonstrate that the site is in a suitable location for housing development, the site is available and the site could be viably developed at the point envisaged.

With regard to the availability of the site, the site is surplus to requirements and is available for development. The site is within the sole ownership of United Utilities.

With regard to the viability of the site, the site is within a suitable location for residential development and will provide a natural extension to the existing residential areas located to the east, south and west. There are no known onerous constraints which would preclude the site coming forward for development in years 6-10 of the Local Plan. This timescale will provide sufficient time to obtain planning permission and attract interest from developers, resulting in the sale of the site. Given the size of the site and the estimated density (with 10 dwellings being delivered in 2024-25 and the remaining 10 being delivered in 2025-26) the site is likely to appeal to smaller regional housebuilders and housing providers who may be better placed to respond to a changing economic environment. On this basis we believe the redevelopment of the site to be viable.

In terms of the suitability of the site for residential development this relates directly to the matters raised by the Inspector. We set out these matters in turn below:

## Management and Maintenance of Cowm Reservoir

United Utilities manages its reservoirs, including Cowm, to comply with the statutory duties under the Reservoir Safety Act 1975. United Utilities is proactive in managing its reservoirs and operates to standards believed to be best practice in the UK water industry.

With regard to the management and maintenance of Cowm reservoir United Utilities carries out 48 hour monitoring of the condition of the reservoir. Grass cutting is carried out regularly to ensure the embankment can be inspected. The Supervising Engineer inspects the reservoir every 6 months and valves are tested at this visit.

## NPPF Exception Test

It is noted that the 2016 Strategic Flood Risk Assessment (SFRA) identifies the site within Flood Zone 2 and the Inspector confirmed that the Exception Test should be applied. In accordance with NPPF, to pass the Exception Test, it should be demonstrated that the benefits of the development outweigh the risk of flooding; and that “the development will be safe for its lifetime” as well as not increasing flood risk elsewhere.

The site meets the ‘developable’ criteria as set out within NPPF given that the site is in a suitable location for housing development, is available and could be viably developed at the point envisaged (years 6-10). The site will provide much needed housing to ensure there is sufficient choice and competition in the market to the benefit of the locality and wider Borough. The ongoing strict management and maintenance regime for the adjacent reservoir will ensure that the site is safe for its lifetime and furthermore it will not increase the risk of flooding elsewhere.

On this basis we believe that this site complies with and passes the Exception Test.

## Modelling

We note that the 2019 Rossendale Local Plan Flood Risk Incorporating Sequential Test Topic Paper states that the “western area of site may be deliverable though scenarios of reservoir dam failure must be modelled”. With regard to modelling, information is available from the Environment Agency by way of their Reservoir Inundation maps. These maps show that in the unlikely event of reservoir flooding a large linear area to the south of Cowm Reservoir could be affected.

As set out above, the ongoing management and a maintenance of the reservoir would prevent such an event occurring. Residential development on surplus land to the south of the reservoir would not exacerbate this scenario.

## Conclusion

We believe that the information set out above addresses the matters raised by the Inspector namely by demonstrating that the site could be delivered within years 6-10, the existing strict management and maintenance regime for the adjacent reservoir will ensure the site is safe for its lifetime and development of this site will not exacerbate flooding elsewhere.



We would be grateful if the information set out above could be presented to the Inspector, however if you require any further information or clarification in the interim then please do not hesitate to contact me.

Yours sincerely

Bernadette McQuillan  
Planning Manager  
United Utilities Water Limited