

Nuneaton and Bedworth Borough Council

## **Borough Plan Review**

# **Sequential and Exceptions Test**

2023

## 1. Purpose

The purpose of this report is to provide evidence of the application of the Sequential Test and Exception Tests within the Borough of Nuneaton and Bedworth to inform the selection of sites for allocation in the Regulation 19 version of the Borough Plan Review.

This report has been prepared using information from the Level 1 Strategic Flood Risk Assessment (SFRA) and Level 2 SFRA both prepared by JBA consulting in 2023 and considerations made by NBBC when applying Sequential Test to these sites.

## 2. Policy Context

The National Planning Policy Framework (updated 2021)<sup>1</sup> requires that 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. To do this the Sequential Test should be applied and then if necessary the Exception Test.

The aim of the Sequential Test is to steer new development to the areas with the lowest risk of flooding from any source. 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 SFRA provides 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.

The NPPF states 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.

Planning Practice Guidance (PPG)<sup>2</sup> on Flood Risk and Coastal Change advises planning authorities on how to take account of and address the risks associated with flooding and climate change. This includes guidance on applying the Sequential Test in the preparation of a Local Plan.

## 3. Sequential Test Methodology

The Sequential Test outlined in the NPPF and PPG is designed to ensure areas with little or no risk of flooding are developed in preference to areas at higher risk. The aims are to keep development outside areas at medium and high risk of flooding from all sources. This includes ordinary watercourses, surface water, reservoirs, groundwater and sewer flooding.

When allocating sites in a Local Plan, authorities should seek to steer new development to areas with the lowest probability of flooding. They should apply the Sequential Test to show that there are no reasonably available sites at a lower risk of flooding that are appropriate for allocation.

The Sequential Test needs to be applied to the whole of the Authority Area to increase the opportunities to allocate development in areas not at risk of flooding.

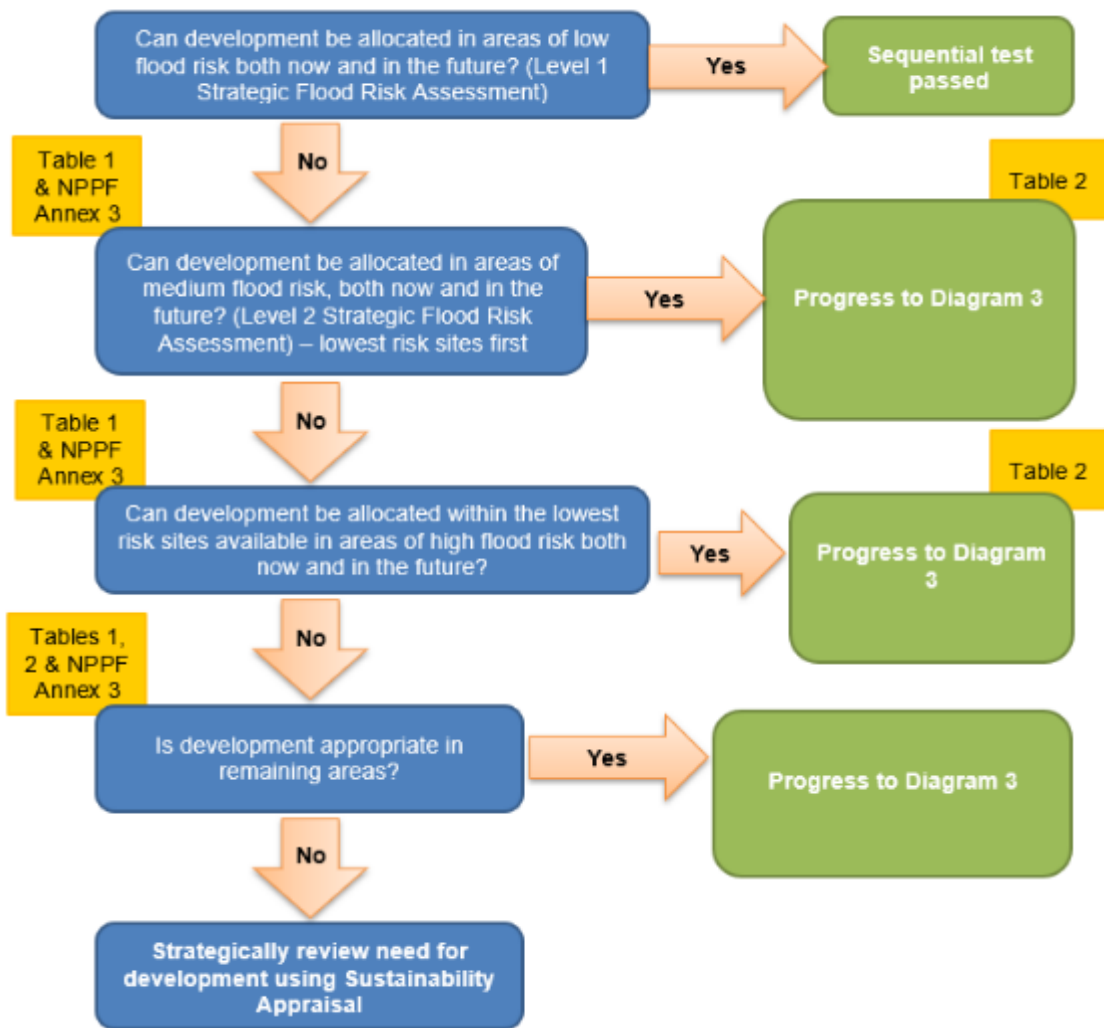
The PPG identifies the methodology for local plan preparation in relation to the sequential test. This is set out in the figure below:

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<sup>1</sup> National Planning Policy Framework [National Planning Policy Framework - 14. Meeting the challenge of climate change, flooding and coastal change - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432424/National-Planning-Policy-Framework-14-Meeting-the-challenge-of-climate-change-flooding-and-coastal-change-Guidance-2021.pdf)

<sup>2</sup> Planning Practice Guidance: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432424/National-Planning-Policy-Framework-14-Meeting-the-challenge-of-climate-change-flooding-and-coastal-change-Guidance-2021.pdf)

Figure 1: Application of the Sequential Test for plan preparation



Source: PPG Paragraph 026 Reference ID 7-026-20220825

The SFRA for the Borough provides the basis for applying the Sequential Test as it refines the flood zones, with the aim being to steer development to Flood Zone (areas with a low probability of river flooding).

It is necessary to take into account the flood risk vulnerability of different types of development as this affects which Flood Zone development may be appropriate in. Flood Risk Vulnerability and Flood Zone ‘Compatibility’ is set out in Table 2 of PPG and shown below. Residential development together with non-residential institutions (such as schools and health facilities) are classed as ‘more vulnerable’. Employment uses are classed as ‘less vulnerable.’

Flood Zones	Flood Risk Vulnerability Classification				
	Essential Infrastructure	Highly vulnerable infrastructures	More Vulnerable	Less Vulnerable	Water Compatible
Zone 1	✓	✓	✓	✓	✓

Zone 2	✓	Exception test required	✓	✓	✓
Zone 3a	Exception test required	✓	Exception test required	✓	✓
Zone 3b (Functional flood plain)	Exception test required	X	X	X	✓

✓ Development is appropriate

X Development should not be permitted

#### 4. Application of the Sequential Test

There are several sources of supply of land for development across the plan period, which includes:

- Sites allocated in the adopted Borough Plan (2019)
- Existing planning commitments on allocated sites
- Existing planning commitments on unallocated sites
- Small residential windfall sites
- New sites allocated within the Borough Plan Review

This report focuses specifically on sites being proposed for allocation in the Borough Plan Review.

Appendix 1 sets out the result of the sequential test.

#### 5. Exception Test

Having completed the Sequential Test, the Exception Test aims to provide a method of provide a method of managing flood risk whilst still allowing necessary development to occur in the interests of sustainable development.

The National Planning Policy Framework sets out the Governments planning policies and how these are expected to be applied. National policy clearly sets out the purpose of the planning system is to contribute to the achievement of sustainable development.

The purpose of the Exception Test is to ensure that where it may be necessary to locate development in areas at risk of flooding, new development is only permitted in Flood Zone 2 and Flood Zone 3 where the flood risk is clearly outweighed by other sustainability factors and where the development will be safe during its lifespan when accounting for climate change.

For the Exception Test to be passed there are two elements to which need to be passed:

1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared
2. A site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifespan, taking account of the vulnerability of its users, without increasing flooding elsewhere and where possible reducing flood risk overall.

#### 6. Conclusion

The Sequential Test has been applied to the 26 proposed site allocations within the Borough.

The conclusions drawn as a result of this report will determine whether the sites are suitable locations in terms of flood risk and development use as the NPPF outlines that new development should be steered towards in flood zone 1.

Out of the 26 sites tested, 17 are wholly located within flood zone 1 and deemed suitable for development. The remaining sites are affected by one or more of flood zones 2, 3a or 3b.

8 sites were deemed to require the Exception Test. The supporting information as part of the Exception Test (as detailed in the final column of Appendix 1 and the SFRA Level 2 site appraisals) would allow the developments in higher risk zones to be considered suitable and therefore the Sequential Test is considered to be passed for the site allocations.

A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) was carried out at each consultation stage of the Plan against the SA objectives.

A site specific Flood Risk Assessment, assessing all forms of flood risk would need to be carried out in addition at the application stage. The information provided in this document and Appendix 1 demonstrate that both parts of the Exception Test are satisfied for the purposes of plan making for all allocated sites.

The SFRA Level 2 document prepared by JBA provides detailed information to address part two of the exceptions test and applicants should use this information to inform their flood risk assessment.

In summary, the Council considers the Sequential Test and Exceptions Test to be passed for all the allocated sites in the Publication version of the Borough Plan Review.

## Appendix 1 – Sequential and Exceptions Test on proposed allocated sites



Site Allocation	Site Name	Current Use	Proposed Development Use	Flood Zones	Flood Risk Vulnerability Classification of Proposed Use	Could the Development be Allocated in a Lower Flood Risk Zone?	Acceptability of Development in terms of Sequential test	Sequential Test Passed (Yes/No)	Exception Test Supporting Information
<i>Strategic Allocations</i>									
SHA1	Top Farm	Agricultural	Residential / School	1, 2, 3	More vulnerable	Flood Zone 2: 1% Flood Zone 3: 0.3% Given over 98% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test Required	Yes – a Flood Risk Assessment was submitted with the planning application.	Planning permission approved November 2022.  Development in the area with established good transport links. Development will provide a strategic link road and other infrastructure required to the north of the Borough.  Development helps contribute to meeting the overall housing requirement of 9,810 homes in the Borough over the plan period to 2039.  The Level 2 SFRA provides specific guidance for site design and making development safe.
SHA2	Arbury	Agricultural	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SHA3	Tuttle Hill	Brownfield site	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SHA4	Hospital Lane	Agricultural	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SHA5	West of Bulkington	Agricultural	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SHA6	Hawkesbury Golf Course	Golf Course (vacant)	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SEA6	Bowling Green Lane (adjacent to employment allocation)	Agricultural	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SEA2 (EMP2)	Wilson Lane (adjacent to employment allocation)	Agricultural	Residential	1, 2, 3	More vulnerable	Flood Zone 2: 0.7% Flood Zone 3: 0.3% Given 99% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test is required	Yes – a Flood Risk Assessment was submitted with the planning application.	Development helps contribute to meeting the overall housing requirement of 9,810 homes in the Borough over the plan period to 2039.  Development in the area with established good transport links.  The Level 2 SFRA provides specific guidance for site design and making development safe.

Site Allocation	Site Name	Current Use	Proposed Development Use	Flood Zones	Flood Risk Vulnerability Classification of Proposed Use	Could the Development be Allocated in a Lower Flood Risk Zone?	Acceptability of Development in terms of Sequential test	Sequential Test Passed (Yes/No)	Exception Test Supporting Information
									Site provides a betterment for flood relief downstream.
SEA2 (EMP3)	Wilsons Lane (adjacent to residential allocation)	Agricultural	Employment	1, 2, 3	Less vulnerable	Flood Zone 2: 0.7% Flood Zone 3: 0.3% Given 99% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test is required	Yes – a Flood Risk Assessment was submitted with the planning application.	Development contributes to meeting the overall employment land needs in the Borough to 2039.  Development in the area with established good transport links.  The Level 2 SFRA provides specific guidance for site design and making development safe. Site provides a betterment for flood relief downstream.
SEA3 (EMP4)	Prologis Extension	Greenfield	Employment	1	Less vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
SEA4 (EMP4)	Coventry Road, Nuneaton	Mix / previously developed land and previous quarry	Employment	1, 2, 3	Less vulnerable	Flood Zone 2: 0.7% Flood Zone 3: 2.2% Given 97% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test is required	Yes – a Flood Risk Assessment will be submitted with the planning application.	Development contributes to meeting the overall employment land needs in the Borough to 2039.  Strong strategic transport links  The Level 2 SFRA provides specific guidance for site design and making development safe.
SEA6 (HEA1-HEA2)	Bowling Green Lane	Agricultural	Employment	1	Less vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
<i>Non-strategic allocations</i>									
NSRA1 (EXH1)	Former Bedworth Rugby Club, Smarts Road	Playing field (Vacant)	Residential	1, 2	More vulnerable	4% in Flood Zone 2 96% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Development is acceptable	Yes – a Flood Risk Assessment has been submitted with planning application.	Has a resolution to grant permission subject to signing of s106.  Development helps contribute to meeting the overall housing requirement of 9,810 homes in the Borough over the plan period to 2039.  The Level 2 SFRA provides specific guidance for site design and making development safe.



Site Allocation	Site Name	Current Use	Proposed Development Use	Flood Zones	Flood Risk Vulnerability Classification of Proposed Use	Could the Development be Allocated in a Lower Flood Risk Zone?	Acceptability of Development in terms of Sequential test	Sequential Test Passed (Yes/No)	Exception Test Supporting Information
NSRA2 (ABB-4)	Former Manor Park Community School	Brownfield (hardstanding)	Residential	1, 2, 3	More vulnerable	Flood Zone 2: 4.1% Flood Zone 3: 2.5% 93% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test is required	Yes – a Flood Risk Assessment has been submitted with planning application.	Planning permission for the site has been approved.  Development helps contribute to meeting the overall housing requirement of 9,810 homes in the Borough over the plan period to 2039.  The Level 2 SFRA provides specific guidance for site design and making development safe.
NSRA3 (EXH-3)	West of Coventry Road / Wilson Lane	Agricultural	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA4 (ABB-8)	Vicarage St Development Site	Brownfield	Residential	1, 2	More vulnerable	0.9% Flood Zone 2 99% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.	Exception Test is required	Yes	Development helps contribute to meeting the overall housing requirement of 9,810 homes in the Borough over the plan period to 2039.  The site is key landmark within the Transforming Nuneaton masterplan.  The Level 2 SFRA provides specific guidance for site design and making development safe.
NSRA5 (EXH-8)	Land rear of Burbage Lane	Garden land	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA6 (CAM-1)	Land at Bucks Hill, Nuneaton	Greenfield	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA7 (ABB-6)	Abbey Street, Nuneaton	Brownfield (hardstanding)	Residential	1, 2, 3	More vulnerable	Flood Zone 2: 18.6% Flood Zone 3: 12%  The site is a key development location within the Transformation Nuneaton and another location would not fulfil the regeneration objectives of the project. Therefore, the site cannot be located in a lower flood risk zone.	Exception Test is required	Yes	Planning permission has been granted for development.  The site is key landmark within the Transforming Nuneaton masterplan.  The Level 2 SFRA provides specific guidance for site design and making development safe.
NSRA8 (GAL-7)	Land rear of Lilleburne Drive	Agricultural	Residential	1, 2, 3	More vulnerable	Flood Zone 2: 5.1% Flood Zone 3: 2.4%	Development is acceptable	Yes	Has a resolution to grant permission subject to signing of s106.

Site Allocation	Site Name	Current Use	Proposed Development Use	Flood Zones	Flood Risk Vulnerability Classification of Proposed Use	Could the Development be Allocated in a Lower Flood Risk Zone?	Acceptability of Development in terms of Sequential test	Sequential Test Passed (Yes/No)	Exception Test Supporting Information
	and Willow Close, Nuneaton					Given 97% of the site is located within FZ1, with a sequential approach to the site layout i.e. locating the development in the lower risk portion of the site, this site allocation can continue to be located in this area. As such, there is no need to consider alternative sites in lower flood zones.			The Level 2 SFRA provides specific guidance for site design and making development safe.
NSRA9 (BUL-9)	Former New Inn Public House	Brownfield (former public house)	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA10 (ARB-1)	Land at Bermuda Road, Nuneaton	Greenfield	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA11 (ABB-5)	Upper Abbey Street, Nuneaton	Brownfield (hardstanding)	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA12 (KIN-2)	Kingswood Road, Nuneaton	Greenfield	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA13 (EXH-2)	Armson Road, Exhall	Brownfield (garage parking)	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A
NSRA14 (ABB-7)	Mill Street / Bridge Street, Nuneaton	Brownfield	Residential	1, 2, 3	More vulnerable	Flood Zone 2: 100% Flood Zone 3: 78.6%  The site is a key development location within the Transformation Nuneaton and another location would not fulfil the regeneration objectives of the project. Therefore, the site cannot be located in a lower flood risk zone.	Exceptions test required	Yes	Planning permission has been granted for development.  The site is key landmark within the Transforming Nuneaton masterplan.  The Level 2 SFRA provides specific guidance for site design and making development safe.
NSRA15 (EXH-14)	Bennetts Road, Kerseley	Vacant land	Residential	1	More vulnerable	It is not necessary to relocate this development	Development is acceptable	Yes	N/A