



SEQUENTIAL AND EXCEPTION TEST

Construction of a Three-Storey Building Comprising 24 Residential Flats with Associated Car Parking

Land Off Durban Road and Ash Grove, Bognor Regis DT11 9BY

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ENVIRONMENTAL AND
SUSTAINABILITY CONSULTANTS

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1.0 Introduction

- 1.1 This Sequential and Exception Test has been prepared on behalf of the applicant by AAH Planning Consultants in support of a full planning application on Land off Durban Road and Ash Grove, Bognor Regis, PO22 9QT.
- 1.2 AAH Planning Consultants are members of the Royal Town Planning Institute (RTPI) and the Institute of Environmental Management and Assessment (IEMA).
- 1.3 The Full Planning Application is for the construction of a three-storey building with green roof comprising 24 flats with associated car parking.
- 1.4 This report forms part of the planning application for residential development and should be read in conjunction with the submitted Flood Risk Assessments and accompany supporting statements.
- 1.5 Following discussions with the Local Planning Authority, it is agreed that a search radius of 2-3km around the radius of the application site is required and this Sequential and Exception Test has been undertaken on this basis.

2.0 The Site Details

- 2.1 The site is located on a corner plot on the western end of Durban Road at its junction with Ash Grove. The site is currently a vacant parcel of previously developed land where a two-storey industrial building once stood prior to its demolition.
- 2.2 Durban Road, as it runs to the east, is characterised by industrial units with Ash Grove Industrial Park located further north. Immediately west of the site, along Ash Grove, are two-storey residential dwellings that overlook the site. To the south and further west of the site, the area is characterised by residential dwellings.
- 2.3 The site is located to the north of Bognor Regis and is within walking distance of all essential facilities.

3.0 Policy Context

- 3.1 The National Planning Policy Framework (NPPF) and accompanying Practice Guide aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at the highest risk. Where new development is necessary in such areas, the policy context aims to make it safe for its lifetime without increasing flood risk elsewhere, and where possible, reduce flood risk overall. In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3.
- 3.2 With regard to the sequential test, the NPPF states at paragraph 162 that: *'the aim of the sequential test is to steer new development to 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 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.'*
- 3.3 With regard to the Exception Test, the NPPF states at Paragraph 163, 164 and 165 that:
- *'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'*
 - *'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:*
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
 - b) 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.'*
 - *'Both elements of the exception test should be satisfied for development to be allocated or permitted.'*

- 3.4 The PPG advises further on Sequential Tests for individual planning applications at Paragraph: 033 Reference ID: 7-033-20140306 stating 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. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure, the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.”

- 3.5 The PPG advises further on Exception Tests for individual planning applications at Paragraph: 035 Reference ID: 7-035-20140306:

‘The Exception Test should only be applied as set out in Table 3 following application of the Sequential Test. An applicant will need to show that both elements of the test, as set out in paragraph 159 of the Framework, can be satisfied.

- 3.6 And with regard to wider sustainability benefits at Paragraph: 037 Reference ID: 7-037-20140306:

‘Local planning authorities will need to consider what criteria they will use in this assessment, having regard to the objectives of their Local Plan’s Sustainability Appraisal framework, and provide advice which will enable applicants to provide the evidence to demonstrate this part of the Exception Test is passed.’

‘If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so.’

- 3.7 The Sequential Test has been developed to steer developments to areas with the lowest probability of flooding. A sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process. LPAs allocating land in LDDs for development should apply the Sequential Test to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. A sequential approach should be used in areas known to be at risk from other forms of flooding.
- 3.8 In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there are no reasonably available sites in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each flood zone, new development should be directed to sites with the lowest probability of flooding from all sources.
- 3.9 Landowners have the primary responsibility for safeguarding their land and other property against natural hazards such as flooding. Individual property owners and users are also responsible for managing the drainage of their land in such a way as to prevent, as far as is reasonably practicable, adverse impacts on neighbouring land. Those proposing development are responsible for:
- Demonstrating that it is consistent with the policies in this Planning Policy Statement and those on flood risks in the LDD;
 - Providing a FRA demonstrating:
 - a) Whether any proposed development is likely to be affected by current or future flooding from any source;
 - b) Satisfying the LPA that the development is safe and where possible reduces flood risk overall;
 - c) Whether it will increase flood risk elsewhere; and
 - d) The measures proposed to deal with these effects and risks. Any necessary flood risk management measures should be sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime;
 - Designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems, and where necessary, flood resilience measures; and

- Identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.
- 3.10 With this context, a Strategic Flood Risk Assessment (SFRA) should be carried out by the local planning authority to inform the preparation of its Local Development Documents (LDDs), having regard to catchment-wide flooding issues which affect the area. Arun District Council commissioned JBA Consulting to carry out a SFRA Level 1 in August 2016. This SFRA includes the town of Bognor Regis.
- 3.11 The SFRA at paragraph 4.3.1 states *‘the criteria used to determine the appropriate search area relate to the catchment area for the type of development being proposed’*.

4.0 Flood Risk Vulnerability Classification

- 4.1 The application site lies within Flood Zone 3a, which 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. The proposed use is residential, which Table 2 classifies as more vulnerable.
- 4.2 The National Planning Policy Guidance at Table 3 sets out a classification of land uses and the compatibility of proposed development in each zone. This demonstrates the types of development which are considered appropriate in each flood zone. The table below defines that more vulnerable uses in Flood Zone 3a require both a Sequential and Exception Test.

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

Key:

✓ Development is appropriate

X Development should not be permitted

5.0 Sequential Test

5.1 Due to the requirements of national and local policy, a sequential test is required to accompany the application. 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.

5.2 The Government requires a new approach to housing land that focuses on identifying available sites likely to come forward within certain time spans. A Strategic Housing Land Availability Assessment is required to identify sufficient;

- deliverable land for 5 years from the date of adoption of the Local Plan
- developable land for ten years from the date of adoption of the Local Plan
- broad locations to show land available for fifteen years from the date of adoption of the Local Plan

5.3 Appendix 1 of the SHLAA published in December 2020 identifies deliverable residential sites as detailed below:

Reference	Site	Flood Zone	Comparable Site	Commenced
BR23911	The Beach, The Esplanade	Flood Zone 2 & 3	No, potential for 33 dwellings and mixed-use development	No. Planning Permission refused BR/282/19/PL due to being harmful to the character and appearance of the area, insufficient parking, impact on neighbouring amenity, no s106. Planning application BR/244/20/PL for mixed-use development. No decision issued.
NEWBR1	Land adjoining Gordon Avenue West	Flood Zone 1	No, potential for 11 dwellings	No Planning Permission. Expected to be submitted March 2021
NEWY22	Bonhams, Hoe Lane, Flansham	Flood Zone 1. The climate change 100yr	No, potential for 39 dwellings	No. Planning Permission dismissed on appeal Y/20/18/OUT

		flooding contour affects this site (circa 40%) and could potentially reduce the final yield for the site.		(APP/C3910/W/19/3236911. The Inspector considered the site would be harmful to the intrinsic character of the countryside
NEWBE10	Bartons County Infants School Romney Broadwalk	Flood Zone 1. The climate change 100yr flooding contour affects this site and could potentially reduce the final yield for the site. The final yield will be dependent on sequential and exception tests and other relevant mitigation measures.	No, potential for 20 dwellings	No Planning Permission
125	SD3 - Land off New Barn Lane/Morells Farm/ Chalcraft Nurseries (Bognor Regis ECO Quarter)	Flood Zone 1	No, major site measuring 164ha	No Planning Permission. Outline planning permission was refused on land which forms part of the wider SD3 West Bersted Strategic Allocation (BE/87/21/OUT). Allocation SD3 was allocated for at least 2500 dwellings. The application was refused due to insufficient information being submitted to demonstrate that the transport effects of the development on the local highway network can be satisfactorily mitigated,
18BE1	Land at Chalcraft Cottage Bersted (Part of SD3)	Flood Zone 1	No. The site is part of the strategic site allocation (SD3).	No Planning Permission

- 5.4 Of these sites identified in the table above, none appear to have planning permission. Where planning applications have been submitted, they have been refused planning permission for the reasons identified. As such, they are therefore not considered reasonably available. Further, none of the sites are of a size comparable with the proposed development site, and therefore, all these sites have been discounted from the sequential test.
- 5.5 A search of Rightmove has taken place to identify land available within Bognor Regis within a 3km radius, and the search provided 0 results suitable for residential development of a scale comparable to the proposed development site. Therefore, there are no sequentially preferable comparable sites that are reasonably available to develop for the development proposed.
- 5.6 The Sequential Test has therefore been passed.

6.0 Exception Test

- 6.1 This report establishes that the Sequential Test has been passed and it is now necessary to apply the two parts of the Exception Test in accordance with paragraph 164 of the NPPF.

The development would provide wider sustainability benefits to the community that outweigh the flood risk.

- 6.2 The wider sustainability benefits of the scheme, taking each Objective of Sustainable Development in turn, are considered to be:

Economic

- 6.3 As outlined in paragraph 8 of the NPPF (2021), the sustainable development objectives give rise to the need for the planning system to achieve with regard to the economic objective:

“a) to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- 6.4 The availability of sufficient land to support growth and innovation is identified as having a crucial role to play in building a strong, responsive and competitive economy. With respect to the proposed development, the following economic benefits will be provided:

- 6.5 Economic benefits will arise from the provision of housing in a District. Paragraph 82 specifically recognises how planning policies should seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment. Furthermore, Paragraph 93 of the NPPF explains how planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 6.6 The development would provide a number of jobs in the construction industry and supply chain in the short term. There would also be ongoing maintenance costs and services required by the occupants, which would supplement the local economy and employment opportunities in construction and in other sectors linked to the construction market.

- 6.7 Jobs generated can be either direct jobs within the housing Industry or indirect or those termed induced, defined as: *‘supported by additional spending effects in an area as contractors/suppliers and workers directly benefiting from an intervention purchase goods and services from local providers.’*

- 6.8 In fact, the House Builders Federation publication 'The Economic Footprint of House Building in England and Wales' (July 2018) indicates that for every home built, 3.1 jobs are created. Nationally this publication shows last year's jobs and growth in the housebuilding industry generated 698,000 jobs, of which 239,00 were directly employed in the industry.
- 6.9 Locally, an additional 24 homes would generate 74 jobs with 25 directly employed in the industry, 19 indirect jobs and 20 induced jobs. These benefits are consistent with the NPPF and, in particular, paragraph 81, which places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.10 The Local Authority will benefit from new homes bonus and revenue in light of the council tax requirements of the properties, which arise from the site.
- 6.11 The scheme will provide housing in close proximity to services, facilities and employment opportunities. As such, additional residents would support the nearby shops and services, which would benefit from a greater catchment population to serve. Therefore, Resident Expenditure Benefits are generated by residents of the new housing development, which provide support to existing local services and the local economy.
- 6.12 Nationally, the House Builder Federation publication 'The Economic Footprint of House Building' (July 2018) *'estimated that residents of the 224,054 net additional homes built across England and Wales in 2016/2017 generated £5.9 billion of spending over the course of the year and a further £1.2 billion of one-off spending on furnishing and decorating a property to make their new house "feel like home". This additional expenditure, in turn, supports a range of retail and leisure jobs in local service sectors, helping to maintain the vitality of local economies across the country. '*
- 6.13 Locally, based on the average estimated household size for Arun (Table H01UK 2011 Census), the development of 24 units could be home to 52 new residents bringing increased spending power to Bognor Regis, which is estimated at £632,140
- 6.14 The wider sustainability benefits of an economic nature of the proposed development are clearly considerable and would fulfil the economic dimension of sustainable development expressed within the NPPF.

Social

- 6.15 As outlined in paragraph 8 of the NPPF (2021), the sustainable development objectives gives rise to the need for the planning system to achieve with regard to the Social objective:

‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe built places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;’

- 6.16 The supply of new housing is recognised within the NPPF as having an important role to play in meeting the needs of present and future generations, and to support strong, vibrant and healthy communities. The NPPF also encourages the creation of high-quality built environments, supported by accessible local services. The proposed development will deliver the following social benefits:
- 6.17 The proposals will provide high-quality homes in an accessible location which has good access to shops, services and facilities. Bognor Regis is identified as a Town Centre as defined by Policy RET SP1 of the Arun Local Plan 2011-2031 (July 2018) and is recognised to be one of the main areas which will see a focus of growth for the district.
- 6.18 The proposed development will incorporate a range of house types and sizes to meet local needs and demand, providing greater housing choice for existing and future residents. The Site is sustainability located to key services and amenities accessible by foot and cycle, therefore, reducing the need for future residents to travel by private car. The Site is well-served by existing public transport linkages (bus services), providing future residents with quick and convenient access to nearby towns and villages.
- 6.19 The wider sustainability benefits of a social nature of the proposed development are clearly considerable and would fulfil the social dimension of sustainable development expressed within the NPPF.

Environmental

- 6.20 As outlined in paragraph 8 of the NPPF (2021), sustainable development objectives give rise to the need for the planning system to achieve with regard to the Environmental objective:
- ‘to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’*
- 6.21 The protection and enhancement of the natural, built, and historic environment is at the heart of the “environmental role” of sustainable development. The sustainability of the site in

respect of its accessibility to services and amenities by foot, cycle and public transport is considered to have a significant positive impact on the environment.

- 6.22 The proposed development also brings vacant land back into use and previously developed land, contributing to the effective use of land whilst improving the environment by making efficient use of previously developed land.
- 6.23 The wider sustainability benefits of an environmental nature of the proposed development are clearly considerable and would fulfil the environmental dimension of sustainable development expressed within the NPPF.

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.

- 6.24 A Flood Risk Assessment accompanies the application. The Flood Risk Assessment demonstrates that the development can be constructed without placing the proposed properties and occupants at risk of flooding. The development will, therefore, 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.
- 6.25 The proposed development would also provide an amount of affordable housing, the occupation of these properties as “affordable housing” will meet a genuine housing need and provide significant social benefits as a result.
- 6.26 On the basis of the wider sustainability benefits listed above and the mitigation measures included within the flood risk assessment, it is considered that the flood risk Exception Test is passed.

7.0 Conclusion

- 7.1 This report forms part of the planning application for the erection of up to 24 flats on Land off Durban Road And Ash Grove, Bognor Regis DT11 9BY. This document should be read in conjunction with the Flood Risk Assessment.
- 7.2 This Sequential Test has been carried out in accordance with national and local policy. It establishes that there are no comparable sequentially preferable sites that are reasonably available to develop for the residential development proposed. The Sequential Test has, therefore, been passed.
- 7.3 In accordance with Paragraph 164 of the NPPF, there are two parts of the exception test (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk and (b) 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. This exception test establishes that both parts are passed on the basis of the wider sustainability benefits identified within the Exception Test and the mitigation measures included within the flood risk assessment. It is considered that the Flood Risk Exception Test has also been passed.