



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Marianne Hesketh, Corporate Director Communities	Councillor Michael Vincent, Planning and Economic Development Portfolio Holder	25 March 2021

Wyre Council Flood Risk Sequential Test: Advice for Applicants v1.2

1. Purpose of report

- 1.1 To seek approval for updated guidance for applicants on the matter of the application of the flood risk sequential test.

2. Outcomes

- 2.1 An approved guidance will be a material planning consideration in the consideration of planning applications where development in an area of flood risk is proposed.

3. Recommendations

- 3.1 That the updated guidance for applicants on the matter of the application of the flood risk sequential test is approved.
- 3.2 That powers be delegated to the Head of Planning Services to make minor editorial amendments and corrections if necessary to the Guidance prior to publication.

4. Background

- 4.1 The National Planning Policy Framework (NPPF) published in February 2019 states that the purpose of the planning system is to deliver sustainable development. Towards that aim the NPPF seeks to direct development away from areas at the highest risk of flooding (existing or future). The NPPF requires a 'sequential test' to development proposals to steer development to areas with the lowest risk of flooding. Applications for any development within Flood Zones 2 and 3, as defined by the Environment Agency, need to be accompanied by a statement

showing how the proposed development meets the requirements of the 'sequential test'.

4.2 The National Planning Practice Guidance (NPPG) provides guidance on the application of the sequential test. However a number of matters require interpretation. In 2015 the council prepared Guidance on the application of the Sequential Test to assist potential applicants with their application. The guidance is published on the council's website. The Guidance is a material consideration in the determination of planning applications and has been found to accord with government policy in various planning appeals where the sequential test has been a material factor in the decision by the council to refuse planning application.

4.3 However, the Guidance is now some six years old. Since its publication the Wyre Local Plan has been adopted and various data sources referred to in the document have been superseded. The Guidance has been reviewed to bring it up-to-date and to identify any aspects that require clarification or modification to ensure that it continues to meet the aim of directing development away from areas of flood risk.

5. Key issues and proposals

5.1 Key changes to this guidance document (v1.2) are as follows:

1. Update of data sources.
2. Update to reflect new Wyre Local Plan policies – new section added (section 3).
3. Clarification of the rule whereby "hard" development within the flood zone is required to meet the sequential test – clarification that "hard" includes access routes (section 4).
4. Clarification that where "hard" development crosses flood zones 1 and 2 or 3 a sequential approach should be taken to the location of development within the site such that priority is given to locating hard uses in flood zone 1 first (section 4).
5. Clarification of the rule whereby applicants can identify alternative suitable residential sites based on site area or number of dwellings. Previously this was a choice based on site specific circumstances. Now it is to be both site area AND capacity to ensure that the fullest regard is had to the availability of sites at a lower risk of flooding (section 7).
6. Clarification that for employment development the whole borough approach to the identification of alternative suitable sites is deferred to an approach based on sub-areas as identified in the Commercial Market Review 2015 (section 7).
7. Clarification that the area of search for developments comprising rural exception affordable housing is to be agreed with the council but is likely to be the locality agreed for the purposes of meeting the requirements of Policy HP4 Rural Exceptions (section 7).

5.2 These changes plus an updating of data sources will provide Guidance that is up-to-date and remains consistent with the government’s aim of directing development to areas of lowest flood risk.

5.3 It is noted that the Local Plan has been subject to a sustainability appraisal and equality impact assessment. Whilst the Guidance will not in itself have significant implications on matters of sustainability, climate change and equalities, these have been considered as part of the local plan process.

6. Delegated functions

6.1 The matters referred to in this report are considered under the following executive function delegated to the Planning and Economic Development Portfolio Holder (as set out in Part 3 of the council’s constitution):
 “To consider matters relating to the Local Development Scheme, Supplementary Planning Documents and other planning guidance.”

Financial and legal implications	
Finance	There are no financial implications arising directly from this report.
Legal	If approved, the Guidance will be a material planning consideration in the consideration of planning applications in relation to flood risk.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	✓
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a ‘privacy impact assessment (PIA)’ is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed

and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Len Harris	01253 887231	len.harris@wyre.gov.uk	4 March 2021

List of background papers:		
name of document	date	where available for inspection
Non	n/a	n/a

List of appendices

Wyre Council Flood Risk Sequential Test: Advice for Applicants v1.2 March 2021

dems/ph/pl/0003lh2



Wyre Council Flood Risk Sequential Test: Advice for Applicants

V1.2

March 2021

1.0 Introduction

1.1 The first guidance for applicants on the application of the flood risk sequential test was published in May 2015. Although government policy on the sequential test remains essentially the same, the council has adopted a new Local Plan with policies relevant to the context within which the sequential test is undertaken. In addition, some of the data sources referred to in the original document have also been superseded or updated. This 2021 update provides an opportunity to bring the document up-to-date. It also provides an opportunity to reflect upon the application of the sequential test and adjust the methodology where necessary. Although there are some amendments to the application of the sequential test, the basic approach remains largely unchanged. The guidance and its application has been tested through the decision making process including at appeal and has been found to represent a sound approach entirely in line with government guidance.

1.2 Key changes to this guidance document (v1.2) are as follows:

1. Update of data sources.
2. Update to reflect new Wyre Local Plan policies – new section added (section 3).
3. Clarification of the rule whereby “hard” development within the flood zone is required to meet the sequential test – clarification that “hard” includes access routes (section 4).
4. Clarification that where “hard” development crosses flood zones 1 and 2 or 3 a sequential approach should be taken to the location of development within the site such that priority is given to locating hard uses in flood zone 1 first (section 4).
5. Clarification of the rule whereby applicants can identify alternative suitable residential sites based on site area or number of dwellings. Previously this was a choice based on site specific circumstances. Now it is to be both site area AND capacity to ensure that the fullest regard is had to the availability of sites at a lower risk of flooding (section 7).
6. Clarification that for employment development the whole borough approach to the identification of alternative suitable sites is deferred to an approach based on sub-areas as identified in the Commercial Market Review 2015 (section 7).
7. Clarification that for rural exception affordable housing as defined by Policy HP4 the area of search is to be agreed with the council but is likely to be the locality agreed for the purposes of meeting the requirements of HP4 (section 7).

2.0 Background

2.1 As a coastal authority containing major water courses and a large low lying rural area, flood risk is a significant concern for Wyre’s local communities and can act as a constraint to development.

- 2.2 National planning policy on managing flood risk is set in the first instance by the National Planning Policy [Framework](#) (NPPF).
- 2.3 This is supported by more detailed guidance in the form of National Planning Practice Guidance (NPPG) on Flood Risk and Coastal [Change](#).
- 2.4 Both documents state that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk through the application of the “sequential test”. This requires local planning authorities to refuse new developments if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 2.5 In terms of the decision-making process, the sequential test is the first stage in addressing flood risk where this is an issue in the determination of a planning application. Both the NPPF and NPPG establish a two part exception test the aim of which is to ensure that wider sustainability benefits and the safety of users of a development are taken into account in the decision-making process.
- 2.6 Potential applicants are urged to satisfy themselves that their proposals are capable of passing **both the sequential and exception** tests before submitting an application. The council will refuse applications that fail the sequential test even where the exception test has been passed.
- 2.7 This Advice for Applicants explains how the council will apply the sequential test. It will be treated by the council as a material consideration in the determination of planning applications. Applicants may also wish to consult the on-line advice provided by the Environment [Agency](#) which this Guidance reflects.

3.0 Wyre Local Plan

- 3.1 The Wyre Local Plan to 2031 (WLP31) was adopted in February 2019 with an overall strategy to support development within environmental limits. Flood risk is recognised as a constraint upon development particularly in certain parts of the borough. Policy SP2 Sustainable Development seeks to deliver sustainable communities in part by having regard to the need to reduce and manage flood risk. Policy CDMP2 Flood Risk and Surface Water Management establishes the Local Plan position on the application of this principal to individual development proposals. In summary, it states that:
 - Development will be required to have regard to a suite of plans and strategies relating to water management and flood risk matters;
 - Development will be required to demonstrate it will not be at risk of flooding, will not lead to an increased risk of flooding elsewhere and would not affect the integrity of flood defences.
- 3.2 Part 3 of the policy specifically requires development proposed in areas at risk of flooding to demonstrate that the sequential test has been applied and that

there are no reasonable available alternative sites at lower risk. Part 4 of the policy states that development in areas of flood risk will only be permitted where the sequential and exception tests have been passed and appropriate mitigation/adaption measures are proposed.

- 3.3 The WLP31 makes a number of allocations for residential and mixed use development with a residential component. In some cases, as part of the plan preparation process the council has undertaken a sequential test on specific sites. The outcome of these tests can be found in the Strategic Flood Risk Assessment Sequential Test paper available [here](#). Allocated sites that have passed the local plan sequential test do not have to do so again at the planning application stage. Please note that allocations that were not required to undertake the Sequential Test as part of the plan making process may need to do so at the planning application stage if circumstances have changed.

4.0 What is “flood risk”?

- 4.1 For the purposes of applying the sequential test, the definition of “flood risk” is taken from the NPPG and refers to:

- A combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

- 4.2 The Environment Agency (EA) provides [mapping](#) of flood risk arising from sea and river sources which is available at the [.gov](#) website.

- 4.3 This mapping of flood zones by the Environment Agency does **not** take into account the presence of flood defences nor does it account for the potential impact of climate change, including sea-level rise and extreme weather events.

- 4.4 Flood risk is mapped according to the probability of flooding which is expressed in three “flood zones”:

Flood zone 1 (Low Probability) is defined as land having a less than 1 in 1,000 annual probability of river or sea flooding (shown as ‘clear’ on the Environment Agency flood map – all land outside Zones 2 and 3).

Flood zone 2 (medium probability) is defined as land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (land shown in light blue on the Environment Agency flood map).

Flood zone 3, which itself includes two flood zones:

3a (high probability) is defined as land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual

probability of sea flooding (land shown in dark blue on the Environment Agency flood map).

3b (the functional floodplain) comprises land where water has to flow or be stored in times of flood (not separately distinguished from flood zone 3a on the flood map).

- 4.5 Planning applications within flood zones 2 and 3 (a and b) **MUST** always address the sequential test in line with the approach set out by local plan and government policy as elaborated upon in this guidance note.
- 4.6 It is important to note that where a development proposal falls within flood zone 1, in some circumstances the sequential test (plus the exception test) may still need to be addressed, for example where there are other sources of flooding (as defined above) within the site. The Strategic Flood Risk Assessment (Level 1 and Level 2) provides information about flood risk in the borough from various sources and is available [here](#). Applicants should, however, satisfy themselves that the most up-to-date information is used to inform any site specific flood risk assessment and the sequential test.
- 4.7 In some cases the “red-edge” boundary of a proposed development may fall across flood zone 1 and flood zones 2 and/or 3 (or across a site including areas at risk of flooding from the sources outlined at paragraph 4.1 above). Where this is the case, applicants should follow a sequential approach to the location of uses within that site with the aim of prioritising the location of development within those parts of the site at the lowest risk of flooding i.e. to focus development in flood zone 1. The abiding principal driving such an exercise should be to avoid development in the area of flood risk. Where this can be successfully achieved and the hard development lies in flood zone 1 only, and assuming that there are no other flood risk issues, the sequential test does not have to be undertaken.
- 4.8 “Hard” development refers to any built or constructed form requiring planning permission including buildings and critical infrastructure such as access roads and electricity sub-stations (unless permissible development defined by government guidance and this document). In order to create well planned development it may be acceptable to locate “soft” elements of development, typically landscaping and green infrastructure, including play equipment, and pedestrian/cycle routes, in an area of flood risk. However, where this is proposed, the council will wish to ensure that the development meets other relevant WLP31 policies including CDMP3 Design. It should also be noted that in all cases site access/egress should be located to avoid the possibility of development being “cut off” if flooding were to occur.
- 4.9 For the avoidance of doubt, where “hard” development is proposed to be located in flood zone 2 or 3 (or on a site at risk of flooding from the sources mentioned above) then the normal approach is that the sequential test will be required and that this will apply to the **whole** site.
- 4.10 Where an outline application is submitted for a site that includes flood zone 1 and zones 2 or 3, the council will expect an applicant to submit sufficient

detail, for example through a site layout, to allow a judgement to be made on the matters raised above and the need for a sequential test.

Are there exceptions to this rule?

- 4.11 The NPPF allows for “minor development” to be excepted from the need for a sequential test. The NPPG defines minor development as:
- **Minor non-residential extensions:** industrial/commercial/leisure etc. extensions 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.
- 4.12 The sequential test does not apply to changes of use **except** for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.
- 4.13 If you have any doubt as to whether or not your proposal falls within this definition, you are strongly advised to contact the Development Management team at Wyre council for clarification. This will save you the possibility of incurring additional or unforeseen cost and delay should you submit a planning application for a development which is subsequently judged to fall outside of the definition of “minor”, without addressing the sequential test.

Vulnerability

- 4.14 The NPPG identifies some uses as so vulnerable that they should not be permitted within flood zone 3. Applicants should ensure that their proposals do not involve these uses before undertaking the sequential test.

5.0 Mixed –Use Schemes

- 5.1 The sequential test for schemes for more than one use will be dealt with on a case-by-case basis. In doing so, the council will consider:
1. Whether or not the proposal includes “minor development” as defined above or a change of use; and
 2. Whether or not the proposed uses must sit together on the same site or whether or not they should be disaggregated for the purposes of identifying alternative sites.

6.0 Who is responsible for the Sequential Test?

- 6.1 The onus is on the applicant to demonstrate that the sequential test can be passed. The applicant's responsibility is not limited by lack of information held by the council.
- 6.2 It is for the council to consider the extent to which sequential test considerations have been satisfied.

7.0 What does the Sequential Test involve?

- 7.1 In applying the sequential test, the NPPG establishes the following principles:
1. The geographical area across which the sequential test should be applied will be defined by local circumstances relating to the catchment area for the type of development proposed.
 2. Where there are large areas in flood zones 2 and 3 **and** development is needed in those areas to **sustain** the existing community, sites outside them are unlikely to provide reasonable alternatives.
 3. When applying the sequential test, a pragmatic approach to the **availability** of alternative sites should be taken.
- 7.2 There are three basic elements to applying the sequential test in Wyre:
1. The geographical area across which the test is applied.
 2. The range of alternative sites to be considered.
 3. The definition of "reasonably available".

The geographical area

- 7.3 For developments that have a sub-regional, regional or national significance, the sequential test area of search will include the whole borough and areas outside of the borough boundary in line with the catchment area for the development.
- 7.4 For **all other** applications the normal area of search is the **whole borough**.
- 7.5 Any departure from a "whole-borough" approach which seeks to apply a reduced geographical area in the search for alternative sites must be clearly and rigorously justified by reference to one or more of the following:
1. Evidence that there is a specific need for the proposed development in that locality;
 2. Evidence that the proposed development is needed to sustain an existing community which is wholly or largely identified as lying within flood zone 2 or 3, or is otherwise subject to flood risk. This may include reference to

Census figures and population decline or to surveys of the take-up of local services/ facilities; or

3. The functional requirements of the proposed development as a whole or in part.
- 7.6 The council views residential development **of all sizes** – whether for market or affordable housing - as a strategic matter which will normally be considered on a whole-borough basis except in the circumstance of an affordable housing scheme justified under WLP31 Policy HP4 Rural Exceptions. In this case the area of search will be agreed with the council but is likely to be the locality agreed for the purposes of meeting the requirements of HP4.
 - 7.7 The council will accept an exception to the “whole borough” rule for employment development and will instead consider alternative sites within the relevant employment market sub-area, as defined by the Commercial Market [Review](#) (2015), in which the proposed development is located. There are three such sub-areas:
 - a. A6 Corridor (Garstang and Catterall)
 - b. Wyre Peninsular (Poulton-le-Fylde, Thornton Cleveleys and Fleetwood)
 - c. Rural Areas (Rural West, Central Rural Plain and Rural East and Uplands)
 - 7.8 For leisure, retail or other commercial development the applicant should agree an area of search based on a drive time agreed with the council.
 - 7.9 It is strongly recommended that applicants agree the geographical area to which the sequential test applies with the council before submitting a planning application.
 - 7.10 In all cases where a reduced area of search is accepted by the council, the remaining elements of the sequential test need to be addressed and, if possible, agreed with the council.

The range of alternative sites to be considered (comparator sites)

- 7.11 In order for applicants and the council to be able to consider whether or not there are reasonably available alternative sites appropriate for a proposed development, comparator sites need to be identified and their availability assessed.
- 7.12 It is strongly recommended that prior to the sequential test being undertaken applicants agree with the council a reasonable comparator site threshold.
- 7.13 For residential schemes, the approach is that the identification of comparator sites should be based on site **area AND capacity**. The council will normally apply a +/-10% buffer to create a range within which comparator sites can be

identified. For example, a site capacity of 20 dwellings and 0.6 hectares would generate a comparator site threshold of 18-22 dwellings and 0.54ha to 0.66ha. For the avoidance of doubt, all comparator sites within these two ranges should be identified and assessed. This approach is considered to be consistent with the stated aim of government policy which is to direct development to areas of lower flood risk. In cases where flats are proposed to be developed the size threshold only should normally be used.

- 7.14 For non-residential schemes, the council will make a case-by-case judgement, having regard to the site area and type and scale of development proposed.
- 7.15 In all cases, the council will consider whether or not the site size agreed should represent the net or gross developable area of the proposed scheme.
- 7.16 Comparator sites should be capable of accommodating the general objective of the proposed development (for example, the provision of housing) within the agreed thresholds **but not necessarily the form or layout**.
- 7.17 Where the council considers that a comparator site is sequentially preferable, this does not necessarily imply that a planning permission for the development in question would be forthcoming on that site.
- 7.18 Applicants can use the following sources to identify comparator sites:
- The adopted [Local Plan](#) 2011-2031.
 - Employment Land Monitoring Reports, available [here](#).
 - The 2017 Strategic Housing Land Availability [Assessment](#) (SHLAA). Please note that some sites identified as suitable and available in the 2017 SHLAA lie in areas designated for protection from development. Please see Appendix A of this Guidance for further information.

Please note that the previous 2010 SHLAA remains a source of potential smaller sites i.e. those less than 0.4ha or 10 dwellings.

- The latest housing monitoring report. To assist applicants with the identification of potential reasonably available alternative sites, the council has published a list of sites with planning permission as of 31 March 2020. To make it more accessible the list has been separately sorted by size and by capacity and is available [here](#). This monitoring information will be updated annually, as such the latest published information should always be used. Should an update be published whilst an application is being considered then as this is a material consideration, you will likely be asked to take account of this new information by submitting an addendum to your original sequential test. **Please note that in all cases, up-to-date Environment Agency mapping of flood risk should be used to identify the potential flood risk associated with comparator sites.**

- 7.19 The council will also take into consideration the availability of comparator sites approved after the base date (usually March) of the latest housing monitoring report and before an application is made. Applicants should conduct a [search](#) on the council's website of planning permissions granted to identify such sites.
- 7.20 Applicants will not normally need to consider undecided planning applications for the purposes of identifying comparator sites.
- 7.21 To ensure a comprehensive approach is taken to the identification of comparable sites, applicants will normally be required to consult professional property agents with demonstrable knowledge and understanding of the local land and property market in Wyre. It is recommended that a minimum of three agents who individually or collectively cover the agreed area of search are used. Where this is not possible, the applicant should evidence that the number of agents used provides appropriate coverage of the agreed area of search and provides a comprehensive view of the market in question. In any event, applicants should provide written evidence (for example e-mails or letters that include company and contact details) detailing the nature and outcome of the contact with agents. The council will not accept the use of web-based search engines or web-only site searches as the sole means of meeting this requirement.
- 7.22 In some cases, it may be necessary for the applicant to undertake a bespoke survey of potentially available land within the agreed parameters of the Sequential Test.

The definition of “reasonably available”

- 7.23 In accordance with national planning policy, in order for development to pass the sequential test it has to be demonstrated that there are no **reasonably available** alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.
- 7.24 The council views reasonably available sites as those that are deliverable and developable (as defined by the NPPF Annex 2 Glossary) for the uses proposed and:
1. Lie within the agreed area of search; *and*
 2. Are within the agreed comparator site threshold; and
 3. Can accommodate the general requirements of the development; *and*
 4. Are, in principle, in conformity with the objectives and policies of the adopted Local Plan **and** the objectives and policies of the National Planning Policy Framework and its associated National Planning Practice Guidance (or similar), including those relating to flood risk and relevant aspects of climate change, where they offer more up-to-date guidance.
- 7.25 The council would normally accept that a site is not reasonably available if:

1. It contains an existing operational or business use unless a planning approval for development proposes to extinguish that use; or
2. It has a valid planning permission for development of a similar type and scale which is likely to be implemented.

7.26 Evidence that a planning permission is likely to be implemented can include:

1. The discharge of conditions (or the submission of an application to discharge conditions); or
2. Indication from the landowner(s), applicant or developer that a development is being brought forward: or
3. The approval of reserved matters (or an application for reserved matters).

7.27 Where contact has been made with a landowner under (2) above, applicants should detail the nature and timing of this contact and where possible provide the name of the owner in question. If a landowner is unwilling to make the site available for the use in question, then written evidence of this should be provided where possible. The council reserve the right to adopt due diligence in such cases and may contact landowners to verify site availability.

7.28 Applicants are advised to submit as much detail as possible on the search for alternative sites to avoid delays in the planning process. The following information should be submitted as a matter of course:

- A map and statement identifying and justifying the area of search;
- A map of all sites considered; and
- A statement detailing known relevant information on each site. This may include matters such as size, ownership and constraints. This may be presented in tabular format with a statement outlining the conclusions.

7.29 Statements on the non-availability or unsuitability of a comparator site for whatever reason, including the presence of constraints or viability issues, will need to be justified and evidenced in writing.

7.30 Applicants are reminded that this is **not** a test of relative sustainability between different sites. The fact that a comparator site is considered to be less sustainable by reference to factors such as location and proximity to local services, is **not in itself** a justification for supporting the development of a site in an area at risk of flooding. It is clear from the National Planning Policy Framework that avoiding development in areas at risk of flooding where possible and appropriate is itself an important aspect of sustainability. Evidence should be as comprehensive as possible where the presence of a constraint is being used to discount a site from the search process. Where possible a photographic record of any constraints present should be provided. The Environment Agency provides guidance on the nature of constraints that may render a site unsuitable as a comparator site. These include:

- Physical problems or limitations;

- Potential impacts of development; and
- Environmental conditions that would be experienced by potential residents.

7.31 Local plan designations may also be a constraint to development.

7.32 The council will take a proportionate and reasonable approach to the need for supporting evidence. However, it must be borne in mind that it is for the applicant to provide sufficient information to allow the council to make a reasoned judgement as to whether or not the sequential test has been passed. The council may refuse applications where this information is considered to be deficient.

8.0 The Test of Impracticality

8.1 As noted above, the NPPG states that when applying the sequential test a pragmatic approach to the availability of alternative sites should be taken. It gives an example of a planning application for an extension to an existing business premises and suggests that it **might** be **impractical** to suggest that there are more suitable alternative locations for that development elsewhere.

8.2 Not all development is stand alone or involves a cleared site. As the NPPG suggests, in some cases developments may involve an extension to an existing use. A development proposal may also involve the intensification or partial re-development (in whole or part) of an existing use.

8.3 In such circumstances, and particularly where the proposal involves an existing business premises or operation, it may well be impractical to identify comparator sites. Where possible, and by reference to appropriate evidence, this should be agreed with the council prior to the submission of a planning application. Where the council does agree that it is impractical to identify comparator sites, applicants should still address this issue under the heading of “sequential test”, with appropriate evidence, such as a statement of operational circumstances, as part of the planning application. Even where it is accepted that the identification of alternative sites is impractical, applicants are reminded that consideration of the exception test may still apply.

9.0 Conversions, Changes of Use and Alterations

9.1 The NPPG states that the sequential test does not need to be applied to minor development or changes of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions are not specifically considered although the NPPG states that the creation of a separate dwelling within the curtilage of an existing dwelling – for instance the sub-division of a house into flats – **cannot** be considered “minor development”.

9.2 Given that the NPPG excludes changes of use from the need to undertake a sequential test, and given the need to allow flexibility within existing stock of dwellings and other buildings to allow their efficient and effective use, for the purposes of this guidance note conversions and changes of use **are exempt**

from the need to undertake a sequential test. This exemption includes the sub-division of dwellings.

- 9.3 It should be noted that in applying this guidance the council will have regard to the scale of any proposed alterations. The NPPG makes it clear that only alterations that do not increase the size of a building can be classed as “minor development”. However, householder development that consists of a physical extension is an exception to this general rule and falls within the definition of minor development.

10.0 Applications for residential development – the 5 year land supply position and the sequential test

- 10.1 NPPF para 11 states that plans and decisions should presumption in favour of sustainable development. The NPPF at para. 11(bi) footnote 6 specifically recognises that flood risk can be considered to be a constraint to development and therefore the approach to steer development away from flood risk areas in the NPPF still has considerable weight **even in the absence of a 5 year land supply**. Thus the council will not accept a lack of five year supply as an argument for disregarding the need to address the sequential approach to development in an area of flood risk.

11.0 Further Advice

- 11.1 Advice on the applicability and conduct of the sequential test in relation to specific development proposals is available from Wyre council Planning Department if part of a request for pre-application advice. Please note that the council charge for the pre-application service. Further details of the pre-application process and charges is available [here](#).

Appendix A

Wyre Council Strategic Housing Land Availability Assessment 2017

The flood risk sequential test requires an assessment of the availability of sites in areas of lesser flood risk compared to the site proposed for development. The 2017 Strategic Housing Land Availability Assessment forms a key part of the evidence base for undertaking the sequential test. However with the adoption of the Local Plan in 2019 some sites identified as suitable and available for residential development in the 2017 Strategic Housing Land Availability Assessment (tables 8, 9 and 10) may no longer be regarded as such due to a conflict with one or more of the following Local Plan policies:

- Strategic Areas of Separation (Policy SP1);
- Countryside (Policy SP4);
- Green infrastructure (Policy CDMP4).

Such sites are listed in Tables A and B below.

Please note that where a site is in the designated countryside residential development is not permitted by Policy SP4 unless the scheme is for affordable housing and compliant with Local Plan policy HP4 Rural Exceptions. If a scheme under HP4 is being proposed and a flood risk sequential test is being undertaken please seek advice from the council on the most appropriate approach to the identification of alternative sites as some of those listed in tables A and B below may come into play.

Please note that the original Strategic Housing Land Availability Assessment 2017 document including tables showing the housing supply is not amended as a result of this exercise.

Data provided in tables A and B are for information only.

Please address any queries to

planning.policy@wyre.gov.uk

Table A – Sites falling wholly outside of settlement boundaries

The sites listed in this table lie wholly outside the boundary of any settlements and are in one or more of the following designations:

- Area of Separation designated through Wyre Local Plan Policy SP1 Development Strategy.
- Countryside designated through Wyre Local Plan Policy SP4 Countryside Areas
- Green Infrastructure designated under policy CDMP4 Environmental Assets.

Ref.	Site name	Location	Designation
BIL13	Land at Forge Farm	Bilsborrow	SP4
BIL14	Land South of Holland Villas	Bilsborrow	SP4
BIL15	Land at Threlfalls Farm	Bilsborrow	CDMP4. A small part lies in the settlement boundary but falls below the study threshold of 0.4ha.
BIL17	Myerscough Hall Drive	Bilsborrow	SP4
CAB03	Whitemount, Lancaster New Road	Cabus	SP1, SP4
CAB04	Nicky Nook View, Lancaster New Road	Cabus	SP1, SP4
CAB06	North of Snapefoot Lane	Cabus	SP4
CAB07	Holmgarth	Cabus	SP4
CAB08	Rear of Clay Lane Head Farm & Gubberford Lane	Cabus	SP4
CAB11	Land South Gubberford Lane	Cabus	SP1, SP4
CLD07	North of Calder Vale Road	Calder Vale	SP4
CTL03	North of Stones Lane	Catterall	SP4
CTL26	Westfield Farm	Catterall	SP4
CTL27	Land South of Stones Lane	Catterall	SP4
CTL29	Land at Ripon Hall Farm	Catterall	SP4
CTL30	Stubbins Farm	Catterall	SP4
CTL34	North West Catterall	Catterall	SP4
FOR04	Land East of Winder Lane	Forton	SP4
GST50	Woodville, Lancaster Road	Garstang	SP1, SP4
GST51	Fern Bank, west of the A6	Garstang	SP1, SP4
GST55	Land off Castle Lane Garstang (LOT A)	Garstang	SP4

Ref.	Site name	Location	Designation
GST56	Land off Castle Lane, Garstang (adjoining Spalding Ave)	Garstang	SP4
GST60	East of Cockerham Road	Garstang	SP4
GST67	Redline Garage and land to the rear	Garstang	SP4
GST68	Woodlands and land to the rear	Garstang	SP4
GST74 01	South of Longmoor Lane	Garstang	SP4
GRE24	North of Hall Lane	Great Eccleston	SP4
HAM15	Land off Church Lane	Hambleton	SP4
HAM17	Kiln Lane	Hambleton	SP4
HAM19	South East Hambleton	Hambleton	SP4
INS06	Higham Side Road/Preston Road	Inskip	SP4
INS07	Dead Dam Bridge, Preston Road	Inskip	SP4
KNO10	Field South of Rosslyn Avenue	Knott-End/ Preesall	SP4
NAT02	Land off Longmoor Lane , Nateby	Nateby	SP4
PFY05 01	Land West and East of Fouldrey Avenue	Poulton-le-Fylde	SP4
PFY46	Land West of Fouldrey Avenue	Poulton-le-Fylde	SP4
PFY62	Land off Hardhorn Road	Poulton-le-Fylde	SP4 (note – housing development under construction. Permission granted prior to the adoption of the Local Plan)
PRE07	Opposite 251 Park Lane	Preesall Hill	SP4
PRE10	Land West of Park Lane	Preesall Hill	SP4
PRE13	Park Lane, South Preesall Hill	Preesall Hill	SP4
PRE15	Land adj. Old Fernhill	Preesall Hill	SP4
SCO02	Land adjoining Factory Brow and Wyresdale Crescent	Scorton	SP4
SCO03	Land adjoining Scorton Mill site, Factory Brow	Scorton	SP4
STA12	The Stables, Carr End Lane	Stalmine	SP4
STA13	Land West of Carr End Lane	Stalmine	SP4
STA14	Land North of Douglas Avenue	Stalmine	SP4

Ref.	Site name	Location	Designation
STA16	South West Stalime, Carr End Lane	Stalmine	SP4
STA21	North West Stalmine	Stalmine	SP4
STM05	Garstang Rd/Jenkinson's Farm	St Michaels	SP4. Part lies in the settlement boundary but falls below the study threshold of 0.4ha
THN31	Land between Raikes Rd/Stanah Rd/Underbank Rd, Thornton	Thornton	SP4, CDMP4
THN41	River Road	Thornton	SP4, CDMP4
THN45	Land west of Thornton Hall Farm	Thornton	SP4, CDMP4
WIN02	North of Balls Barn, School Lane, Winmarleigh	Winmarleigh	SP4
WIN03	South of Balls Barn, School Lane, Winmarleigh	Winmarleigh	SP4
WIN04	Site 4, School Lane, Winmarleigh, Garstang	Winmarleigh	SP4
WIN05	Site 2, School Lane, Winmarleigh, Garstang	Winmarleigh	SP4
WIN06	Land at School Lane, Winmarleigh	Winmarleigh	SP4
WIN07	Site 6, School Lane, Winmarleigh	Winmarleigh	SP4
WIN08	Site 5, School Lane, Winmarleigh	Winmarleigh	SP4

Table B – Sites falling across a settlement boundary

In some cases sites lies across a settlement boundary and partly within one or more of the designations listed above. These sites are listed below together with the area of land remaining in the settlement. To see the settlement boundary please visit the Wyre Local Plan [page](#) which includes an interactive Policies Map.

Ref.	Site name	Location	Designation	Original site area (ha)	Remaining in the settlement boundary (ha)
BAR04	Land West of Garstang Road (South Barton)	Barton	Southern field in the countryside (SP4)	8.82	6.09
BIL16	Land South of Harrison Cottage	Bilsborrow	Western part in the countryside (SP4)	1.68	1.13
BOW10	South of Calder House Lane	Bowgreave	Eastern part in the countryside (SP4)	5.96	3.69
CTL18	Moons Farm	Catterall	Small area on the western part in the countryside (SP4)	2.23	1.63
FOR06	South West School Lane	Forton	Western part in the countryside (SP4)	7.98	5.63
GST74	West of the A6, South of Prospect Farm	Garstang	Majority of the site in the countryside (SP4)	14.87	2.66
HAM29	North East Hambleton	Hambleton	Significant area of the site in the countryside(SP4)	26.04	7.85
INS02	North of Preston Road	Inskip	The majority of the site is in the countryside (SP4)	17.88	1.97
INS05	Land South of Preston Road/Inskip Primary School	Inskip	The majority of the site is in the countryside (SP4)	21.01	3.89
PFY02 02	Land North East of Little Poulton Lane	Poulton le Flyde	The majority of the site is in the countryside (SP4)	7.73	0.82