



## **Selby District Council Flood Risk Sequential Test**

### **Developer Guidance Note - October 2019**

**This guidance note describes what the Council's approach will be when applying the Sequential Test for planning applications that are located within Flood Zones 2 and 3. It has been formulated in collaboration with the Environment Agency, and supersedes the previous guidance note that was published on the Council's website in August 2019.**

The Sequential Test is a planning tool that Councils apply to ensure that developments in areas at risk of flooding are only approved if the applicant can successfully demonstrate that there are no reasonably available alternative sites at a lower risk of flooding, and that the proposed uses are suitable in terms of their vulnerability, as specified in Table 2 of the National Planning Policy Guidance (NPPG). Paragraph: 019 Reference ID: 7-019-20140306) provides the following description of the Sequential Test:

*"The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.*

*Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in flood zone 3 (areas with high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.*

*Within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of development."*

#### **When is a Sequential Test Required?**

If the proposal is in Flood Zone 1, it is not usually necessary to apply the sequential test unless the Strategic Flood Risk Assessment (SFRA) or more recent information indicates there may be flooding issues from other sources. If the site is at low probability of flooding, is not subject to flooding from other sources and is less than 1 hectare, no further action is required in respect to flood risk. However, if the site is 1 hectare or greater, applicants are required to produce a site-specific Flood Risk Assessment to accompany the planning application.

It is important before undertaking any Sequential Test to consult the [Flood Map for Planning](#) which is updated quarterly. Selby District Council **cannot** use any flood zone information other than that published on the flood map for planning. If you have robust evidence suggesting that the flood zone for your site is incorrect, you should contact the Environment Agency to find out whether it will be possible for them to review your evidence.

## **Flood Zones**

Flood Zones 1, 2 and 3 are defined as:

- Flood Zone 1 comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).
- Flood Zone 2 comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%- 0.1%) in any year
- Flood Zone 3a comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

Flood Zone 3b - the functional floodplain comprises land where water *has* to flow or be stored in times of flood. Selby District Council has undertaken a Level 1 Strategic Flood Risk Assessment which shows which parts of the district fall under 3b. Please consult the SFRA [webpage](#) for further details.

Therefore proposals require a sequential test if:

- They are located in Flood Zones 1 with identified critical drainage problems, and
- They are in Flood Zones 2 and 3, to determine whether there are any reasonably available sites at lower probability of flooding that could reasonably accommodate the development.

## **Exemptions from both the Sequential Test and Exception Test**

These include the following:

### Minor Development:

Paragraph 164 and footnote 51 of the NPPF and the NPPG on Flood Risk and Coastal Change state that minor development means:

- Minor non-residential extensions: industrial/commercial/leisure etc. with a footprint less than 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.

- Changes of use except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.

#### Developments partially within Flood Zone 2 or 3:

- When development is proposed on a site where only a small part of the site lies within Flood Zone 2 or 3, the Sequential Test will not be required provided;
- The area of Flood Zone 2 and/or 3 will be used only for soft landscaping/open space; AND safe access and egress during flooding can be achieved without having to use the area of Flood Zone 2 and/or 3.

#### Exemptions from the Sequential Test only:

- Redevelopment of existing properties (e.g. replacement dwellings), such proposals will not require a Sequential Test provided they:
  - will not be placed at an unacceptable level of flood risk, irrespective of the risk posed to the existing dwelling; and
  - do not increase the number of dwellings in an area of flood risk (e.g. replacing a single dwelling with an apartment block).
- The principles for replacement dwelling(s) will also be applied to new residential applications on sites that have existing unimplemented permissions (i.e. permissions that are still extant), and for applications to renew existing residential permissions. (For proposals on sites with permissions that have lapsed, a Sequential Test will be required.)
- Where the application is consistent in scale, development type and location and has already been sequentially tested and is allocated within the Selby District Local Plan.

#### Applying the sequential test – search areas

Paragraph 158 of the NPPF states, *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”* Development should be directed to areas of Flood Zone 1 wherever possible, and then sequentially to Flood Zones 2 and 3, and to areas of least flood risk within Flood Zones 2 and 3.

The Planning Practice Guidance states that:

*“For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.”*

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. The Core Strategy Policy SP2 sets out the location for future development within the Selby District and provides for:

- **Selby** as the Principal Town will be the focus for new housing, employment, retail, commercial and leisure facilities.
- **Sherburn in Elmet** and **Tadcaster** are designated as Local Service Centres where further housing, employment, retail, commercial, and leisure growth will take place appropriate to the size and role of each settlement.
- **Designated Service Villages** have some scope for additional residential and small-scale employment growth support rural sustainability.
- **Secondary Villages** - limited amounts of residential development maybe absorbed inside development limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and SP10.

In order to support the identified local growth needs as set out within the settlement hierarchy of the Core Strategy, the sequential test search areas for residential developments are listed in Table 1 below:

**Table 1 - The Geographical Coverage Area for the Sequential Test - Residential**

Site Location	Search Area
Selby Town (Within and immediately adjacent to the development limits)	Within and immediately adjacent to the development limits of Selby only
Sherburn (Within and immediately adjacent to the development limits)	Within and immediately adjacent to the development limits of Sherburn in Elmet only
Tadcaster (Within and immediately adjacent to the development limits)	Within and immediately adjacent to the development limits of Tadcaster only
Designated Service Villages (DSV) (Within and immediately adjacent to the development limits of that particular DSV)	Within and immediately adjacent to the development limits of that particular DSV
Secondary Villages (Within and immediately adjacent to the development limits)	Within and immediately adjacent to the development limits of Secondary Villages District Wide For planning applications related to rural housing exception sites or single dwellings, the area of the application of the Sequential Test is limited to within and adjacent to the development limits of the particular Secondary Village
Countryside (Not within any of the locations described above)	Sites in the Countryside District Wide

## **Applying the sequential test – comparison sites**

Once the Sequential Test search area has been determined, alternative sites will need to be looked at that could be suitable for (and could accommodate the scale of) the proposed development (comparison sites). Applicants promoting sites for housing should compare their site against:

- Allocated housing sites identified in the Selby District Local Plan and Core Strategy,
- Sites identified for housing in emerging Development Plan Documents which have reached advanced stages of preparation.
- Unimplemented planning permissions for housing.

Proposals on sites where previously developed land (PDL) accounts for 50% or more of their area should only be compared against other previously developed sites (50%+ of their area) within the development limits of the same settlement. This is because it is not the intention of the Council to use the sequential test to reallocate development from PDL to greenfield sites.

The level of identified flood risk on the proposal site should be compared with identified flood risk on each of the comparison sites using the current Environment Agency Flood Map for Planning (Rivers and the Sea). The capacity of the comparison sites in the sequential test should be able to accommodate the number of dwellings proposed in the application.

In order for a comparison site to outperform the proposal site, it must also be deliverable, in accordance with the NPPF; the deliverability of a site is detailed in the latest 5 year housing land supply report.

If the proposed site has an equal or lower flood risk than all of the other comparison sites (that are considered to be deliverable) that can accommodate the level of development proposed in the specified search area, then the site passes the test.

The latest list of allocated sites and sites with permission for housing to be used in the sequential test can be seen in the latest [5 year housing land supply report](#), and in [public access](#), please consult with the Development Management or the Planning Policy teams if you require more information.

## **Retail/Town Centre uses**

For retail proposals within defined retail areas, the applicants should search within the same retail area (e.g. Town Centre boundaries or other Local Plan retail designations). For proposals at 'edge of town centre' or 'out of town centre' locations, or in settlements without a defined retail area, the search area could be the catchment area that the development is intending to serve (i.e. the target catchment), having regard to the 'sequential approach' advocated in NPPF, however this will need to be agreed with Development Management prior to submission.

## **Before submitting a Sequential test to the Council, please use this guidance to:**

- Check whether a sequential test is needed for the type of development proposed,
- Check the latest [flood map for planning](#),
- Check the latest [strategic flood risk assessment](#) work undertaken by Selby District Council,
- Check the area of search has been applied correctly,

- Check the site has been compared against a correct list of alternative sites in that area.

**Exception Test and when it should be applied**

The Exception Test, as set out in [paragraph 160](#) of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the two parts to the Test require proposed development to show that it will provide wider [sustainability benefits to the community that outweigh flood risk](#), and that it will be [safe for its lifetime](#), without increasing flood risk elsewhere and where possible reduce flood risk overall.

If and only when the Sequential Test has been passed then Table 3 of the [planning practice guidance](#) should be referred to. This shows when the exception test is required by categorising the flood risk vulnerability of the land use identified in table 2.

It also shows when the exception test is not required where development is appropriate or alternatively should not be permitted.

**Table 2: Flood Risk Vulnerability Classification**

<p><b>Essential infrastructure</b></p> <ul style="list-style-type: none"> <li>• Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.</li> <li>• 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.</li> <li>• Wind turbines.</li> </ul>
<p><b>Highly vulnerable</b></p> <ul style="list-style-type: none"> <li>• Police stations, ambulance stations and fire stations and command centres and telecommunications installations required to be operational during flooding.</li> <li>• Emergency dispersal points.</li> <li>• Basement dwellings.</li> <li>• Caravans, mobile homes and park homes intended for permanent residential use.</li> <li>• 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”).</li> </ul>
<p><b>More vulnerable</b></p> <ul style="list-style-type: none"> <li>• Hospitals.</li> <li>• Residential institutions such as residential care homes, children’s homes, social services homes, prisons and hostels.</li> </ul>

- 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 and cafes, hot food takeaways, offices, general industry, storage and distribution, non-residential institutions not included in “more vulnerable”, and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- 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).

#### **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 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.*

#### **Notes to table 2:**

a. This classification is based partly on Department for Environment, Food and Rural Affairs and Environment Agency research on *Flood Risks to People (FD2321/TR2)*<sup>8</sup> and also on the need of some uses to keep functioning during flooding.

b. Buildings that combine a mixture of uses should be placed into the higher of the relevant classes of flood risk sensitivity. Developments that allow uses to be distributed over the site may fall within several classes of flood risk sensitivity.

c. The impact of a flood on the particular uses identified within this flood risk vulnerability classification will vary within each vulnerability class. Therefore, the flood risk management infrastructure and other risk mitigation measures needed to ensure the development is safe may differ between uses within a particular vulnerability classification.

**Table 3 Flood risk vulnerability and flood zone ‘compatibility’**

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

**Key:** ✓ Development is appropriate ✗ Development should not be permitted.

**How the Exception Test should be applied**

Paragraph 160 of the NPPF sets out the requirements of meeting the Exception Test and states that for the Test to be passed it must be demonstrated that:

- The development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment where one has been prepared; and a site specific Flood Risk Assessment must demonstrate 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.

**Flood Risk Assessments**

- All proposals for development in Flood Zone 2 and 3 must be accompanied by a flood risk assessment.
- All developments over 1 hectare in Flood Zone 1 must be accompanied by a flood risk assessment.



- All development in areas identified as having a flood risk from sources of flooding other than rivers and seas i.e. critical drainage areas, must be accompanied by a [flood risk assessment](#).