

## Evidence for applying the flood risk Sequential Test to planning applications

This table sets out the information that the Environment Agency will require as evidence from Local Planning Authorities as a demonstration that the flood risk Sequential Test (PPS25 paragraphs 16 and 17 and Annex D) has been properly applied. This information may also be presented by applicants to Local Planning Authorities in support of the Sequential Test for an application site.

Note – All developments must be appropriate to the Flood Zone in which they sit. See tables D1 - D3 of PPS25.

<p><b>Answer the questions in order, moving on where indicated.</b></p>	<p><b>Answer Yes or No</b></p>	<p><b>Has the Sequential Test been adequately demonstrated?</b></p>	<p><b>LPA/ Developer to consult the information sources below.</b></p>
<p>1. Is the proposed development consistent in location, type and scale with an allocated site from a development plan which has already been sequentially tested (i.e. has the flood risk Sequential Test already been carried out for this site at a strategic level?)</p>	<p>If yes, state which plan, which allocation and the location of the allocation site in the development plan</p> <p><b>If the answer is 'No' go to question 2</b></p>	<p>If the answer is Yes compliance with the Sequential Test has been adequately demonstrated FINISH HERE</p> <p>LPA should apply Exception Test if appropriate –see PPS25 Table D3.</p>	<ul style="list-style-type: none"> <li>Development plan</li> </ul>
<p>2. Does the application site fall within an area identified to take 'windfall' development, that has been agreed as part of the development plan and in association with a Strategic Flood Risk Assessment (SFRA)?</p>	<p>If yes, state the location in the development plan</p> <p><b>If the answer is 'No' or there are no such areas identified on the development plan, go to question 3</b></p>	<p>If the answer is Yes compliance with the Sequential Test has been adequately demonstrated - FINISH HERE</p> <p>LPA should apply Exception Test if appropriate –see PPS25 Table D3.</p>	<ul style="list-style-type: none"> <li>Development plan</li> </ul>

<p>3. Does the development plan or the background documents used to identify potential development plan allocation sites, contain 'reasonably available' alternative sites that are situated in a lower flood risk zone?</p>	<p>If yes, state which allocation(s) and the location in the development plan.</p> <p><b>If the answer is 'No' go to question 4</b></p>	<p>If the answer is <b>Yes</b>, compliance with the Sequential Test has NOT been adequately demonstrated – FINISH HERE</p>	<ul style="list-style-type: none"> <li>• Development plan</li> <li>• Background Documents</li> <li>• Environment Agency Flood Map</li> </ul>
<p>4. Does the development plan or the background documents used to identify potential development plan allocation sites, contain alternative 'reasonably available' sites that are within the same Flood Zone and subject to a lower probability of flooding from all sources as detailed by the SFRA?</p>	<p>If yes, state which allocation(s) and the location in the development plan.</p>	<p>If the answer to Question 4 is <b>Yes</b>, compliance with the Sequential Test has NOT been adequately demonstrated – FINISH HERE</p> <p>If the answer is No to questions 3 and 4 compliance with the Sequential Test has been adequately demonstrated.</p> <p>LPA should apply Exception Test if appropriate –see PPS25 Table D3.</p>	<ul style="list-style-type: none"> <li>• Development plan</li> <li>• Background Documents</li> <li>• Strategic Flood Risk Assessment</li> </ul>

**Notes and definitions**

**Question 1**

**Development scale** - The planning application must not be for a larger site area than was indicated at the allocations stage e.g. through a site brief.

**'Pre-Local Development Framework local plans'** - Planning applications for sites allocated through development plans that pre-date the Planning and Compulsory Purchase Act 2004 will be subject to the Sequential Test at the planning application stage unless evidence is provided that the plan has been subject to the flood risk Sequential Test. The requirement for plan allocations to be flood risk sequentially tested was first introduced in Planning Policy Guidance note 25:Development and Flood Risk published in July 2001.

**Question 2**

**Windfall development**- Proposed development for a site that is not an allocated site in an adopted development plan.

**Question 3**

**Development Plan** - The term 'development plan' covers both saved, old style development plans that pre-date the 2004 Planning and Compulsory Purchase Act and new style plans, i.e. Local Development Documents (LDD) or Supplementary Planning Documents produced as part of Local Development Frameworks (LDF) produced since 2004 that have reached the submissions stage.

**Background documents** -Background study documents are produced by the LPA prior to drafting of the LDDs and include housing and employment land availability assessments and equivalent studies. If these documents are new *i.e. have been created to inform the emerging LDF*, then it is reasonable to consider the sites they contain as reasonably available alternatives for the purpose of applying the Sequential Test.

**Reasonably available alternative site allocations** - Any site that has been allocated as part of a development plan and that has yet to receive planning permission should be counted as a reasonably available alternative site for the purpose of applying the Sequential Test. In addition when there is no allocations LDD, reference should be made to any recent background documents (see above) that have been created to inform the emerging LDF. Sites contained within these documents that are yet to receive planning permission should be counted as reasonably available alternatives for the purpose of applying the Sequential Test.

#### **Question 4**

**Strategic Flood Risk Assessment** - A district wide assessment of flood risk from all sources, undertaken by the Local Planning Authority to inform the preparation of its LDD's.

Where a SFRA does not provide the necessary information or is yet to be completed, reference should be made to any available site specific FRAs in the councils' possession. Where flood risk information to answer question 4 is not available, LPAs should move straight into application of the Exception Test where appropriate <sup>1</sup> (see paragraph 19 of PPS25).

<sup>1</sup> Are there large areas (>50% of land area) of the LPA in Flood Zones 2 and 3 and development is needed to avoid social or economic blight?, Is the proposed development essential civil infrastructure (Table D2) that has to remain operating during flooding?, Are there restrictive international or national landscape / biodiversity / heritage designations (e.g. National Parks, AONBs, SPAs, SACs, SSSIs, World Heritage Sites, Ancient Monuments) that mean there are no unconstrained sites in 'appropriate' Flood Zones?, Does para D10, Table D1 and Table D3 indicate that this development (Flood Zone and Flood Risk Vulnerability) requires the application of the Exception Test before it can be permitted? The answer must be yes to these questions for the Exception test to apply – see paragraphs 18 – 20 of PPS25.