

Chelmsford Local Plan 2021-2036  
Allocated sites  
Sequential Tests and Exception Tests

Executive Summary

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## Introduction

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out the approach for applying the sequential test to flood risk. Paragraph 100 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest flood risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

Application of the Sequential Test and Exception Test helps to ensure that development is directed to areas of low flood risk and that more vulnerable uses (such as residential) is only located in areas of flood risk in exceptional circumstances.

The NPPF / PPG recommend applying the Sequential Test as early as possible in the Local Plan making process. Application of the Flood Risk Sequential Test at an early stage of preparation ensures that flood risk is considered early in the process, that sites can be allocated with confidence which means housing targets can be sustainably delivered, and developers understand the risks of promoting proposals in areas of high flood risk. It ensures that there is consistency when dealing with flood risk at the development management stage.

The sequential approach is a decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk of flooding. It is the Local Planning Authority's (LPA) responsibility to make the most appropriate use of land in order to minimise flood risk, ensuring that the most vulnerable uses are located in the lowest flood risk areas. The LPA should make the most of opportunities to reduce flood risk through the use of sustainable drainage methods (SUDS). Related to this, the NPPF requires LPAs to consider the likelihood of flooding from all sources i.e. pluvial, ground water, surface water, reservoirs as well as from rivers and the sea. The LPA has compiled this requirement by integrating the findings of the Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) into the Flood Risk Sequential Test and Sustainability Appraisal and through the inclusion of Policies (Strategic Policy S3 Addressing Climate Change and Flood Risk, Strategic Policy S11 Infrastructure Requirements and Policy NE3 Flooding/SUDS). These policies seek to direct development to land at lowest risk of flooding and requires development proposals to incorporate measures for the sustainable management and use of water.

The Flood Risk Sequential Test is only one part of the process for managing flood risk and more detailed sequential tests may be needed at the planning application stage, such as when sites were not allocated in the Local Plan or where a proposal differs from the Local Plan allocation.

In exceptional circumstances 'more vulnerable' uses, as defined in the PPG, may pass the Sequential Test in higher flood risk areas. Where this is the case the Exception Test must be undertaken and the proposal can only be supported when the Exception Test is passed. There are two parts to the Exception Test. The proposed development must deliver:

- (1) wider sustainability benefits to the community that outweigh flood risk, and
- (2) be safe over its lifetime.

For residential development this is 100 years.

The wider sustainability benefits delivered by the site (Part 1) are considered through the Strategic Land Availability Assessment (SLAA), Habitat Regulations Assessment (HRA) and Sustainability Appraisal (SA) process. The SFRA only tests Part 2 of the Exception Test.

## Methodology

In order to identify available land for all types of uses to develop the new Chelmsford Local Plan a call for sites was issued in 2014 together with the Council undertaking its own site selection and assessment of urban sites. An Issues and Options document was consulted upon in November 2015 to January 2016 alongside which a second Call for Sites was issued. A further call for sites was issued alongside the Preferred Options consultation in Spring 2017. Sites put forward together with those identified by the Council were tested to ensure that all reasonably available alternative sites had been fully considered as part of the site selection / allocation process. Each site was individually assessed against a number of SLAA criteria including flood risk, in addition to being assessed against a range of social, environmental and economic indicators as part of the Sustainability Appraisal and Habitat Regulation Assessment. These assessments helped the LPA to start to identify potential sites for allocation in the emerging Local Plan for Chelmsford and to exclude those with unacceptably high risk of flooding.

As part of the site selection process, 43<sup>1</sup> sites were identified as potential sites for allocation in the Preferred Options Local Plan. As part of the evidence base for the Local Plan, the LPA commissioned a new Strategic Flood Risk Assessment (Level 1 and Level 2). As part of that process JBA assessed the 43 sites.

Following the Preferred Options consultation during March to May 2017, JBA were asked to assess additional sites as part of the Level 2 study that had been submitted in response to the Preferred Options consultation. This included the removal of some sites, inclusion of new sites and the subdivision of sites, together with those already assessed the total number of sites assessed was 48.

The sites to be allocated that fall within Flood Zone 1 are identified in the SFRA report. These sites did not raise other flood risk issues, such as from ground or surface water. A number of sites in Flood Zone 1 which had the potential be of medium / high risk were assessed as part of the Level 2 SFRA work to assist in site allocation. The Level 2 study assessed sites in Flood Zones 2 and 3 to aid allocation and to ensure compliance with the NPPF and PPG with regards to flood risk management.

On completion of the SFRA Level 1 and Level 2 the LPA applied the flood risk sequential test to 47<sup>2</sup> proposed site allocations to aid in the allocation of the final sites for inclusion in the Pre-Submission Draft Local Plan.

The LPA applied the flood risk sequential test by taking each allocation and identifying all site options located in Flood Zone 1. For any sites that fell within Flood Zone 2, the LPA looked for reasonable available alternative sites in Flood Zone 1. Similarly, for any sites located in Flood Zone 3, the LPA looked for reasonable available sites in Flood Zones 1 and 2. The proposed use(s) and flood vulnerability classification were also considered as part of the process. Where no reasonable alternative sites were available in lower flood zones, each site located within Flood Zone 2 and 3 were still assessed with consideration of the findings of the SFRA and an exception test applied. For those sites where it was concluded that it passed the sequential test, but the flood risk vulnerability and flood zone compatibility matrix identified that the exception test was required, the Exception Test was also applied.

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<sup>1</sup> Not including Special Policy Areas

<sup>2</sup> This did not include one area which is identified as a location for growth for potential smaller sites to be identified by the Neighbourhood Plan

In conclusion of the sequential and exception testing, the vast majority of the Council's allocated sites in the Pre-Submission Local Plan are located within Flood Zone 1. Some sites, whilst largely located in Flood Zone 1, include small areas of Flood Zones 2 and 3. For these sites, development is directed to Flood Zone 1 initially, before land in higher zones is considered for development. Further sites, in the city centre of Chelmsford, are in Flood Zones 2 and 3. Again the sequential approach to be applied would be to place the most at risk land use in the area of least flood risk. This is made clear in the relevant site assessments.

Chelmsford City Council, January 2018