

Matter 16 Employment and Opportunity Sites

**United Utilities Water Limited
Representor Reference ID 72**

**Question 16.5 Policy SP E3PU
Question 16.14 Policy SP E4PU
Question 16.22 Policy SP E5PU
Question 16.31 Policy SP E6PU**

1) United Utilities Water Limited (UW)

UW is the statutory water and wastewater undertaker for the north west of England and its area of operation includes Copeland. UW is a statutory consultee in the preparation of development plans. This includes working with developers and local planning authorities on the risk of flooding from the public sewer and the delivery of on-site infrastructure, which includes detailed consideration of drainage proposals.

In our submission to the Publication Draft Local Plan we recommended a number of changes. Within our recommended changes we noted a range of matters which are not repeated here but remain relevant. In respect of the employment and opportunity sites, we specifically expressed concern at the absence of Site Allocation Profiles to guide their development. At the current time, the LPA has chosen to not include a number of our recommended changes to policy / text. This statement is submitted to highlight our sewer flood risk concerns in response to the Inspector's Questions and recommend updated wording to the flood risk element of our site-specific comments in relation to a range of sites. Our submitted comments relating to other matters, such as, infrastructure passing through sites and our property interests, remain relevant.

We are particularly concerned that the risk of flooding from the public sewer is not clearly referenced in either the proposed Local Plan or the Strategic Flood Risk Assessment.

2) National Policy and Guidance

Flood Risk from Overwhelmed Sewers and Drainage Systems

When considering flood risk and the location of development, it is important to highlight that a development plan should give sufficient emphasis to all forms of flood risk including sewer flood risk. This is clear from Paragraph: 001 Reference ID: 7-001-20220825 of the National Planning Practice Guidance (NPPG) which defines flood risk as including '*overwhelmed sewers and drainage systems*'. It is clear that '*Strategic flood risk assessments show all sources of flood risk, now and in the future*'.

Having regard to the above guidance, Paragraph 161 of the National Planning Policy Framework states:

'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.'

3) Inspectors' Questions

The following questions have been raised.

a) Employment Sites

Westlakes Science and Technology Park (Policy SP E3PU)

Q16.5 What are the potential adverse impacts of developing the remaining parts of the site and how could these be mitigated for example in terms of, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective, particularly with regards to the River Ehen SAC.

Cleator Moor Innovation Quarter at Leconfield (Policy SP E4PU)

Q16.14 What are the potential adverse impacts of developing the site and how could these be mitigated for example in terms of, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?

ES3 Whitehaven Commercial Park, Moresby Parks

ES7 Bridge End, Egremont

ES14 Seascales Rural Workshops

Q16.22 What are the potential adverse impacts of developing the site and how could these be mitigated for example in terms of....., flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?

b) Opportunity Sites

OWHO5 Land at Ginns, Whitehaven

OWH06 Land at Coach Road, Whitehaven

OWH08 Pow Beck, Whitehaven

OCLO1 Cleator Mills, Cleator

OWN11 Mark House and Park Nightclub

OWH02 Jacksons Timber Yard

OEG03 East Road Grange

Q16.31 What are the potential adverse impacts of developing the site and how could these be mitigated for example in terms of, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?

In our representation to the publication draft local plan, UUW suggested various amendments to the draft local plan so that the need to take account of flood risk from the public sewer is clear to applicants when bringing forward any proposals at allocated sites. This could be in the form of Site Allocation Profiles for the Employment / Opportunity Sites or updated policy wording.

We highlighted that existing public sewers pass through / near to a range of sites. Modelling data, and / or sewer flooding incident data, identifies these sewers as being at risk of sewer flooding. We emphasised that this will need to be carefully considered in the detailed design, masterplanning and drainage strategies. The applicant will be required to engage with UUW prior to any masterplanning to ensure development is not located in an area at risk of on-site flooding from the public sewer. Applicants should consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. For consistency with national policy and guidance, we request that amendments are made to the development plan so that it is clear that there is an on-site risk of sewer flooding which must be fully considered in the preparation of any applications for planning permission at such sites. In our response dated 18 March 2022 to the publication draft we recommended wording. We request that the following paragraphs of our previously recommended wording are updated with the below blue wording:

- Second paragraph of recommended wording for Westlakes Science and Technology Park;
- Second paragraph of recommended wording for Cleator Moor Innovation Quarter at Leconfield (referred to as Leconfield Industrial Estate Extension in our earlier representation);
- Second paragraph of recommended wording for Whitehaven Commercial Park, Moresby Parks;
- Second paragraph of recommended wording for Bridge End, Egremont;
- Third paragraph of recommended wording for Land at Ginns;
- Third paragraph of recommended wording for Land at Coach Road;
- Third paragraph of recommended wording for Pow Beck; and
- Third paragraph of recommended wording for Cleator Mills.

‘Existing public sewers pass through and near to this site which modelling data (and / or flooding incident data) identifies as being at risk of sewer flooding. This will need careful consideration in the detailed design, masterplanning and drainage details for the site.’

We also recommend the following explanatory / additional text.

‘Explanatory Text

The applicant must engage with United Utilities prior to any masterplanning to ensure development is not located in an area at risk of flooding from the public sewer. Applicants should consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances. Applicants must demonstrate that the proposed development would be safe and not lead to increased flood risk. Applicants should not assume that changes in levels or changes to the public sewer, including diversion, will be acceptable as such proposals could increase / displace flood risk. It may be necessary to apply the sequential approach and incorporate mitigating measures subject to the detail of the development proposal.’

We also request that the Strategic Flood Risk Assessment is updated to take account of the sewer flood risks that we have identified at the above sites.

We also noted a number of sites which are in proximity to sewer flooding incidents in the wider area. As a result we request that the following paragraphs of our previously recommended wording are updated with the below blue wording:

- Second paragraph of recommended wording for Seascales Rural Workshops;
- The paragraph of recommended wording for Mark House and Park Nightclub;
- Second paragraph of recommended wording for Jacksons Timber Yard;
- Second paragraph of recommended wording for East Road Grange;
- Second paragraph of recommended wording for Land at Ginns;
- Second paragraph of recommended wording for Land at Coach Road;
- Second paragraph of recommended wording for Pow Beck; and
- Second paragraph of recommended wording for Cleator Mills.

‘There are flood incidents from the public sewer in the wider area. Applicants must engage with United Utilities to consider the detailed design of the site and drainage details.’

We also recommend the following explanatory / additional text.

'Explanatory Text

Careful consideration will need to be given to the approach to drainage including the management of surface water; the point of connection; whether the proposal will be gravity or pumped; the proposed finished floor and ground levels; the management of exceedance paths and any appropriate mitigating measures to manage any risk of sewer surcharge.'

We also request that the Strategic Flood Risk Assessment is updated to take account of the sewer flood risks that we have identified at the above sites.