

# Advice Note relating to application of Flood Risk Sequential Test and Exception Test within Bracknell Forest

## Purpose of Advice

This advice is issued in light of a change to the NPPF in July 2021 which impacts upon the application of the sequential test as it applies to flood risk.

Prior to the change, the NPPF indicated that the aim of the sequential test was to steer new development to areas at the lowest risk of flooding and the associated Planning Guidance confirmed that the Flood Zones which define fluvial and coastal flood risk provided the basis for applying this test.

As a result, the LPA only requested the submission of a Sequential Test in respect of development within Flood Zones 2 and 3 and it was not normally necessary to apply the Sequential Test to development proposals in Flood Zone 1 unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicated there may be flooding issues now or in the future (for example, through the impact of climate change).

In 2021, the Framework was amended to confirm that the aim of the sequential test was to steer new development to areas with the lowest risk of flooding from any source. Para. 162 indicates that the strategic flood risk assessment will provide the basis for applying the test.

The most recent SFRA for Bracknell Forest pre-dates the change in national policy and does not reflect most recently published climate change allowances. However, in a review undertaken in December 2021 as part of the Local Plan process [LP/EV/9n [Emerging Bracknell Forest Local Plan evidence base | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)] it was found that the assessment of climate change in the Bracknell Forest Level 1 and Level 2 SFRAs and their addendums was robust and precautionary in light of the latest climate change peak river flow allowances published by the government in July 2021, and does not impact on the conclusions of the SFRA regarding any of the allocated sites in the emerging Local Plan.

Whilst, more up to date sources of information will be used to identify flood risk for the purposes of the application of the Sequential Test in relation to individual planning applications (set out later in this note), the approach to identifying sites considered to be a low risk of flooding set out in the SFRA underpins the application of the test.

The NPPG was amended in August 2022 to make clear that other forms of flooding e.g. surface water and ground water flooding needed to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

This Advice Note has been prepared in order to provide guidance as to the application of the Sequential Test within Bracknell Forest. It is intended to help guide applicants through the process as well as provide a tool for consistent decision making by planning officers. Whilst the NPPF's approach towards the Exception Test has not changed, details of when this is also required to be applied are included here for completeness.

Given that failure to satisfy the sequential or exception test will likely lead to refusal of permission, applicants are strongly advised to engage in pre-application discussions to

agree the parameters and the content of sequential and exception tests with planning officers at the pre-application stage.

It should be noted that the requirement for a sequential test is separate to the need for a site-specific flood risk assessment, the requirements for which are set out in para. 167 and footnote 55 of the NPPF (insert link).

## Sequential Test

### What is the Aim of the Sequential Approach?

The aim of the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. National policy guidance indicates that avoiding flood risk through the application of a sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features.

It should be noted that, even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.

### Which Sites will Require a Sequential Test?

Para. 166 of the NPPF (2021) indicates that 'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again'.

A Sequential Approach to site selection was undertaken as part of the emerging Local Plan process ( Document LP/Ev/9m [Emerging Bracknell Forest Local Plan evidence base | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)). Examination hearings were held in 2022 and the Inspector's Post Hearings Letter was dated 19<sup>th</sup> January 2023. This identified a list of main modifications required to make the plan sound. None of these raised concern about the application of the sequential test as it applied to the proposed allocations. As a result, any application on a site first allocated within the new Local Plan, for development for the purpose for which it was allocated, will not require the submission of a sequential test.

Those sites previously allocated within the Site Allocations Local Plan (2013), the allocation of which are to be 'saved' when the emerging Bracknell Forest Local Plan is adopted, have not previously been subject to a sequential assessment on the basis of all forms of flooding. As a result, a sequential test should accompany any application on these sites if they are at risk from any source of flooding.

In relation to applications for non-allocated sites where the site is at risk from flooding from any source, a sequential test will be required other than in instances identified as exceptions within the NPPF.

For the avoidance of doubt, a site will be considered to be at low risk of flooding, such that the Sequential Test need not be applied, if it meets the conditions set out in the SFRA which provides the basis for applying this test:

**Figure 1 Sites Considered to be at Low Risk of Flooding will meet the following conditions:**

- Site is within Flood Zone 1
- Site is not within Flood Zone 3a plus 70% allowance for climate change
- Site is <10% at risk from surface water flooding in the 1 in 1000-year event
- Site is <10% within the highest risk category in JBA Groundwater map (groundwater is <0.025m below surface in the 1 in 100 year event)
- Site is <75% within the second highest risk category (groundwater is between 0.025 and 0.5m below the surface in the 1 in 100 year event) (as shown on JBA Groundwater map).
- Site is not within the Historic Flood Map
- Site is not at risk of reservoir flooding

*Source: Para. 5.3.1 SFRA*

The exceptions set out in the NPPF are applications for some minor development and changes of use as identified within para. 168 and footnote 56.

**Figure 2 Exceptions set out in NPPF**

- minor non-residential extensions (industrial/commercial/leisure etc): extensions with a floorspace not in excess of 250 square metres.
- alterations: development that does not increase the size of buildings, e.g. alterations to external appearance.
- householder development: for example, sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. 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 any other development with a purpose not incidental to the enjoyment of the dwelling.
- Changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.

*Source: NPPF para. 168 and fn 56*

The requirement to apply a sequential test to applications for development, consistent with national policy, is reflected in Policy LP 18 of the emerging Local Plan which states (inter alia):

*2. Development will only be permitted in areas at risk of flooding if:*

*i. the sequential test, when required by national policy, is applied to the location of development taking into account flood risk from all sources, both now and in the future, including climate change, and is passed; .....*

## Evidence of Risk of Flooding for purposes of applying Sequential

In assessing whether a site is at risk of flooding, applicants should have regard to the following sources which can be accessed via the Government's website or the Bracknell Forest SFRA:

Source of Flooding	Available Mapping
Rivers	Environment Agency's Flood Map for Planning and Flood Zone 3a plus climate change mapping (within SFRA)
Surface Water	Environment Agency's Low and Medium Risk of Flooding from Surface Water Flood extent mapping
Ground Water	JBA Groundwater Map (contained within the Bracknell Forest SFRA)
Reservoir	Environment Agency Flood Risk from Reservoirs Mapping
Historic	Environment Agency Historic Flood Map

The above table makes reference to the most recently published sources of flood mapping information however, this will change over time and in applying the sequential test, the LPA will make reference to the most up to date publicly available information.

For clarity it is confirmed that the site, for the purposes of determining flood risk, relates to all land within the red line boundary of the application and not just the area where development is to be located.

A checklist for determining if a sequential test is required is provided at Appendix A of this document.

### 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. In the event that they consider that the area of search should be anything less than the extent of the whole Borough, they should look to agree this with the LPA through a pre-application enquiry, prior to the commencement of work.

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.

## **Area of Search for Sequential Test**

National guidance does not define the area of search that should be applied for planning applications subject to the Sequential Test. Instead, it suggests that the area will be defined by local circumstances and the type of development proposed, together with relevant spatial policies.

As the aim of the sequential test is to steer new development to areas with the lowest risk of flooding, the Council considers that the starting point for the area of search for lower risk sites should be those parts of the local authority area at lower flood risk i.e. the search area should cover the whole Borough. This area will only be reduced if there are sustainable development reasons for doing so which may be influenced by the nature of the development itself, e.g. if it is intended to serve a particular catchment area but also by wider policy objectives e.g. local need for particular types of housing or town centre regeneration.

In the following cases, the applicant is advised that the Local Planning Authority may consider that the area of search should be reduced below the initial, Borough wide area. In such a circumstance, the appropriate area of search should be confirmed with the Council as part of any pre-application enquiry:

- Proposals where a development is required to be sited within a particular location due to the nature of the development;
- Development which is consistent with the spatial policies of the development plan including optimising the use of brownfield sites, focusing new residential development within settlement boundaries, supporting the continued regeneration of Bracknell Town Centre, and supporting existing key employment areas;
- Proposals involving comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location;
- Redevelopment of existing properties: for replacement dwellings, where there is no increase in the number of dwellings, given that householders would be able to extend a dwelling without applying the sequential test; or
- Replacement caravans, where these are like for like replacements with no increase in the level or annual period of occupancy.

## **What is a “reasonably available” site?**

The applicant will need to identify if there are any other ‘reasonably available’ sites with a lower probability of flooding within the area of search that would be appropriate to accommodate the development. This information should be obtained having reference to site allocations in adopted or emerging Local Plans, an updated review of housing/economic availability assessments, current or extant planning permissions for the same or similar developments (recognising that the NPPG indicates that multiple sites can be considered in combination to deliver the proposed number of dwellings) and sites currently available on the open market. A site will not be considered ‘reasonably available’ if it is allocated for an alternative use in an adopted or emerging Local Plan or the site has planning permission for another use.

## Consequence of failing the Sequential Test

If sufficient information is not provided to demonstrate that the sequential test is passed, the Council is likely to refuse the planning application on flood risk grounds.

In the event that the sequential test is not passed, it will only be appropriate to move onto the Exception Test in those cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.

## The Exception Test

### Need for the Exception Test

Assuming that the sequential test has demonstrated that there are no reasonably available, lower-risk sites suitable for the proposed development, an exception test is also required in some circumstances. These depend upon the potential vulnerability of the site and of the development proposed.

The exception test is required in accordance with Table 2 contained within the NPPG [Paragraph: 079 Reference ID: 7-079-20220825] as set out below, to be read in conjunction with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF (2021).

**Table 2: Flood risk vulnerability and flood zone ‘incompatibility’**

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

The Exception Test does not need to be applied to minor development or changes of use as identified in footnote 56 of the NPPF and referred to in relation to the sequential test above.

## Requirements of Exception Test

The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; **and**
- 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.

The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.

A checklist to assist applicants in providing information required for the application of the Sequential Test and Exception Test is attached as Appendix B.

# Appendix A Check List

## Is a Sequential Test Required?

**Question 1:**

Is the site allocated within a development plan which has been the subject to a sequential approach to site selection (i.e. the new Local Plan not the SALP)?

If YES go to Qu 2, If NO go to Qu 3

**Question 2:**

Is the proposed development for the same use as the allocation?

If YES - a sequential test is NOT required  
If NO - go to Qu 3

**Question 3:**

Is the site at risk from flooding for **any** sources?  
(Refer to mapping sources set out in Table 1)

If NO – a sequential test is NOT required  
If YES – go to Qu 4

**Question 4:**

Can the site be considered at low risk of flooding because it meets the conditions set out in the SFRA?  
(Refer to Figure 1)

If YES - a sequential test is NOT required  
If NO - go to Question 5

**Question 5:**

Does the development comprise any of the exceptions set out in NPPF?  
(Refer to Figure 2)

If YES - a sequential test is NOT required  
If NO - a Sequential test IS required



# Appendix B

## Check List for Application of Sequential Test and Exception Test

### Sequential Test

#### Information about your proposed site

- The name and location of the site
- An explanation of why you chose that specific site

#### Potential alternative sites

- List of potential alternative sites
- Details of how this list was produced including datasets that were used to inform this. This should include details of the area of search for alternative sites including any justification for why an area of search different from the Borough boundary has been used, and details of where of the sources of information used for identifying these sites.
- Evidence of pre-application discussions where a reduced area of search has been agreed.

#### Information to provide about alternative sites

- Name and address
- Whether it has been allocated in the local plan and for what purpose
- Any issues that would prevent development on the site and whether these issues could be overcome
- Your estimate of its approximate capacity
- Assessment of the flood risk at each site (including the proposed site). This should consider all of the sources listed within this advice note.

#### Your conclusion on the outcome of the sequential test

### Exception Test

In the event that the Exception Test is required, it should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; **and**
- 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.

In identifying wider sustainability benefits, applicants should refer to the sustainability appraisal objectives set out within the Sustainability Appraisal Framework for the Pre-Submission Bracknell Forest Local Plan (document LP/Ev/1e) and should provide relevant and proportionate advice as to any benefits that the development offers.

If seeking to demonstrate that development will reduce flood risk overall, developers should refer to the Strategic Flood Risk Assessment and site-specific Flood Risk Assessments to identify opportunities to reduce flood risk overall and to demonstrate that the measures go beyond just managing the flood risk resulting from the development.