

Flood Risk Sequential Test & Exception Test

Policy Guidance for Applicants & Planning Officers

May 2022

1. INTRODUCTIONS: ASSESSING FLOOD RISK IN DEVELOPMENT APPLICATIONS

The main two tools in assessing flood risk in development applications are site specific Flood Risk Assessments (FRAs) and Sequential / Exception Testing. While there can be some interaction between these assessments, it should be noted that not all development applications will require both pieces of work. They also fulfill different functions and are assessed in different ways.

1.1 FLOOD RISK ASSESSMENTS (FRAS) VS SEQUENTIAL & EXCEPTION TESTS

Site level Flood Risk Assessments are detailed technical studies on flood risk at a site and its surroundings. Their purpose is to assess whether development will be safe for its lifetime and can be delivered without increasing flood risk elsewhere.

In most cases the Environment Agency will comment on applications where an FRA is required, and will give advice to the Council on the content and conclusions of the FRA. The EA will not, however, generally comment on Sequential & Exception Test documentation, and it is for the Council to come to a conclusion on its acceptability. The purpose of the Sequential test is to guide development to areas at lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where the development could take place.

Given the different purposes of these assessments, it must be noted that the conclusions on these studies may differ. The Council may accept that there are no sequentially preferable sites elsewhere and there therefore the Sequential Test is passed, but the site may still not be considered safe for development if the FRA does not adequately demonstrate that it is. Or the EA may conclude that the FRA adequately demonstrates that a site can be made safe for its lifetime without increasing flood risk elsewhere, but the applicant may not have been able to demonstrate that there are no lower risk sites available that could accommodate the development.

Where both assessments are required, both must be satisfactorily addressed for development to be considered acceptable in flood risk terms. Applicants should therefore note that the absence of an objection from the EA or another body (such as the Local Lead Flood Authority or infrastructure providers such as Southern Water) does not indicate that all matters relating to flood risk, and in particular the sequential and exception tests, have been successfully addressed.

Where both are required, the two pieces of work may be presented together as a comprehensive flood risk evidence package. Information in the FRA will also be useful where the Exception Test is required. Part of that test, as explained later in this document, is to demonstrate the development will be safe, and the FRA provides detailed information to answer this question.

PLEASE NOTE!

This note focusses on the Sequential Test and associated Exception Test and how the Council will expect applicants to demonstrate compliance with these.

This note does not include guidance on site specific Flood Risk Assessments. Guidance on FRAs is available at www.gov.uk/guidance/flood-risk-assessment-for-planning-applications.

2. SEQUENTIAL AND EXCEPTION TESTING: NATIONAL GUIDANCE

2.1 BACKGROUND

The sequential approach to flood risk and the use of the Sequential Test and the Exception Test in planning applications is one of the mainstays of national guidance on development and flood risk. The general approach is designed to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. The aim at both the plan making and decision making stage should be, where possible, to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and areas affected by other sources of flooding.

While the overall aim of national planning policy is clear, guidance on how this should be applied in practice is spread over various documents, and the guidance allows for a degree of local discretion, depending on the characteristics of the area and the development in question.

This note has been put together to draw together the disparate sources of guidance on how to approach flood risk in decision making, in order to set a framework for a consistent approach at a local level.

The note is based largely on

- NPPF (2019) Chapter 14: 'Meeting the challenge of climate change, flooding and coastal change' www.gov.uk/government/publications/national-planning-policy-framework--2
- Planning Practice Guidance on 'Flood risk assessment: the sequential test for applicants' www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants
- Planning Practice Guidance 'Applying the Sequential Test to individual planning applications' www.gov.uk/guidance/flood-risk-and-coastal-change
- A review of approaches taken by other Local Planning Authorities (including Bristol City and Selby District Councils, which have published detailed local guidance)

2.2 STATUS OF THIS NOTE

This note pulls together national requirements for Sequential Test and the Exception Test and sets out how they should be applied to individual applications in Havant Borough. It is largely intended for use by DM officers, but may also provide a useful tool for guiding applicants through the process.

It is not possible to cover every kind of development, location and flood risk scenario in this note, and DM officers and applicants are invited to agree the parameters and the content of Sequential and Exception Tests with the policy team on an individual basis, ideally at the pre-application stage.

As set out in the introductory section to this document, site specific Flood Risk Assessments fulfill a related but different function and are not covered by this note.

3. SEQUENTIAL TEST REQUIREMENTS HAVANT

3.1 WHEN IS A SEQUENTIAL TEST REQUIRED?

In this context, 'the site' is considered to be the application red line, not just the proposed built form.

The Sequential Test is required for all sites in Flood Zones 2 & 3, except where:

- The proposal is for minor development. For the purposes of considering flood risk, minor development is defined¹ as
 - alterations: development that does not increase the size of buildings.
 - householder development: for example sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to an existing dwelling. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of houses into flats or residential annexes.
 - small non-residential extensions: industrial/commercial/leisure etc extensions with a footprint of less than 250 square meters.
- The proposal is for a change of use. This includes changes of use to residential, unless the proposal is for a caravan, camping chalet, mobile home or park home site.

In the following cases the applicant should confirm with the Council that a Sequential Test for a site within Flood Zone 2 or 3 is not required:

- Development on a site where only a small part of the site lies within Flood Zone 2 or 3. Where the part of the site which is at risk will remain free from development and will not be needed for access or egress, the sequential test is unlikely to be needed.
- Redevelopment of existing properties. For replacement dwelling, where there is no increase in the number of dwellings and no increase in the footprint of the building, the sequential test is unlikely to be required. However, if additional dwellings are being created, for example, by replacing a single house with a number of flats, or the footprint is being extended into areas at risk, then the test is likely to be required. Similarly, for replacement caravans, where these are like for like replacements with no increase in footprint and no increase in the level or annual period of occupancy, then the sequential test is unlikely to be required. However, where the risk increases, including by virtue of occupancy periods increasing, the test would be required.
- New applications on sites with extant permissions for the same use, type and scale of development. Whether the test is required will depend on the nature of the new permission (eg the extent of the changes from the previous scheme; and whether the flood risk situation has changed in the intervening time). For example, if changes are

¹ www.gov.uk/guidance/flood-risk-and-coastal-change Paragraph: 046 Reference ID: 7-046-20140306 and footnote 51 of the NPPF.

limited to design details, such as windows, doors or roofs, the sequential test is unlikely to be needed. However, where changes the new applications seeks a significant change, such as a larger footprint, or likely higher occupancy, the sequential test may be needed. In all cases, where further flood risk information or guidance has emerged since the granting of the original permission, the sequential test may also be required.

With regard to site allocations in Local Plans, the Sequential Test can be considered to have been passed for the same development type, if it has already been carried out for the site at the strategic level. This is because for allocated sites, it is taken as given that the Council will have undertaken a Sequential Test, so the applicant no longer needs to demonstrate it. Applying that principle at the local level, it is considered appropriate to assume that the Sequential Test will have been undertaken and considered passed for site allocations in any of the following plans:

- An adopted Local Plan
- A Regulation 19 Pre-Submission Local Plan
- A Neighbourhood Plan which has successfully passed through examination

3.2 FLOOD ZONES 2 & 3

With the exception of the scenarios set out in the previous section, sequential testing is expected to take place for sites in Flood Zones 2 and 3. While it is clear that this refers to the present day flood zones defined by the Environment Agency and readily available for the whole country at <https://flood-map-for-planning.service.gov.uk>, it is less obvious whether the requirement extends to the expected future extent, which takes into account climate change.

The standard approach in many local authorities is to require sequential testing only for sites in present day Flood Zones 2 & 3. However, guidance is clear that where a Strategic Flood Risk Assessment (SFRA) has been prepared, it should form the basis of the Sequential Test:

“...The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test.”

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>

Paragraph: 019 Reference ID: 7-019-20140306

and

...“Nor should it normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).”

www.gov.uk/guidance/flood-risk-and-coastal-change#aim-of-Sequential-Test Paragraph: 033 Reference ID: 7-033-20140306

It is consistent with other elements of flood risk guidance to apply the requirement for the sequential test to those areas at risk of flooding in the future. At a plan making level, there is an expectation that climate change should be taken into consideration in the selection of

sites. It would be inconsistent if this approach did not follow through to the application stage. Furthermore, where a site-specific Flood Risk Assessment is required for an application, this must demonstrate that development is safe for its lifetime. Given the assumed 100-year lifetime of residential development, for example, this should include consideration of climate change.

The purpose of the Sequential Test is to guide development to those areas at less risk of flooding. Since the extent of these areas will grow with climate change, the Council will expect sites with a likelihood of being in Flood Zones 2 and 3 in the future to undergo the Sequential Test.

The extent of future flood zones with climate change for Havant Borough have been mapped in the Partnership for South Hampshire Strategic Flood Risk Assessment. The PUSH SFRA is published as part of the supporting evidence for the emerging Local Plan, and is available at via www.havant.gov.uk/localplan/evidence-base.²

In addition, the proposed Local Plan allocations have been assessed specifically. That assessment is available via the same address.

3.3 WHO IS RESPONSIBLE FOR THE TEST?

The applicant for any proposal requiring a Sequential Test is expected to assemble the evidence to allow the council to consider whether the development passes the test.

The council will consider the evidence provided and determine whether it can be concluded that there are no reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding. If it is demonstrated that there are no reasonably available alternative sites, the Sequential Test is deemed to have been passed.

3.4 WHAT DOES A SEQUENTIAL TEST LOOK LIKE?

There is no prescribed format for the Sequential Test, but the information provided should be of sufficient quality and detail to answer the question:

Are there, or are there not, any reasonably available sites in areas with a lower probability of flooding that would be appropriate to accommodate the type of development or land use proposed?

Applicants are therefore advised to submit a Sequential Test report covering the following information:

A: Information about the application site and development proposal

This should include the name, location, size, assumed development capacity, overview of the development proposal, high level overview of flood risk (flood zones - present day and

² Map set '1E – Climate Change' of the PUSH SFRA shows the future (2115) extent of the flood zones.

with climate change), any other pertinent information, such as the reason for choosing the particular site.

B: Definition of parameters applied to the site search

This should include a map or a clear description of the area of search, together with the reasons for choosing that area. It should also clearly explain and justify any limiting parameters applied to the site search, such as size/capacity; particular locational requirements etc. Applicants should discuss and agree the search parameters with the Local Planning Authority before the Sequential Test is undertaken, to avoid the need to redo the Test in the event that the Local Planning Authority disagrees with the approach taken.

→ See guidance below on ‘Area of Search -Section 3.5’

C: Review of alternative sites considered

Applicants should provide a clear schedule of alternative sites considered, with map(s) where this is needed to clearly identify sites. For each site, this review should identify the level of flood risk to the alternative site and whether it is considered to be a reasonably available alternative. If sites are considered unsuitable or unavailable, reasons should be given.

→ See guidance below on ‘Suggested Sources of Potential Alternative Sites – Section 3.6’

→ See guidance below on ‘What Constitutes Reasonably Available – Section 3.7’

The level of flood risk should generally be based on the Environment Agency flood zones as well as their expected future extent with climate change, as defined by the Council’s SFRA.

→ See guidance above on ‘Flood Zones 2 & 3 – Section 3.2’

For sites in the same flood zone as the application site, any available alternative information such as the council’s Strategic Flood Risk Assessment or pre-existing site specific Flood Risk Assessments should be considered to assess whether the site is sequentially preferable. Whatever information is used should be clearly identified.

D: Conclusion

If there are no alternative reasonably available sites at a lower flood risk than the subject site, the conclusion may be drawn that the site and proposed development have passed the Sequential Test.

3.5 AREA OF SEARCH

National guidance does not define the area of search that should be applied. Instead, it suggests that the area will be defined by local circumstances and the type of development proposed. An appeal decision in the borough³ confirmed that the start point should be those parts of the local authority area with lower flood risk. This should then be amended if there

³ Appeal Reference: APP/X1735/W/21/3287602

are sustainable development reasons for doing. A pragmatic approach to alternatives should be taken⁴.

In most cases, the Council's starting point for the area of search for lower risk sites will therefore be the whole of the borough. Any variation should be justified by the applicant in their Sequential Test report, and agreed between the applicant and the Council at pre-application stage.

An alternative (reduced) area of search may be acceptable where it can be demonstrated that there is a specific need for the proposed development to be in a particular sub-area. The area of search may be influenced by the purpose or nature of the development itself (e.g. a particular catchment area it intends to serve, its functional or locational requirements etc), but also wider policy objectives (e.g. a local need for affordable housing, town centre regeneration, defined settlement boundaries etc).

In some cases, it may be appropriate to expand the area of search beyond the boundary of the borough. This will only be necessary in the rare cases where the proposed development is proposed to satisfy a sub-regional, regional or national need, such as a new town or a major infrastructure project.

It is not possible to easily pre-define an area of search, but the following is suggested as a guide. The table is not designed to cover all development types or scenarios, and case by case consideration will be necessary by applicants and the Council.

Suggested Sequential Test Area of Search in Havant Borough		
<i>The table below provides a suggested starting point for appropriate search area for different types and locations of development. However, applicants should justify and agree with the Council the search parameters applied to their particular development. Some developments may fall into more than one category.</i>		
Type of Development	Area of Search	Reason
Residential schemes	Whole borough	All residential schemes contribute to housing need across the borough.
Commercial development	Whole borough	Commercial development generally contributes to the need for such floorspace across the borough and has no particular sub-area it intends to serve. (note particular exceptions around catchment areas and operational requirements below)
Town centre retail development	With the same defined town centre as the proposal site	The flood risk sequential test should not undermine other Sequential Test requirements for town centres.

⁴ www.gov.uk/guidance/flood-risk-and-coastal-change Paragraph: 033 Reference ID: 7-033-20140306

Development which would contribute to stated regeneration aims in the defined regeneration areas: • Havant Town Centre • Waterlooville Town Centre • Leigh Park District Centre • Hayling Island Seafront	Area covered by regeneration policy and/or masterplan / framework	Area is in need of regeneration
Tourism development on Hayling Island	Hayling Island only	Development is intended to serve tourism market on Hayling Island
Development which has a specifically defined catchment area e.g. new schools; services or businesses specifically intended to serve a particular area etc	Defined catchment area (evidence required as part of Sequential Test)	Locating the scheme outside of the required catchment area would prevent the development from fulfilling its function.
Development with location-specific operational requirements e.g. development that require a coastal location such as marine businesses; extensions to existing businesses	Sites across the borough that meet the particular operational requirement (evidence required as part of Sequential Test)	Locating the development on a site which does not meet operational requirements would prevent the development from fulfilling its function
Schemes of any size and type brought forward by a Community Land Trust, Parish Council or similar body or organisation	Area covered by the relevant body or organisation, or adjacent sites reasonably related to that area	Such bodies are set up to serve the interests of a particular area and cannot be expected to consider land beyond their catchment area.

3.6 SUGGESTED SOURCES OF POTENTIAL ALTERNATIVE SITES

The following are suggested to be suitable sources of information for potential alternative sites.

For of 5 dwellings or more:

- Allocation sites in the adopted or draft plans (Local Plan and Neighbourhood Plans)
- Sites in the SHLAA and/or the Brownfield Register
- Extant planning permissions for the same or similar developments as that proposed;

For sites smaller than 5 dwellings, the most likely sources of alternative sites are

- Extant planning permissions for the same or similar developments as that proposed
- Land currently for sale (search info from local property agents)

3.7 WHAT CONSTITUTES ‘REASONABLY AVAILABLE’?

A site will be considered to be ‘reasonably available’ if all of the following criteria are met:

- The site is within the agreed area of search;

- The site is of a reasonable size for the proposed development, having regard to the Council's density policy;
- The site is suitable for the proposed development, and could accommodate its functional requirements;
- The site could be viably developed;
- The site is available now, defined as either being
 - owned by the applicant or
 - available for purchase at a fair market value; and
- The site is not safeguarded or allocated in an adopted or emerging Local Plan or Neighbourhood Plan for another use, or has planning permission for another use

4. EXCEPTION TEST

4.1 NEED FOR THE EXCEPTION TEST

Even if the Sequential Test has been passed, it may also be necessary to pass the Exception Test. The Exception Test is designed to allow appropriate and safe development to proceed in scenarios where the Sequential Test has been passed, i.e. where it has been shown that suitable sites at lower risk of flooding are not available.

Whether the Exception Test is necessary, is determined by the type and location (in terms of flood risk) of the proposal. National flood risk guidance includes

- A classification of the relative vulnerability of different types of development
'Table 2: Flood Risk Vulnerability Classification'
- A guide to the appropriateness of these classes of development with the flood zones
'Table 3: Flood risk vulnerability and flood zone 'compatibility''

These tables also show when the Exception Test is not required, and when development should not be permitted at all.

The Tables of Flood Risk Vulnerability and Compatibility are replicated at the end of this chapter. Web links are given to the original.

Table 2: Flood risk vulnerability classification	
Essential Infrastructure	• Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk. • Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood. • 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. • Wind turbines.
Highly Vulnerable	• Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding. • Emergency dispersal points. • Basement dwellings. • Caravans, mobile homes and park homes intended for permanent residential use. • Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations

	with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure').
More Vulnerable	• Hospitals • Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels. • Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels. • Non-residential uses for health services, nurseries and educational establishments. • Landfill* and sites used for waste management facilities for hazardous waste. • Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.
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, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure. • Land and buildings used for agriculture and forestry.
Water-Compatible Development	• Flood control infrastructure. • Water transmission infrastructure and pumping stations. • Sewage transmission infrastructure and pumping stations. • Sand and gravel working. • Docks, marinas and wharves. • Navigation facilities. • Ministry of Defence defence installations. • Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location. • Water-based recreation (excluding sleeping accommodation). • Lifeguard and coastguard stations. • Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms. • Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.
Reproduced from www.gov.uk Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014 www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification	

Table 3: Flood risk vulnerability and flood zone 'compatibility'

Flood Zones	Essential Infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test Required	✓	✓	✓
Zone 3a †	Exception Test Required †	✗	Exception Test Required	✓	✓
Zone 3b *	Exception Test Required *	✗	✗	✗	✓ *

✓ Development is appropriate

✗ Development should not be permitted.

† In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

* In Flood Zone 3b (functional floodplain) essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Other notes:

- This table does not show the application of the [Sequential Test](#) which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea;
- The Sequential and [Exception Tests](#) do not need to be applied to [minor developments](#) and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site;
- Some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts.

Reproduced from www.gov.uk Paragraph: 067 Reference ID: 7-067-20140306

www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability

4.2 PASSING THE EXCEPTION TEST

For the Exception Test to be passed it must 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 flood risk overall.

There is no prescribed format for the Exception Test, but a site specific flood risk assessment should be used to inform part b) of the test.

It should also be noted that the Exception Test must still be passed at the application level, even if the Sequential Test was deemed passed by virtue of an allocation for that site in the Local Plan. In those cases it is likely that the Sustainability Appraisal for the Local Plan provides sufficient information to pass part a) of the test.

Both elements of the Exception Test must be satisfied for development to be permitted.

While this guide makes no prejudgements as to the outcome of individual Sequential or Exceptions Tests, applicants should note that for very small schemes (such as a single dwelling), the council is unlikely to accept the arguments that these will provide wider sustainability benefits to the community that outweigh the flood risk. This is because such schemes are unlikely to make a substantial contribution to such things as meeting housing needed, the regeneration of parts of the borough or the local economy in terms of job creation or income generation.

4.3 CONCLUDING THE SEQUENTIAL AND THE EXCEPTION TESTS

Where the Sequential Test and/or the Exception Test are required for proposed development in areas at risk of flooding, the required tests must be passed in order for development to be acceptable.

In such cases, the applicant is expected to assemble the necessary evidence to enable the council to consider whether the development passes the required test(s).

The Council will consider the evidence provided and determine whether it can be concluded that the test have been passed. If the Sequential Test and/or either part of the Exception Test is considered not suitably justified, and therefore not met, the Council is likely to refuse the application on flood risk grounds.