

Flood Risk Assessments

Advice for applicants when submitting an application with Flood Risk implications

Flood Risk Assessments

You need to do a flood risk assessment for most developments within one of the [flood zones](#).

This includes developments:

- In flood zone 2 or 3 including [minor development](#) and [change of use](#);
- More than 1 hectare (ha) in flood zone 1;
- Less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs); and
- In an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.

(Source: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>)

The Sequential Test

Not all applications require a sequential test to be completed. To find out if an application needs a sequential test click [here](#). Please note the definition of minor development is different for flood risk than for planning applications. The definition for flood risk is available [here](#).

What is the aim of the Sequential Test for the location of development?

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The [flood zones](#) as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the 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 a 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.

(Source: <https://www.gov.uk/guidance/flood-risk-and-coastal-change>)

When undertaking a Sequential Test, the following questions should be addressed:

1. Are there sites available in the area that are sequentially preferable (in a lower flood risk zone) – This is often shown as a table of sites;
2. Can it reasonably accommodate the development you are looking to provide? and
3. Is a site available? Is it for sale?

There then needs a justification that the application site passes the sequential test.

The Sequential Test requires any alternative sites within the search area that are at lower risk of flooding and would be appropriate for the proposed development to be identified.

Alternative sites of ten units or more can be identified from the council's Strategic Housing Land Availability Assessment (SHLAA). (<https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/planning-policy-evidence-base/>)

Alternative sites for sites of under 10 units cannot readily be identified from the current SHLAA. Applicants wishing to pursue a proposal on such a site may instead gather evidence for a Sequential Test by consulting local property agents' listings. A minimum of two property agents should be consulted.

A development proposal will only fail the Sequential Test if alternative sites are identified within the search area that are at lower risk of flooding, would be appropriate for the proposed development and are 'reasonably available' for development. A site is only considered to be reasonably available if it is both 'deliverable' and 'developable' as defined by Appendix 2 of the February 2019 NPPF.

Additionally, a site is only considered to be reasonably available if **all** of the following bullet points below apply:

- The site is within the agreed area of search. (Using the areas shown on the plan in appendix 1).
- The site is of comparable size and can accommodate the requirements of the proposed development.
- The site is either:
 - a. Owned by the applicant;
 - b. For sale at a fair market value; or
 - c. Is publicly owned land that has been formally declared to be surplus and is available for purchase.
- The site is not safeguarded in the Local Plan for another use.

Sites are *not* considered to be reasonably available if they fail to meet any of the above requirements or already have planning permission for a development that is likely to be implemented.

The Exception Test

Proposals that pass the Sequential Test (or do not require it) will still need to respond to and effectively mitigate the risk of flooding on the site. This is done through a process of site-specific **Flood Risk Assessment** and, in some cases, the application of the **Exception Test**.

Table 3 of the Technical Guidance to the NPPF (see below) sets out the circumstances in which an Exception Test is also required. Further information is available [here](#).

As set out in the NPPF (Para.102), for the Exception Test to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by the Strategic Flood Risk Assessment; 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.

In order for a development to be safe for its lifetime, it needs to take into account the impacts of climate change. Applicants should refer to the climate change allowances for flood risk assessments [here](#).

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 †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

Appendix 1

